

## INTRODUCTION

1. The Inter-American Human Rights Commission (IACHR), in compliance with its mandates and the provisions of Article 59 of its Rules of Procedure, presents its Annual Report, which compiles the wealth of work this key organ of the Organization of American States accomplished, as well as the most significant results it attained, from January 1 to December 31, 2019, the year of the 60<sup>th</sup> anniversary of its creation.

2. Thanks to the member states' decision to strengthen the capacities of the main organs of the inter-American human rights system by increasing their budget, and to the commitment and dedication of its Executive Secretariat staff, the IACHR has successfully consolidated and repositioned itself in the region through gains and results that are unparalleled in its history.

3. On March 22, 2017, following an extensive participatory process, which included 535 individuals and 343 entities, the IACHR approved its [Strategic Plan 2017-2021](#). This Plan constitutes the primary tool for institutional management, establishing priorities to successfully fulfill its mission and tackle current and future challenges to address and protect human rights in the Americas through the Inter-American Commission on Human Rights' three pillars, the system of petitions, cases, friendly settlements, and precautionary measures; the monitoring of the human rights situation in the Americas; and cooperation and technical assistance to States regarding human rights.

4. As reported in detail in this 2019 Annual Report and in the Annual Progress Report on Implementation of the Strategic Plan 2017-2021 (2019), during the year the IACHR made significant progress in fulfilling the goals and objectives defined in the Strategic Plan. Among those achievements, notable advances were made in overcoming procedural backlog and developing new standards in the case system; increasing monitoring coverage; and increasing technical cooperation and promotional activities, as well as strengthening IACHR mechanisms for following up on compliance with recommendations issued through various instruments. These efforts look to address the historical demands of the States of the region: a better balance among the thematic Rapporteurships and more coordination among the three mandates of the IACHR.

5. Tasked with reducing the procedural backlog and offering users of the inter-American human rights system a faster and more efficient response to their needs, in 2019 the IACHR achieved a historic increase in its productivity. Some of the achievements detailed in this Annual Report include: the approval of 215 admissibility and merits reports: an increase of 122% in relation to 2018; much more vigorous use and tracking of friendly settlements; the timely resolution of a record number of requests for precautionary measures; and the speeding up of the initial study of petitions, as well as more expeditious processing of cases and petitions. Decisions to proceed with initial studies of petitions increased by 101% compared to 2018. During the 173<sup>rd</sup> period of sessions, with a view to combating procedural backlog with transparency, Resolution 1-19 and its Annex were approved, regulating and publicizing the procedure for requesting re-examination of a petition. During 2019, 1,158 requests for precautionary measures were received and fully assessed. Of these, 64 were granted, and another 10 existing measures were expanded. Two requests for advisory opinions were submitted to the Inter-American Court of Human Rights. The Friendly Settlement Mechanism was disseminated through the training of officials and users. In addition, during 2019, 14 new friendly settlement agreements were signed and progress in the implementation of 111 reparation measures was corroborated. Through its petitions and cases work, the IACHR has deepened and consolidated its jurisprudence, reinforcing predictability, defining clearer human rights standards, and achieving reparation for victims of human rights violations.

6. Similarly, monitoring of the human rights situation in the region was reinforced, through the production and enrichment of standards based on the development and approval of 10 thematic reports and 1 country report on the situation of human rights in Honduras, the posting of 221 press releases, and the dispatch of a large number of requests to States for information on human rights situations.

7. The Commission also made progress with consolidating more timely, diversified, and broader monitoring, with an increase in on-site and working visits; and with the installation and monitoring of the Rapid Integrated Response Coordination Units (SACROIs) in order to identify risk factors for human rights violations and / or design strategies for immediate and sustained response based on their mandates. In this way, the IACHR strengthened its contribution to more effective and accessible inter-American justice by providing a timely and integrated response via the SACROIs to specific situations in 9 countries: Haiti, Ecuador, Chile and Bolivia, countries that were visited by the IACHR and had SACROIs installed in 2019; and Brazil, Guatemala, Honduras, Nicaragua, and Venezuela, which already had SACROIs. One especially notable response was the establishment of the Interdisciplinary Group of Independent Experts (GIEI) to respond in a timely and effective manner to the human rights crisis in Bolivia.

8. Likewise, the IACHR reinforced its Special Mechanisms for Follow-up on Recommendations, with the installation of the Technical Support Group (GAT) for the Ayotzinapa Affair in Mexico; with the new stage of the Special Monitoring Mechanism (MESA), the new national body of the Working Group to monitor the implementation of Public Policies of Human Rights in the Dominican Republic; the new phase of the Special Follow-up Mechanism for Nicaragua (MESENI), operating from IACHR headquarters; the establishment of the Special Follow-up Mechanism for Venezuela (MESEVE); and the installation of a Special Technical Advisory Board for compliance with human rights recommendations in Honduras (MESAT); as well as talks regarding the establishment of new cooperation round tables with the States, including Haiti, on follow-up to, and implementation of, IACHR recommendations.

9. Additionally, the IACHR adopted and published its General Guidelines for the Follow-up of Recommendations and Decisions with the objective of increasing access and transparency with regard to the mandates, methodologies, criteria, and procedures applied in the follow-up of the recommendations made by its various mechanisms. Likewise, it adopted Resolution 2/19 on creation of the Impact Observatory of the Inter-American Commission on Human Rights, as a collaborative platform with the objective of reflecting on, systematizing, and highlighting the impact of its actions to defend and protect human rights in the Hemisphere.

10. During 2019, the IACHR increased its public presence and relevance in the region, with 2 historic on-site visits to El Salvador and Haiti, the holding of 3 sessions outside its headquarters, in Bolivia, Jamaica and Ecuador, and 22 working visits to 18 countries of the region. Also noteworthy is the marked rapprochement with the Caribbean countries, including the holding of a period of sessions in that region and a working and planning meeting with the representatives of those countries; consultation on the rights of LGBTI people in a Caribbean country; and visits to 6 Caribbean countries.

11. At the same time, the IACHR addressed situations of great importance in the region through the publication of two resolutions on principles of public memory policies in the Americas and inter-American principles on the human rights of all migrants, refugees, stateless persons, and victims of human trafficking.

12. In 2019, the Commission managed to consolidate its promotion and training actions aimed at civil servants in member states, civil society organizations, students, and other social sectors. During this period, the IACHR held 67 training events and conducted 254 promotional activities on the inter-American human rights system, thereby increasing knowledge of the system, its mechanisms, standards, and prioritized issues and rights, for 6,254 people. Those activities were carried out in 23 countries of the region. Additionally, through the MESENI, the IACHR conducted a series of 15 training courses to strengthen civil society competencies in Nicaragua. Under that arrangement, 257 people were trained.

13. The IACHR strengthened its presence before OAS political bodies, delivering 27 presentations in a variety of forums. It also increased the participation of States and civil society in all the

activities carried out, including public hearings, consultations, training workshops, and bilateral and multilateral meetings, among others. The participation of States and civil society in the region is essential for the IACHR to fully comply with its mandate to promote and protect human rights. The IACHR values and thanks the States and civil society organizations for their active collaboration. Most of the States of the region and a total of 330 civil society organizations participated in the 109 hearings held in the four periods of sessions of 2019, regarding both regional situations and human rights situations in 21 countries of the Americas. An open meeting was held during all periods of sessions with inter-American civil society and the host country. The IACHR also held periodic meetings with the States during its periods of sessions. In addition, there were 16 meetings to review portfolios of petitions, cases, precautionary measures, friendly settlements and follow-up of recommendations. During the 172nd period of sessions, in Kingston, Jamaica, the Commissioners met with high-level CARICOM authorities. Public consultations were also held on Memory, Truth and Justice, inclusion of LGBTI people in economic, social and cultural spheres in the Caribbean, citizen security, corruption and human rights, and the situation of the rights of the peoples of the Pan-Amazon region.

14. With regard to technical cooperation, the Commission has continued to strengthen its collaboration with Central America through the Project on Democracy and Human Rights in the Northern Triangle, particularly on standards related to migration and forced displacement, as well as knowledge on the inter-American system. Likewise, the IACHR formalized its alliance with different institutions through the signing of 11 new cooperation agreements, and the accession of 5 National Human Rights Institutions to the Declaration of Commitment on technical cooperation of the IACHR.

15. With a view to achieving greater articulation between regional and universal human rights protection systems and the inter-American system, the Commission promoted initiatives coordinated with the Inter-American Court of Human Rights and with other international, regional, and subregional organizations and human rights mechanisms. During 2019, the IACHR participated for the first time in the High-Level Segment of the sessions of the United Nations Human Rights Council in Geneva. It also sent inputs to the Universal Periodic Review of Bolivia and El Salvador, received representatives from the Office of the United Nations High Commissioner for Human Rights (OHCHR), special rapporteurs, and other United Nations representatives in hearings during its 171st, 172nd, and 173rd sessions, published 17 press releases and 8 joint letters with OHCHR or other United Nations special mechanisms, and carried out joint activities regarding the International Day against Homophobia, Transphobia, Biphobia and other forms of intolerance based on sexual orientation, gender identity or expression and sexual characteristics (IDAHOTB) and the World Press Freedom Day in Latin America. It also strengthened institutional cooperation with the Inter-American Court of Human Rights, with which it jointly organized the Third Forum of the Inter-American System of Human Rights, in which nearly 400 people participated. In addition, it carried out the second joint International Course on Public Policy in Human Rights, aimed at 100 public officials of the Americas, with the Mercosur Institute of Public Policies in Human Rights (IPPDH).

16. The IACHR continued to step up its efforts to increase transparency, accountability, and access to information during 2019. In this regard, it published 9 performance report press releases, created new information sections on its website, and presented the annual reports of its Special Rapporteurships. In addition, it signed agreements with the Commission for the Clarification of Truth, Coexistence and Non-Repetition of Colombia and with the Secretariat of Human Rights of the Province of Buenos Aires (Argentina), to facilitate access to information of the IACHR. It also responded to 21 specific requests for access to information on petition files and cases that are part of the IACHR's historical archive.

17. It is also important to point out other significant achievements of 2019, such as the launch of the IACHR Channel, a website with updated and accessible multimedia productions on the different activities of the IACHR; the realization of 9 campaigns to disseminate standards; the increase in the number of followers on social media; the start-up of the Users Service Center, among others.

18. The Commission continues to work to achieve an IACHR that is more transparent in its processes, more predictable in its objectives and targets, and results-oriented in its planning and management. The Commission will continue to foster dialogue-based management and readiness to resolve

problems, always mindful, at the heart of its responses and commitments, of the interests of victims of human rights violations, their families, and citizens.

19. The IACHR thanks inter-American civil society, the OAS member and observer States, international and regional organizations, the OAS Secretary General, Luis Almagro, and his team, as well as the team of the Executive Secretariat, for all the support they provided to ensure attainment of the historically unprecedented achievements documented in this Annual Report. The IACHR thanks the States for strengthening the IACHR by increasing its Regular Fund resources. The Commission also thanks the member and observer States and donors whose voluntary contributions were decisive for the scale and scope of the results presented in this report: Argentina, Bolivia, Canada, Costa Rica, Ecuador, Mexico, Panama, Peru, the United States, and Uruguay; the European Commission; the Balearic Islands, France, Holland, Ireland, Norway, Spain, and Switzerland; ARCUS Foundation, Google, Freedom House, Pan American Development Foundation (PADF), Ford Foundation, OXFAM and UNHCR.

20. The IACHR dedicates its work to the memory of the victims and recognizes the leading role of civil society organizations and social movements in forging societies that are more just and respectful of human rights.

### **A. Progress Achieved**

21. In accordance with article 59 of its Rules of Procedure,<sup>1</sup> in this report the Commission provides a descriptive overview of the human rights situation, highlighting the main trends, problems, challenges, progress, and sound practices in civil and political rights as well as economic, social, and cultural rights, on this occasion, by country. The Commission identifies the following points as the main trends in human rights challenges observed through its work in 2019: the persistence of discrimination and violence against women, LGBTI people, Afro-descendants, and indigenous people, children and adolescents and, in particular against human rights defenders, journalists, and social leaders; the increase in the repression of social protest in some countries of the region through the disproportionate use of force, as well as acts of violence and vandalism that have occurred in those contexts; the phenomenon of persons in situations of human mobility, especially forced migration; and the seriously deficient conditions of detention of persons deprived of their liberty in the region and setbacks with regard to the death penalty.

22. Following are some of the advances observed by the IACHR in human rights in OAS member States during 2019. The measures mentioned in this section stand out because they are aimed at promoting and protecting the human rights of individuals in accordance with the international obligations assumed by the States and contained in the American Declaration, the American Convention, and the other inter-American instruments on human rights. The measures are classified into three groups: those relating to the strengthening of human rights institutions, the democratic participation of groups that have historically been discriminated against, and public policies with a human rights focus. The following information has been taken from the annual monitoring of the human rights situation as set out in Chapter IVA of this report.

23. With regard to the progress made in the institutional framework for the promotion and protection of human rights, the Commission appreciates the establishment of the National System on Discrimination (SINDIS) developed by Mexico's National Council for the Prevention of Discrimination (CONAPRED), which provides information and important inputs to monitor progress in the implementation of the right to equality and non-discrimination in Mexico. Likewise, the Commission applauds the designation of Chile's National Institute of Human Rights as the National Mechanism for the Prevention of Torture, which represents progress with the fulfillment of commitments made to establish effective mechanisms to prevent, and provide protection against, torture. It also welcomes the adoption in Peru of Supreme Decree No. 008-2019-MIMP, establishing National Policy on Gender Equality. The Commission also values the Organic Law on the Elderly adopted in Ecuador, which regulates the exercise of their rights and constitutional guarantees.

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<sup>1</sup> Article 59.e of the Rules of Procedure of the IACHR, specifically in conjunction with Chapter IV of Volume 1, Section "A."

The IACHR also highlights the appointment of a Commissioner for Afro-descendant Affairs by the Office of the President of the State of Costa Rica, who will work on inter-institutional coordination with civil society.

24. With respect to the democratic participation of historically marginalized groups, the IACHR highlights important advances such as the initiative to allocate 30% of the resources of the Brazilian Electoral Fund to the electoral campaign of women candidates. It also highlights the fact that Costa Rica's Ministerial Cabinet is made up of 12 women ministers out of 25, including one of African descent. The Commission also heard about the re-election of a transgender woman as a legislator in the Virginia Congress, becoming the first case of a trans woman to be re-elected to office in the United States. The IACHR was also informed of the appointment of the first female governor of Saint Vincent and the Grenadines. In Mexico, a decree was adopted to guarantee the application of gender parity in all orders and levels of the Mexican State, and to ensure that half all elective positions are held by women.

25. Following is a list of outstanding State initiatives to implement policies with a human rights focus, understood as the set of decisions and actions that a State designs, implements, monitors, and evaluates, with the aim of protecting, promoting, respecting, and guaranteeing the human rights of all individuals, groups, and collectives that make up society.

26. Firstly, the IACHR highlights the progress made in the adoption and implementation of National Human Rights Plans in the region, including Chile's efforts to implement its National Human Rights Plan 2018-2021 and the implementation of Peru's Third Human Rights Plan 2018-2021. The report also notes the Colombian State's progress with consolidating the National Human Rights Action Plan (PNADDH), forged with the participation of a wide range of social actors, sectors, bodies, and segments of the population.

27. During 2019, a series of progressive measures were adopted on equality and non-discrimination. These included Colombia's Law No. 1996, establishing the rules governing the exercise of legal capacity by persons with disabilities. In the Commission's view, that law guarantees, at the regulatory level, the full legal capacity of all adults with disabilities on an equal footing with other persons and eliminates interdiction as a legal institution. In addition, the Senate of the Republic of Mexico notably approved a constitutional reform that recognizes the population of African descent in the Political Constitution. Another advance in the region was the adoption in Peru of enabling regulations for the Law on the Prevention and Punishment of Sexual Harassment, which states that equality in the workplace may be impaired when women are subjected to violence, for instance in the form of sexual harassment in the workplace.

28. In terms of programs, milestones included Costa Rica's National Agenda for the Prevention of Violence and Promotion of Social Peace 2019-2022, which includes projects and activities that espouse the human rights approach and the gender, youth, territorial and co-management perspective. The Commission also highlights initiatives with respect to older persons, such as the Economic Contribution to the Elderly program in Guatemala, which benefits older adults living in extreme poverty; the establishment of a technical round table to improve access to justice; and the "Guate para Todos" program, which promotes recreational activities for this group. Finally, the National Council on Ageing of Belize announced measures to facilitate accessibility, guarantee conditions for older persons' autonomy, and reduce the risk of abuse, while promoting a culture of respect for older people.

29. With regard to social participation, one of the progressive measures highlighted by the IACHR is the inclusion of questions regarding the ethnic and racial self-recognition of indigenous peoples and people of African descent in the Argentine State's 2022 National Population, Household and Housing Census, whereby it is to be noted that this variable was previously agreed upon with Afrodescendent organizations. The Report also points to the participation of the Fuerzas Alternativas Revolucionarias del Común (FARC) political party in the 2019 local and regional elections held in Colombia. The IACHR also highlights the various socialization strategies with civil society, journalists, and justice workers in Honduras regarding the content of the Law on Protection for Human Rights Defenders, Journalists, Social Communicators, and Justice Workers and the Protection Mechanism. Also noteworthy, finally, are the steps taken to ensure the participation of children and adolescents in various programs of the Uruguayan Institute for Children and Adolescents (INAU), including workshops, analysis sessions, and debates on topics of interest to them.

30. In the area of truth, justice and reparation, it should be noted that the Argentine State received more than 49,000 pages of documents declassified by U.S. departments and security and intelligence agencies that contain information about the Argentine military dictatorship. The Commission also appreciates the investigations carried out by the Federal Public Ministry of Brazil, which culminated in the presentation of 8 new complaints regarding serious human rights violations perpetrated during the civil-military dictatorship; and it takes note of the opening of 2 new cases for crimes committed in that context.

31. With regard to initiatives in the fight against impunity and access to justice, the Commission underscores the adoption of the Statutory Law on the Special Jurisdiction for Peace (JEP) in Colombia. The Commission also welcomes the decision of Colombia's Constitutional Court to extend the period of validity of the Victims and Land Restitution Act, and the fact that the mechanisms of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition (SIVJRNR) mechanisms are continuing to operate and producing results. Progress has been made in the investigation of corruption cases in Peru, which are currently being analyzed by specialized branches of the Peruvian judiciary. Finally, the IACHR takes note of the Surinamese Court Martial's ruling that condemned those responsible, including high-level government authorities, for their involvement in the operation that culminated in the murder of 15 political opponents in December 1982 in Suriname. That verdict marked the end of a lengthy trial that began in 2007. Initiatives to improve access to justice in some Caribbean countries are also noted, such as the "Swift Justice" program in the Bahamas, which aims to increase the efficiency of the justice system and ensure that judicial proceedings are conducted in a reasonable time frame through the use of information and communication technologies. It also includes the establishment of new criminal courts and the appointment of additional judges, prosecutors, and staff to address this backlog. The Commission also welcomes initiatives to improve access to justice in Jamaica, including measures to provide effective cost-free legal protection and to address the backlog in the judicial system.

32. In the area of access to information as a guarantee of transparency and accountability, a series of progressive initiatives stand out, such as the implementation of the 2019-2023 National Anti-Corruption Plan in Argentina, which aims to achieve coordinated and strategic planning of integrity and anti-corruption policies of the centralized and decentralized National Public Administration in a coordinated and strategic manner, along with progress in the allocation of definitive licenses to community radio stations in different provinces of the country by the National Communications Entity of Argentina (Enacom). Likewise, the IACHR observed progress in the area of the National Protection Unit and community radio broadcasting in Colombia. Also noteworthy was the decision of the Supreme Court of Canada revoking a previous decision that obliged a journalist from Radio Canada to reveal her source of information about investigative work in the public interest. Lastly, the IACHR highlights the decision of the Supreme Court of Justice of Costa Rica that resolved that it was unconstitutional to require compulsory membership of an association in order to practice journalism.

33. Regarding the priority protection of groups in situations of vulnerability and historical discrimination, it is pertinent to point out a series of measures in relation to public policies that constitute progress on the part of States with regard to those persons and groups of persons. Regarding persons deprived of liberty, the IACHR appreciates the efforts made by some Caribbean countries to facilitate the social reintegration of incarcerated persons, as well as the measures to improve detention conditions. Particularly noteworthy are the efforts in Antigua and Barbuda to provide skills training programs; the social reintegration program in the Central Prison of Belize; and the "We Transform Youth Empowerment and Reintegration Programme" that provides follow-up and education to the children of the Department of Correctional Services in Jamaica. The IACHR also underscores measures taken by the State of Saint Lucia whereby people detained at the Bordelais Correctional Center and the Training Center for Children will receive training in job skills and benefit from the introduction of a probation system. Regarding this same group in a situation of vulnerability, the IACHR also highlights the Criminal Procedure Abbreviation Law in Bolivia, aimed at reducing delays in judicial proceedings and overcrowding in prisons.

34. As for programmatic initiatives, the IACHR followed up on the progress made in protecting women, children and adolescents. That progress includes the launching of the "All we do stays with them" (*Todo lo que hacemos les queda*) campaign led by the Colombian Family Welfare Institute (ICBF), which aims to prevent violence against children and adolescents. The IACHR also recognizes the declaration of the non-applicability of statutory limitations to sexual crimes committed against children and adolescents in Chile and the publication of the protocol for the comprehensive care of persons entitled to the legal termination of pregnancy by the Ministry of Health of Argentina. The document allows health teams to provide medical care and terminate pregnancy in cases that are covered by the country's legal framework. The IACHR also notes that, in order to guarantee the integrity, safety and life of women and girls, Mexico adopted the Emergency Plan to address femicide through actions aimed at prevention, justice, care, and strengthening of the Gender Violence against Women Alert Mechanism (AVGM).

35. Regarding groups in vulnerable situations, the IACHR welcomes the adoption in Peru of the Third (2019-2022) National Plan to Combat Forced Labor, which recognizes the special vulnerability of migrants.

36. With regard to the treatment of the situation of migrants in the region, a number of specific initiatives have been taken to address this population. The IACHR welcomes the judgements of the Courts of Appeal of Santiago, Arica, Valparaíso and Rancagua, as well as the decision by the Supreme Court of Chile to annul the expulsion of migrants who had entered the country illegally. Also noteworthy are the measures taken by States to eradicate statelessness. In particular, the IACHR highlights the Act on the Recognition and Protection of Stateless Persons in Argentina, as well as the accession of Chile, Colombia, and Haiti to the 1954 Convention relating to the Status of Stateless Persons. In addition, the IACHR highlighted the ruling of the Colombian Constitutional Court that ordered the registration of the birth of a girl without requiring an apostille, and the decision to register the births of the daughters and sons of foreign persons born in Colombia whose nationality is not recognized by any State without requiring proof of domicile. Also noteworthy is Panama's Executive Decree No. 10, which provides protection for stateless persons and, consequently, gives them the possibility of opting for naturalization.

37. The Commission welcomes the various measures adopted by the States of Argentina, Brazil, Chile, Colombia, Ecuador, Peru, Trinidad and Tobago, and the United States to promote and guarantee the rights of migrants of Venezuelan origin. Accordingly, the IACHR welcomes the flexibilities granted by Chile and Ecuador, as well as the creation of the "Assistance Program for Venezuelan Migrants," which relaxes the requirements for Venezuelan citizens to enter Argentina and obtain a temporary residence permit. The IACHR also highlights Brazil's investment in emergency assistance and public policy for Venezuelan migrants. For its part, the State of Peru has adopted measures that allowed for the regularization of the migratory status of Venezuelan persons in the country. In particular, the IACHR took note of the "Process of registration of Venezuelan migrants" in Trinidad and Tobago to grant amnesty to and regularize the migratory status of 16,523 Venezuelans. The Commission also recognized the measure that extends the validity of Venezuelan passports for five years after their expiration date, or on the date the extension expires, to enter the United States and prove identity. Finally, the IACHR highlights the initiatives adopted as part of the "Strategy for Addressing Migration from Venezuela," approved in Colombia. The IACHR also notes with satisfaction the Decree that guarantees Colombian nationality to nearly 24,000 children born in the country who are children of Venezuelan parents with irregular migratory status. In addition, Law 1.997 establishes a special and exceptional regime enabling children born in Colombian territory to Venezuelan parents between January 1, 2015 and September 16, 2021 to acquire Colombian nationality. With regard to other national groups in a situation of vulnerability, the Commission recognized the important role of the State of Costa Rica in promoting the human rights of the Nicaraguan population, and welcomed the measures taken to provide protection. The Commission also welcomed the decision of the United States to extend Temporary Protection Status (TPS) until January 4, 2021, for migrants from El Salvador, Honduras, Nicaragua, and Haiti.

38. The inclusion of the gender and diversity perspective is also a core principle in formulating public policies with a human rights focus. A number of measures have been taken in this area, such as the law against street harassment in Argentina, which includes this type of harassment as a form of violence against women; the entry into force of the Gender Identity Act in Chile; the implementation of Executive

Decree No. 5 on refugee status in Panama, which incorporates the gender criterion as an element in verifying well-founded fear of persecution and the granting of refugee status; and the creation of a model court on sexual offences in Antigua and Barbuda. The Commission also takes note of the Collective Reparation Plan, to address cases of threats and displacement suffered by the LGBT Bureau of Commune 8 in Medellín, Colombia, as well as the issuance of rulings recognizing the property rights of LGBTI persons. In the United States, the Commission took note of the prohibition of "conversion" therapies in New York, Massachusetts, Colorado, Maine, and Puerto Rico. It also noted the inclusion of the gender-neutral marker "X" option in New Hampshire, as well as the issuance of decisions regarding the right of trans people to use health services in accordance with their own gender identity in the States of Virginia and North Carolina. The Commission welcomes the adoption of the Gender Vision 2021-2035 policy and the Gender Action Plan 2019-2020 in Suriname, which focuses on eradicating gender-based violence and promoting women's economic participation.

39. In terms of judicial decisions on gender and diversity inclusion, it is worth noting the conviction by the Oistins Magistrates' Court of the aggressor of a transgender rights advocate in Barbados; and the ruling of the Brazilian Federal Supreme Court that established that acts of homophobia and transphobia were criminalized under the Racism Act (Law 7716/89), which criminalizes acts of discrimination on racial grounds, among others. The Committee also noted the decision of the Rio Grande do Norte Court of Justice that removed the prohibition of blood donation on the grounds of sexual orientation, and the Regional Labor Court of the 18th Region, which condemned a company for prohibiting a trans woman from using the toilet that corresponds to her gender identity. In addition, the Commission notes the decision of the British Columbia Human Rights Tribunal in Canada ordering the payment of compensation to a transgender activist for the publication of a flyer containing biased language that sought to limit her right to political participation. The Commission also took note of the ruling by Ecuador's Constitutional Court which, in the context of an interpretation of the Convention in light of the Inter-American Court's Advisory Opinion 24/17, recognized the right of individuals to marry persons of the same sex, as well as the decision of the Court of Justice of Luque, Paraguay, which convicted a person for the first time for the murder of a trans woman, as a hate crime based on the victim's gender identity.

40. In conclusion, the IACHR observed remarkable efforts by the States, through the development of policies and practices, and legislative and judicial measures, to advance the promotion and effective protection of the human rights of their inhabitants. The Commission acknowledges those efforts and urges States to continue formulating and applying the human rights approach in public policies in accordance with the recommendations of the organs of the inter-American human rights system and to disseminate that approach in all State institutions and in society as a whole. The IACHR makes itself available to the States to provide such technical assistance as may be required to achieve these purposes.

## **B. Universalization of the Inter-American Human Rights System**

### **1. Ratification Status of Inter-American Instruments**

41. The current status of signatures and ratifications of inter-American treaties on human rights can be consulted on the web page of the Department of International Law of the OAS Secretariat for Legal Affairs at the following website:  
[http://www.oas.org/es/sla/ddi/tratados\\_multilaterales\\_interamericanos\\_firmas.asp](http://www.oas.org/es/sla/ddi/tratados_multilaterales_interamericanos_firmas.asp)

**RATIFICATION STATUS OF THE AMERICAN CONVENTION AND ACCEPTANCE OF THE COURT'S  
CONTENTIOUS JURISDICTION**

SIGNATORY COUNTRIES	SIGNATURE	RATIFICATION/ACCESSION	DEPOSIT	ACCEPTANCE OF THE COURT'S JURISDICTION
Antigua and Barbuda				
Argentina	02-02-84	14-08-84	RA 05-09-84	05-09-84
Bahamas				
Barbados	20-06-78	05-11-81	RA 27-11-82	04-06-00
Belize				
Bolivia		20-06-79	AD 19-07-79	27-07-93
Brazil		09-07-92	AD 25-09-92	10-12-98
Canada				
Chile	22-11-69	10-08-90	RA 21-08-90	21-08-90
Colombia	22-11-69	28-05-73	RA 31-07-73	21-06-85
Costa Rica	22-11-69	02-03-70	RA 08-04-70	02-07-80
Dominica		03-06-93	RA 11-06-93	
Ecuador	22-11-69	08-12-77	RA 28-12-77	27-07-84
El Salvador	22-11-69	20-06-78	RA 23-06-78	06-06-95
United States	01-06-77			
Grenada	14-07-78	14-07-78	RA 18-07-78	
Guatemala	22-11-69	27-04-78	RA 25-05-78	09-03-87
Guyana				
Haiti		14-09-77	AD 27-09-77	20-03-98
Honduras	22-11-69	05-09-77	RA 08-09-77	09-09-81
Jamaica	16-09-77	19-07-78	RA 07-08-78	
Mexico		02-03-81	AD 24-03-81	16-12-98
Nicaragua	22-11-69	25-09-79	RA 25-09-79	12-02-91
Panama	22-11-69	08-05-78	RA 22-06-78	09-05-90
Paraguay	22-11-69	18-08-89	RA 24-08-89	26-03-93
Peru	27-07-77	12-07-78	RA 28-07-78	21-01-81
Dominican Republic	07-09-77	11-01-78	RA 19-04-78	25-03-99
San Kitts and Nevis				
Saint Lucia				
Saint Vincent and the Grenadines				

Suriname		12-11-87	AD 12-11-87	12-11-87
Trinidad and Tobago		03-04-91	AD 28-05-91*	28-05-91
Uruguay	22-11-69	26-03-85	RA 19-04-85	19-04-85
Venezuela	22-11-69	07-01-19	RA 07/31/19	07-01-19

Source: Department of International Law of the OAS General Secretariat

\* Complaint filed in May 1998

\*\* Complaint filed in September 2012

RA = RATIFICATION

AD = ACCESSION

42. With respect to the other eight treaties that make up the Inter-American System, the following table indicates the OAS member states that have ratified or acceded to them:

**STATUS OF RATIFICATION OF THE ADDITIONAL PROTOCOLS TO THE AMERICAN CONVENTION AND OTHER INTER-AMERICAN HUMAN RIGHTS TREATIES**

States	PACAMDES C <sup>2</sup>	PCADHAP M <sup>3</sup>	CIPST <sup>4</sup>	CIDFP <sup>5</sup>	CIPSEV M <sup>6</sup>	CIEFDPD <sup>7</sup>	CICTFDI <sup>8</sup>	CICRDRF CI <sup>9</sup>	CIPDHPM <sup>10</sup>
Antigua and Barbuda					A 12-08-98		R 01-06-18		
Argentina	R 30-03-03	R 18-06-08	R 18-11-88	R 31-10-95	R 09-04-96	R 28-09-00	F 07-06-13	F 07-06-13	R 23-10-17

<sup>2</sup> Additional Protocol to the American Convention on Economic, Social and Cultural Rights, adopted in San Salvador, El Salvador, November 17, 1988, 18th regular session of the General Assembly..

<sup>3</sup> Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted in Asuncion, Paraguay, on 8 June 1990, 20th regular session of the General Assembly.

<sup>4</sup> Inter-American Convention to Prevent and Punish Torture, adopted at Cartagena de Indias, Barranquilla, Colombia, on December 9, 1985, 15th Regular Session of the General Assembly.

<sup>5</sup> Inter-American Convention on Forced Disappearance of Persons, adopted in Belém do Pará, Brazil, on June 9, 1994, 24th Regular Session of the General Assembly.

<sup>6</sup> Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted in Belém do Pará, Brazil, on June 9, 1994, 24th Regular Session of the General Assembly.

<sup>7</sup> Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, adopted in Guatemala City, Guatemala, June 7, 1999, 29th regular session of the General Assembly

<sup>8</sup> Inter-American Convention against All Forms of Discrimination and Intolerance, adopted in Guatemala City, Guatemala, June 5, 2013, 43rd regular session of the General Assembly.

<sup>9</sup> Inter-American Convention against Racism, Racial Discrimination and Related Intolerance, adopted in Guatemala City, June 5, 2013, 43rd regular session of the General Assembly.

<sup>10</sup> Inter-American Convention on the Protection of the Human Rights of Older Persons, adopted in Washington, D.C., on June 15, 2015, 45th regular session of the General Assembly.

Bahamas					A 03-05-95				
	<b>PACAMDES C</b>	<b>PCADHAP M</b>	<b>CIPST</b>	<b>CIDFP</b>	<b>CIPSEV M</b>	<b>CIEFDPD</b>	<b>CICTFDI</b>	<b>CICRDRF CI</b>	<b>CIPDHPM</b>
Barbados					R 08-02-95				
Belize					A 25-11-96				
Bolivia	R 12-07-06		R 26-08-96	R 19-09-96	R 26-10-94	R 27-02-03	F 10-03-15	F 10-03-15	R 17-05-17
Brazil	A 08-08-96	R 31-07-96	R 09-06-89	R 26-07-13	R 16-11-95	R 17-07-01	F 07-06-13	F 07-06-13	F 15-06-15
Canada									
Chile		R 04-08-08	R 15-09-88	R 13-01-10	R 24-10-96	R 04-12-01	F 22-10-15	F 22-10-15	R 15-08-17
Colombia	A 22-10-97		R 02-12-98	R 01-04-10	A 03-10-96	R 04-12-03	F 08-09-13	F 08-09-14	
Costa Rica	R 29-09-99	R 30-03-98	R 25-11-99	R 20-03-96	R 05-07-95	R 08-12-99		R 12-12-16	R 12-12-16
Cuba									
Dominica					R 30-06-95				
Ecuador	R 10-02-93	R 05-02-98	R 30-09-99	R 07-07-96	R 30-06-95	R 01-03-04	F 07-06-13	F 07-06-13	
El Salvador	R 04-05-95		R 17-10-94		R 13-11-95	R 15-01-02			A 18-04-18
United States									
Grenada					R 29-11-00				
Guatemala	R 30-05-00		R 10-12-86	R 27-07-99	R 04-01-95	R 08-08-02			
Guyana					R 08-01-96				
Haiti					A 07-04-97	R 29-05-09	F 25-06-14	F 25-06-14	
Honduras	A 14-09-11	A 14-09-11		R 28-04-05	R 04-07-95	A 14-09-11			
Jamaica					R 11-11-05				

Mexico	R 08-03-96	R 28-06-07	R 11-02-87	R 28-02-92	R 19-06-98	R 06-12-00	F 13-11-18		
Nicaragua	R 15-12-09	R 24-03-99	A 23-09-09		R 06-10-95	R 15-07-02			
Panama	R 28-10-92	R 27-06-91	R 27-06-91	R 31-07-95	R 26-04-95	R 24-01-01	F 05-06-14	F 05-06-14	
Paraguay	R 28-05-97	R 31-10-00	R 12-02-90	R 26-08-96	R 29-09-95	R 28-06-02			
Peru	R 17-05-95		R 27-02-90	R 08-02-92	R 02-04-96	R 10-07-01	F 25-10-16	F 25-10-16	
Dominican Republic		A 19-12-11	R 12-12-86		R 10-01-96	R 28-12-06			

Source: Department of International Law of the OAS General Secretariat

## 2. Progress Made with the Ratification and Signature of Instruments of the Inter-American System in 2019

43. The IACHR has stressed the importance of universal ratification of the instruments of the inter-American system as a critical element in ensuring full respect for and guaranteeing human rights in the Americas.

44. Specifically, the Inter-American Commission congratulates the States of Costa Rica, Ecuador, and Venezuela for ratifying, acceding to, and signing the following international instruments on the protection of human rights, listed in chronological order:

- a. On March 21, 2019, the Republic of Ecuador deposited the instrument of accession to the Inter-American Convention on the Protection of the Human Rights of Older Persons at OAS headquarters in Washington, D.C., United States.
- b. On 24 April 2019, Costa Rica signed the Inter-American Convention against All Forms of Discrimination and Intolerance at OAS headquarters in Washington, D.C., United States.
- c. On July 31, 2019, the Bolivarian Republic of Venezuela filed its instrument of ratification of the American Convention on Human Rights at OAS headquarters in Washington, D.C., United States.

45. The Inter-American Commission pays its compliments to these States and urges the member States of the OAS to follow the above-mentioned examples, since universal ratification of inter-American instruments is indispensable to achieve full protection of the human rights of all persons in the Hemisphere.

## C. Origin, Legal Basis, Structure, Purposes and Mandates

46. The Inter-American Commission on Human Rights (“IACHR” or “Inter-American Commission”) is an autonomous organ of the Organization of American States (OAS), headquartered in Washington, D.C. Its mandate is established in the OAS Charter, the American Convention on Human Rights (“American Convention”) and the IACHR Statute. Along with the Inter-American Court of Human Rights,

headquartered in San Jose, Costa Rica, the Inter-American Commission is one of two organs of the inter-American system responsible for the promotion and protection of human rights.

47. The IACHR is comprised of seven members, who act independently of each other and do not sit in representation of any country. The Commissioners are elected by the OAS General Assembly for a four-year period and are eligible to be reelected once. The Inter-American Commission convenes regular and special sessions several times each year. Under Article 13 of the IACHR Rules of Procedure, the Executive Secretariat of the Inter-American Commission performs the tasks entrusted to it by the Commission and provides legal and administrative support to the Commission so that it can fulfill its duties.

48. In April 1948, in Bogota, Colombia, the OAS approved the American Declaration on the Rights and Duties of Man (“American Declaration”), which was the first international human rights instrument of a general nature. The IACHR was created in 1959 and held its first session in 1960.

49. In 1961, the IACHR began to conduct *in situ* visits to different countries in order to observe the human rights situation first hand on the ground. Since that time, it has conducted several visits to Member States of the Organization. Based partly on these fact-finding missions, the IACHR has thus far published 135 country and thematic reports

50. In 1965, the IACHR was expressly authorized to hear complaints or petitions pertaining to specific human rights violations. Final published reports on these individual cases can be found in the Annual Reports of the IACHR and can also be viewed on the IACHR Web page under the Petitions and Cases tab.

51. The American Convention on Human Rights was approved in 1969 and came into force in 1978. As of December 2019, twenty-four Member States are parties to this instrument: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Suriname, Uruguay, and Venezuela.

52. The American Convention defines the human rights that the ratifying States have agreed to respect and ensure. This instrument also created the Inter-American Court of Human Rights and established the functions and procedures of the Inter-American Commission and Court. In addition to considering complaints of violations of the American Convention committed by States Parties to that instrument, the IACHR has the legal authority, under the OAS Charter and its own Statute, to examine alleged violations of the American Declaration by OAS Member States that are not yet parties to the American Convention.

53. In fulfillment of its mandate, the duties of the IACHR are to:

- a) Receive, examine and investigate individual petitions alleging human rights violations, in keeping with Articles 44 to 51 of the American Convention, Articles 19 and 20 of its Statute, and Articles 23 to 52 of its Rules of Procedure.
- b) Observe the general human rights situation in the Member States and publish special reports on the situation in a particular Member State, when it is deemed necessary, as provided under Article 60 of its Rules of Procedure.
- c) Conduct *in situ* visits to countries in order to carry out a thorough analysis of the general situation and/or to investigate a specific situation, as provided for under Article 18 of its Statute and Article 53 of its Rules of Procedure. In general, these visits result in the preparation of a report on the human rights situation of the country concerned, which is published and submitted to the OAS Permanent Council and General Assembly.
- d) Raise public awareness about human rights in the Americas. For this purpose, the IACHR conducts and publishes studies on specific themes in keeping with Article 15 of

its Rules of Procedure. Examples include: what measures must be adopted to ensure greater access to justice; the effect of internal armed conflicts on particular groups of persons; the human rights situation of children, women, LGBTI persons, migrant workers and their families, persons deprived of liberty, human rights defenders, indigenous peoples and persons of African descent; racial discrimination, freedom of expression and economic, social and cultural rights.

- e) Organize and host visits, conferences, seminars and meetings with representatives of governments, academic institutions, non-governmental entities and others, in order to disseminate information and foster broad awareness of the work of the Inter-American human rights system, in accordance with Article 41 of the American Convention on Human Rights and Article 18 of the IACHR Statute.
- f) Recommend that the OAS Member States adopt measures that contribute to the protection of human rights in the countries of the hemisphere, in accordance with Article 41 of the American Convention on Human Rights and Article 18 of the IACHR Statute.
- g) Request Member States to adopt precautionary measures, as provided for by Article 25 of the Commission's Rules of Procedure, in order to prevent irreparable harm to persons in serious and urgent cases. Additionally, in keeping with Article 76 of its Rules of Procedure, the IACHR may request that the Inter-American Court orders the adoption of provisional measures in cases of extreme gravity and urgency to prevent irreparable harm to persons.
- h) Bring cases and appear before the Inter-American Court of Human Rights during the processing and consideration of the cases, in accordance with Article 61 of the American Convention on Human Rights and Articles 45 and 74 of the IACHR Rules of Procedure.
- i) Request advisory opinions from the Inter-American Court, in accordance with Article 64 of the American Convention and Article 19 of the IACHR Statute.

54. Every person, group of persons, or non-governmental entity legally recognized in one or more OAS Member States may submit petitions to the Inter-American Commission regarding violations of a right recognized in the American Convention, the American Declaration or other relevant instruments, in accordance with the respective provisions thereof, the IACHR Statute, and the Rules of Procedure. Additionally, in the circumstances described and regulated under Article 45 of the American Convention, the IACHR may consider interstate communications. Petitions may be submitted in any of the four official OAS languages (Spanish, French, English, or Portuguese), either by the alleged victim of the human rights violation or by a third party; and in the case of interstate communications, by a government.