



chapter

IV.a

Human Rights Development
in the Region

CHAPTER IV.A

HUMAN RIGHTS DEVELOPMENT IN THE REGION

A. Overview of the Human Rights Situation by Country

METHODOLOGY

1. The Commission decided that Chapter IV.A of its 2021 Annual Report should offer an overview of the human rights situation in the States of the region, with a special emphasis on the rights and issues prioritized by the IACHR, as well as the following cross-cutting themes established by the Commission in its Strategic Plan 2017-2021: Democratic Institutionalality, Institutionalality in Human Rights, Judicial Independence and Access to Justice, Citizen Security, Gender Equality and Diversity, and Interculturality.

2. To prepare this section, the IACHR considered the information received in the performance of its monitoring function on the human rights situation in 31 countries in the region during 2021. The IACHR used input from the different mechanisms through which it has monitored the situation in the countries, such as public hearings, thematic visits, requests for information under Article 41 of the American Convention, and precautionary measures, as well as information from civil society organizations, journalistic articles, decisions and recommendations from specialized international organizations.

3. Under the powers vested in it by Article 41 of the American Convention and Article 18 of the IACHR Statutes, in August 2021, the Commission requested information from the member states on the rights, issues, and cross-cutting themes prioritized in the aforementioned Strategic Plan. The IACHR received responses from 12 member States: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Paraguay, and Uruguay. The IACHR is grateful for and appreciates the information sent, which has been included in this chapter, where relevant.

4. The Commission is also grateful for the information provided by institutions and civil society organizations over the year through the different monitoring mechanisms, which has likewise been included in this section.

TRENDS

5. Below, the IACHR presents an overview of the human rights situation in the region observed during 2021, the second year of the COVID-19 pandemic. From the information reviewed, the IACHR identified numerous trends related to human rights challenges, many of which were also observed in the previous year.

6. In 2021, countries throughout the Americas and the world continued to face the different challenges brought about by the COVID-19 pandemic caused by the virus SARS-CoV-2 and its variants. In this context, the Commission notes that the States of the region continued to adopt strategies to contain the spread of the virus and vaccinate their populations. Mitigation measures included ongoing partial border closures in numerous countries and additional measures to control the circulation of people based on health criteria, such as possessing a vaccination card and/or proof of a negative polymerase chain reaction (PCR) test; the partial or full closure of workplaces and public establishments, the suspension of events and activities in public spaces, and the partial or total suspension of in-person classes and, in some cases, even virtual classes given the challenges that large sectors of the population with internet connectivity.

7. The IACHR notes that, in some cases, mitigation measures and initiatives taken to ensure access to vaccines had a negative impact on human rights, particularly when it came to historically excluded groups. Furthermore, the IACHR understands that the severe global economic recession caused by the

pandemic has exacerbated poverty, inequality, and social exclusion in certain sectors. In some cases, the measures taken by States to mitigate the effects of the pandemic and COVID-19 vaccination campaigns were discriminatory to migrants, refugees, and displaced and stateless persons.

8. The IACHR noted that a particularly affected population was persons deprived of liberty, whose prison living conditions, already precarious in many countries in the region, became even worse during the pandemic in 2020 due to issues like overcrowding and a lack of appropriate health and hygiene measures. This situation persisted in 2021.

9. The IACHR also notes with concern certain trends involving the erosion of democratic institutionality and judicial independence. During 2021, the IACHR noted actions taken in States by the different branches of government that could undermine judicial independence in the region. The Commission reminds the States of their obligation to protect justice operators from attacks, intimidation, threats, and harassment, and to investigate those who violate their rights and effectively punishing such perpetrators. If States fail to protect their justice operators from all types of outside pressures, the work of the judiciary may be severely undermined, which would hinder access to justice.

10. The IACHR and the Inter-American Court of Human Rights have stated that the irremovability of judges is fundamental to judicial independence. Therefore, judges should only be removed from the bench for previously established reasons, through a process that strictly adheres to the principle of legality and due process of law. The States must preserve democratic institutionality by respecting the separation and independence of the different branches of government.

11. The IACHR has also observed the weakening of national human rights institutions, as well as the closure of democratic spaces and violence against human rights defenders and journalists, including murders, harassment, intimidation, and criminalization of their work.

12. The IACHR notes with concern that levels of impunity for human rights violations, both historical and current, are persistently high. The Commission is equally concerned about the high rates of corruption in the region that permeate the multiple levels of government.

13. The Commission also received information about the increased use of the military in the region for law enforcement-related tasks and to commit violence repressive acts during protests. Additionally, the IACHR also expresses concern over the increase in gender violence and deepening socioeconomic inequality and discrimination throughout the region in the context of the pandemic.

14. Furthermore, the IACHR noted actions taken by States to crack down on protests through the disproportionate use of force, which also led to a high number of arbitrary detentions, criminalization, intimidation, threats, acts of sexual violence against protestors, and a lack of due process of law.

15. The IACHR has also been monitoring the situation of migrants and persons in situations of human mobility. In this regard, the Commission notes with concern the different crises and challenges that characterize the region: (i) the humanitarian crisis of Venezuelans in the region involving more than 6 million migrants and refugees according to UNHCR figures; (ii) the increased displacement of Nicaraguans; (iii) migration movements from Central to North America; (iv) successive migration movements of Haitians; (v) situations of risk and insecurity at borders; (vi) human trafficking; (vii) and historical and recent occurrences of forced internal displacement.

16. To highlight these and other human rights trends observed in the region, below, the IACHR presents an overview of the human rights situation observed in 2021 country by country.

ARGENTINA

- General Considerations

17. The IACHR highlights that Argentina has solid human rights institutions. In 2021 the Commission took note of **progress** made in institutional strengthening, highlighting in particular measures

to combat violence and promote gender equality, strides made with respect to memory, truth, and justice, as well as affirmative actions for persons with disabilities and People of African Descent.

18. At the same time, the IACHR highlights the **challenges** to human rights like ongoing cases of police violence and use of excessive force. It also notes cases of violence against women, LGBTI persons, and continued vulnerability of indigenous peoples.

19. On September 10, 2021, the State presented a response to the request for information sent in order to prepare this chapter.¹

- Specific issues

20. With respect to **human rights institutions**, the IACHR notes positively progress made. It welcomes the initiative of the Office of the Public Defender of the Nation [*Defensoría del Pueblo de la Nación*] to include changes regarding the election of its Chief and his/her respective powers;² however, the Commission notes that the Chief Public Defender has still not been appointed although the post has been vacant since 2009.³

21. As for institutional strengthening measures, the Commission welcomes the implementation of the 2021-2023 agenda of the Federal Network of Municipios for the Strengthening of Human Rights. The objective of this Network is to mainstream a human-rights approach in the design, implementation, and monitoring of public policies and strengthen state interjurisdictional capacities for promoting and protecting rights.⁴

22. With respect to promoting and training in human rights, the IACHR takes note of the training sessions provided by the National Institute against Discrimination, Xenophobia, and Racism (INADI, for its acronym in Spanish) to officials from the Judicial Branch,⁵ as well as the development of the course on “Human Rights and Security Policies.”⁶ In this same vein, the Commission takes note of the first iteration of the training course for municipal officers that provide services in human rights units of local government, carried out by the Secretariat for Human Rights.⁷ Furthermore, the Commission was informed that a new virtual education platform in human rights (CampusDH) had been created in order to strengthen democracy and ensure a culture of human rights.⁸

23. With respect to cooperation, the IACHR takes note of the publication of the Framework Protocol on Actions of Offices of the Public Defender for Business and Human Rights. This is a joint project between the Office of the Public Defender and the Office of the United Nations High Commission for Human Rights (OHCHR), which seeks to guide actions to promote and protect human rights in business activities.⁹ It also highlights the cooperation agreement entered into by the Ministry of Tourism and Sports of the

¹ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021. In IACHR files.

² Honorable House of Deputies of the Argentine Nation, Draft Law that amends Law No. 24,284, 2021; Honorable Senate of the Argentine Nation, Senators' opinion on different draft laws amending the laws regarding the Public Prosecution Ministry and the Public Defense Ministry (S-484, 485, 3535/19, and S-2777/20), November 20, 2020

³ IACHR, Annual Report 2020 – Chapter IV.A, OEA/Ser.L/V/II. Doc. 28(2021), para. 37; Tiempo Judicial, Justice is asked to have Congress appoint the Public Defender, August 25, 2021; Asociación por los Derechos Civiles (ADC) Challenges transfer. Denounces failure to comply with judgment. Request measures to enforce judgment, February 2021

⁴ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 5, in IACHR files; Government of Argentina, CFDH: First meeting of the Federal Network of Municipios, April 26, 2021

⁵ Government of Argentina, Missions: INADI training for officials from the judicial branch, April 28, 2021

⁶ Government of Argentina, Conclusion of the Course “Human Rights and Security Policies” with San Juan, June 18, 2021

⁷ Government of Argentina, Training in Human Rights for municipalities nationwide concludes, July 1, 2021

⁸ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 5, in IACHR files.

⁹ Office of the Public Defender of the Argentine Nation, Framework Protocol for Offices of the Public Defender for Business and Human Rights, 2021

Nation and the Undersecretariat for Human Rights Promotion in order to institutionalize human rights in sports organizations based on positive practices with a human rights approach.¹⁰ At the same time, the Commission values the establishment of the National Working Group on Integrity and Transparency, the objective of which is to coordinate strategies for assistance, follow up, and evaluation of public policies on integrity and transparency in the Argentine public sector.¹¹ The IACHR has also been informed about the publication of the Guide to strengthen an intercultural perspective and human rights, in the framework of a joint effort by the International Organization for Migration and the National Directorate for Racial Equity, Migrants, and Refugees of the Secretariat for Human Rights of the Nation.¹²

24. The Inter-American Commission also welcomes the measures adopted in 2021 to fight gender inequality and ensure the exercise of rights on equal terms. In that respect, it specifically highlights the presentation in May 2021 of the National Plan for Equality in Diversity (2021-2023). The Plan aims “to bring about concrete, effective, and sustainable transformations to overcome inequality based on gender,” and to create conditions that enable women and LGBTI+ persons equal access to and exercise of their rights.¹³ Furthermore, it welcomes the Argentine State’s ratification of ILO Convention 190 on violence and harassment in the world of work in February 2021;¹⁴ the launching of the Federal Care Map, which seeks to render an account of the unequal distribution of care and design public policies in this respect;¹⁵ and the initiative of the Council to Coordinate Financial Inclusion and the Ministry of Women, Gender, and Diversity to develop a diagnostic assessment and public policies to implement financial education initiatives with a gender perspective.¹⁶

25. With respect to **citizen security**, the IACHR values the adoption of Resolution No. 32/2021, which established a working group for each one of the police and federal security forces of the States with the aim of scheduling training and retraining practices in the framework of an operational model of rational use of force¹⁷.

26. Nevertheless, the Commission notes with great concern that throughout 2021 acts of police violence and excessive use of force persisted, and it condemns the deaths of individuals in these contexts.¹⁸ According to data compiled by organized civil society, 63 deaths of individuals were reported due to acts of violence in which security forces were involved,¹⁹ while the Provincial Committee for Memory

¹⁰ Government of Argentina, The Secretariat will provide training in human rights to community sport clubs and organizations, April 1, 2021

¹¹ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 6, in IACHR files; Official Gazette of the Argentine Republic, Administrative Decision 592/2021 DECAD-2021-592-APN-IGM - National Working Group for Integrity and Transparency. Establishment, June 14, 2021

¹² Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 17, in IACHR files; Government of Argentina, The Guide to strengthen an intercultural and human rights approach was presented, April 7, 2021

¹³ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 15, in IACHR files; Ministry of Women, Gender, and Diversity, National Plan for Equality in Diversity 2021-2023, 2021

¹⁴ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 2, in IACHR files; Ministry of Labor, Employment, and Safety, The process of ratifying ILO Convention 190 has been finalized, February 4, 2021

¹⁵ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 15, in IACHR files; Office of the Cabinet of Ministers, The National Government presented the Federal Care Map, July 22, 2021

¹⁶ Government of Argentina, First meeting held of the working group on public policies with a gender perspective of the Council for Coordination of Financial Inclusion, June 14, 2021

¹⁷ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 12-13, in IACHR files; Government of Argentina, Ministry of Security, Resolution 32/2021 RESOL-2021-32-APN-MSG, February 3, 2021

¹⁸ CELS, Racist police violence persists in Chaco, June 15, 2021; Cosecha Roja, The mark of a combat boot on the body: what did the police do to Matías Nicolás Ruiz?, July 22, 2021; p. 12, 11 police officers investigated for violence against a cancer patient, January 13, 2022

¹⁹ CELS, Police violence, accessed on January 10, 2021

reported 114 deaths due to the use of force by the police in the Province of Buenos Aires in 2021.²⁰ The Commission notes with great concern the acts of lethal violence by the police perpetrated against individuals with mental health problems,²¹ trans women,²² and adolescents.²³ With regard to the latter, the IACHR made a statement regarding the killing of a young man, Lucas González, by the police and appealed to the State to undertake a thorough, serious, and impartial investigation of the killing, punish those responsible, and prevent its repetition.²⁴

27. The Commission also condemns the violence and excessive use of force by provincial police officers in Formosa in March 2021 against demonstrators who were protesting the return to the most restrictive phase of the COVID-19 pandemic lockdown.²⁵ Additionally, the Commission became aware of reports of State agents' excessive use of force in evictions of a settlement of over 100 families on September 30, 2021, in an area known as "La Containera" in the Villa 31 of Autonomous City of Buenos Aires, which is mostly made up of women and children who are victims of gender-based violence.²⁶ The Commission is grateful for the information the State provided in this regard and takes note of the report of women who have been evicted that are in the program Acompañar, which provides direct assistance to persons facing gender-based violence so that they can develop an plan for an independent life.²⁷

28. With respect to **judicial independence**, the State reported on the presentation in July 2020 of the Draft Law on Federal Justice Organization and Jurisdiction in the Autonomous City of Buenos Aires and provinces, which continues to be considered by Congress. The IACHR notes that the Draft Law seeks to improve the functioning of federal criminal and administrative justice, in keeping with standards on judicial independence.²⁸

29. As for **access to justice**, the IACHR takes note of the 843 initiatives organized in the country by the Center for Access to Justice in the first half of 2021. According to information furnished by the State, under these initiatives actions are coordinated to bring legal advisory services and improve access to justice for vulnerable people.²⁹ Furthermore, the Commission welcomes the launching in June 2021 of the program *Acercar Derechos* [Rights Engagement], the objective of which is to provide greater access to the justice system for women and LGBTI+ persons facing violence, through comprehensive and intercultural support nationwide.³⁰

²⁰ Provincial Committee for Memory, Key data on crime policies in the province of Buenos Aires, accessed January 10, 2021

²¹ CELS, The case of Alejandro Martínez in San Clemente: death at the hands of the police, a repeated fate for individuals with mental disorders, November 26, 2021; p. 12, Chano Moreno Charpentier: the mother and experts questioned why police intervened with weapons, July 28, 2021; Cosecha Roja, How the police shot a man with bipolar disorder in Chubut, July 28, 2021;

²² Cosecha Roja, Dying at the hands of the police: two transvesticides in a week, July 27, 2021; Agencia presentes, They demand the justice system shed light on the death of the young trans woman Victoria Núñez: they point to the police, July 27, 2021

²³ Chequeado, Police violence: in the Province of Buenos Aires there are 124 fatalities on average per year, December 10, 2021; DW, Argentina: AI warns of "police violence" following the death of Lucas González, November 20, 2021

²⁴ IACHR Tweet, November 20, 2021

²⁵ Government of Argentina, Regarding Formosa: statement by the Secretariat for Human Rights, March 5, 2021; La Nación, Considerable unrest in Argentine city due to the return of strict quarantine, March 6, 2021; REUTERS, Human rights organizations condemn the use of "indiscriminate" force by Argentine province against those protesting COVID measures, March 5, 2021

²⁶ CELS, Eviction of women and children in Villa 31, September 30, 2021; Cohete a la luna, La Containera women's movement, a grass-roots organization in the most adverse conditions, August 22, 2021; p. 12. The CABA police evicted women and children from Villa 31, November 29, 2021; Cosecha Roja, The history of the women behind the take-over of Villa 31, July 21, 2021.

²⁷ Argentine Republic, Response to the request for information Art. 41 of the American Convention - Eviction of women and children from "La Containera" in Villa 31, Document submitted to the IACHR, November 12, 2021. Annex IV, p. 3, in IACHR files.

²⁸ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 9, in IACHR files.

²⁹ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 10-11, in IACHR files.

³⁰ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 11-12, in IACHR files; Government of Argentina, Program Rights Engagement, 2021

30. Regarding **women's rights**, the Commission welcomes the 2021 adoption of measures for the prevention and comprehensive attention to gender-based violence. Specifically, it highlights the establishment in February 2021 of the Comprehensive System for Cases of Gender-Based Violence (SICVG, for its acronym in Spanish), a tool developed to systematize data on consultations and complaints of gender-based violence. It includes an approach using risk prediction in order to contribute to the design and monitoring of public policies for prevention, assistance, punishment, and eradication of violence.³¹ Furthermore, the Commission welcomes the implementation of the program for modernization, optimization and dissemination of the 144 telephone hotline, whose purpose is to offer guidance, support, coordination, and follow-up on cases and consultations regarding situations of gender-based violence;³² the launching of the construction of 14 Comprehensive Territorial Centers for Gender and Diversity Policies around the country, which have venues for training, conducting activities on prevention and promotion of equality, as well as, in some cases, lodging for persons facing gender-based violence;³³ the signing of a Federal Agreement for a United Argentina against Gender-based Violence, whose aim is to coordinate policies, resources, and working teams at all levels of the State to assist and protect victims of gender-based violence;³⁴ and the publication of the report on Guidelines for appropriately addressing, intervening, and preventing gender-based violence within the police and security forces.³⁵

31. Nevertheless, the Commission notes with concern the prevalence of different kinds of gender-based violence against women. According to official public data, between January and September 2021, 83,784 calls were received for gender-based violence, of which 93% were due to domestic violence. 98% of the calls were made by women.³⁶ Additionally, according to figures from the Office of the Public Defender of the Nation, as of June 30, 2021, 137 femicides had been reported, which included 14 homicides of individuals related to victims of gender-based violence, 6 trans individuals and 5 femicide suicides, underscoring that the majority of the cases occurred within families or with an intimate partner.³⁷ Furthermore, the Commission welcomes the report on femicide suicides—which are when women take their own lives as a result of the violence perpetrated against them—since this makes the lethal impact of gender-based violence on the exercise of other human rights visible.

32. With respect to reproductive rights, the Commission welcomes the publication of the Law No. 27,610 which establishes the voluntary interruption of pregnancy³⁸. Moreover, notes positively the Ministry of Health's updated Protocol for Comprehensive Care of Persons with the Right to Abortion, which seeks to guide health personnel carrying out legal abortions and providing post-abortion care³⁹. Nevertheless, the IACHR notes with concern the differentiated impact on pregnant women of

³¹ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 14, in IACHR files; Ministry of Women, Gender, and Diversity. [Resolution 48/2021](#), February 11, 2021; UN Human Rights Council. Report of the Special Rapporteur on violence against women, its causes and consequences, [A/76/132](#), July 12, 2020, para. 60.

³² Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, pp. 14-15, in IACHR files; Twitter, official account of the Ministry of Women, Gender, and Diversity, [Tweet](#), June 14, 2021; Ministry of Women, Gender, and Diversity. [National Action Plan against gender-based violence \(2020-2022\)](#), 2020, p.124

³³ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 15, in IACHR files; Agency for the Administration of State Assets. [Construction of Comprehensive Territorial Centers for Gender and Diversity Policies in all provinces of the country and the Autonomous City of Buenos Aires](#), March 3, 2021

³⁴ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 7, in IACHR files; Government of Argentina, [Signing ceremony with governors on International Working Women's Day](#), March 8, 2021.

³⁵ Ministry of Security of the Argentine Nation, [Guidelines for the correct approach, intervention, and prevention of gender-based violence within the police and security forces](#), August 2021.

³⁶ Government of Argentina, [Public data from 144 telephone hotline - January - September 2021](#), accessed January 12, 2022.

³⁷ Femicide Observatory of the Office of the Public Defender of the Argentine Nation. [Mid-Year Report January 1-June 30, 2021](#), accessed November 29, 2021.

³⁸ República Argentina, Boletín Oficial de Argentina, Ley 27.610, published on January 15, 2021 (original in Spanish).

³⁹ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 4, in IACHR files; Government of Argentina, [Health presented the updated protocol for comprehensive care of persons with the right to voluntary and legal abortion](#), May 28, 2021.

isolation measures adopted as a result of the COVID-19 pandemic. According to publicly available information, a woman allegedly lost her unborn child at an isolation center in Formosa due to the conditions she was subject to during isolation⁴⁰.

33. As to the rights of **LGBTI persons**, the Commission welcomes the enactment of the “Diana Sacayán - Lohana Berkins” Law.⁴¹ Said Law provides that trans persons must hold no less than 1% of government jobs in the three branches of the State and other entities,⁴² under all of the existing regular hiring modalities.⁴³

34. Furthermore, the Commission celebrates the decision of the State to recognize the “X” marker in the “gender” field on Argentine passports, in order to include non-binary gender identities of all those who are not covered by the categories of male/female.⁴⁴

35. In the same vein, the Commission welcomes the establishment in February 2021 of the Federal Council to Prevent and Address Femicides, Transvesticides and Transfemicides pursuant to Decree No. 123/2021. The Council’s mission is to create a work area that ensures a comprehensive and coordinated approach by the various competent State organizations at a federal and provincial level. The Commission likewise welcomes the training aimed at personnel of the judicial branch to include a gender perspective in their work. The Commission highlights the expansion in March 2021 of the mandatory curriculum to include topics related to gender-based violence, LGBTI+ persons’ access to justice, and the duty of due diligence.⁴⁵

36. Despite this progress, the Commission has received worrisome report about acts of violence against LGBTI persons. Based on publicly available information, it underscores the cruelty seen in several of the cases reported, as well as the prevalence of violent acts against trans people.⁴⁶

37. In connection with **persons deprived of liberty**, the Commission welcomes the approval of the Protocol for the Transfer of Persons Deprived of Liberty under the custody of the Federal Penitentiary Service, which provides that persons who are in detention are to be housed, where possible, in facilities close to their family, community, defense attorney, and competent judicial authority. This Protocol further provides that defense counsel and the competent authorities must be notified about transfers at least 72 hours prior to their scheduled date.⁴⁷ Furthermore, the Commission takes note of the official data that indicates that, as of November 22, 2021, approximately 53% of persons in detention were

⁴⁰ La Nación, [Formosa: a woman lost her unborn child in an isolation center due to stress](#), January 23, 2021; TN, [A woman lost her unborn child at an isolation center in Formosa and denounces that it was the result of the conditions of her isolation](#), January 25, 2021

⁴¹ Law No. 27,636, Promoting Access to Formal Employment for Transvestite, Transsexual and Transgender Persons, Congress of the Argentine Nation, [Law No 27636, Promoting Access to Formal Employment for Transvestite, Transsexual and Transgender Persons “Diana Sacayán - Lohana Berkins”](#), July 8, 2021.

⁴² In addition to the three branches of government, this law is binding for public prosecution offices, decentralized and autonomous organizations, public non-state entities, and State-owned enterprises and corporations.

⁴³ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 16, in IACHR files.

⁴⁴ Through adopt of Executive [Decree No. 476/2021](#), Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 16, in IACHR files.

⁴⁵ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 15, in IACHR files.; Ministry of Justice and Human Rights. Federal Council to Prevent and Address Femicide, Transvesticide, and Transfemicide [Decree 123/2021](#), 2021

⁴⁶ Plumas Atómicas, [“A gay evangelical pastor is killed at knifepoint.”](#) February 11, 2021; Cosecha Roja, [“A trans woman is attacked by a mob in Santa Fe,”](#) March 23, 2021; El Cactus, [“Where is Tehuel? | The search for the young person who disappeared almost a month ago continues.”](#) April 6 July [sic] 2021; Télam Digital, [“Femicide and transvesticide that revealed a history of solidarity between two victims of violence,”](#) June 2, 2021; Agencia Presentes, [“Transfemicide in La Plata: Wanda Tananta had emigrated to Peru to live her identity freely,”](#) June 19, 2021; Cosecha Roja, [“Dying at the hands of the police: two transvestites in a week.”](#) July 27, 2021.

⁴⁷ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 14, in IACHR files.

vaccinated against COVID-19;⁴⁸ It also notes that during the same period, a total of 101 individuals died from this illness.⁴⁹

38. The Commission reiterates its concern about the situations of individuals detained for prolonged periods of time at police stations or police detention centers. Specifically, the Commission condemns the death of four women deprived of liberty who perished in a fire at the Tucumán police station on September 2, 2021. In keeping with reports from civil society, these events occurred in a context of overcrowding and deplorable detention conditions. These reports indicated that the police station lacked fire safety protection and the electrical installation was not in good condition.⁵⁰ On top of this, the IACHR notes that according to the most recent data from the National Committee for the Prevention of Torture (CNPT, for its acronym in Spanish), there continues to be sustained use of these sites. As a result thereof, as of May 10, 2021, the level of overcrowding at city government sites was 43%.⁵¹

39. With respect to **memory, truth, and justice**, the IACHR welcomes the establishment of sites of remembrance in conjunction with provincial and municipal governments, and with the support of human rights and other civil society organizations. It highlights that in the last five years 90 sites of remembrance have been inaugurated and demarcated nationwide. The Commission likewise welcomes the presentation of a publication with recommendations for responsible media coverage of the civilian-military dictatorship and the memory, truth, and justice process, the preparation of which was based on joint work by the Secretariat for Human Rights and the Office of the Ombudsperson for Audiovisual Communications Services; the creation of a joint working group to document intelligence on human rights violations in order to provide common criteria for addressing the cache of documents found in different formats at the Federal Intelligence Agency; and the creation of a website with information on the trials for crimes against humanity committed during [the era] of State-sponsored terrorism.⁵²

40. The Commission welcomes the efforts of the Argentine State to shed light on the facts, and identify and punish those responsible for gross violations of human rights during the military dictatorship.⁵³ In this sense, it welcomed the judgment handed down by Oral Federal Court 4 of San Martín, which meted out life sentences to 5 out of the 6 defendants accused of crimes against humanity that affected 94 members of the *Contraofensiva de Montoneros*.⁵⁴ The Commission also highlights the first judgment for crimes against sexual integrity committed at the School of Naval Mechanics (ESMA, for its acronym in Spanish), which considered these acts crimes of humanity in and of themselves, separate from the torture suffered by the victims.⁵⁵

41. Additionally, the Commission values the launching of the Strategic Plan for Bringing Trials of Crimes against Humanity, which seeks to establish a road map for actions aimed at expediting trials of crimes against humanity, strengthening investigations, and providing greater support to victims. The foregoing through the reestablishment of the Special Investigations Unit under the Secretariat for Human

⁴⁸ National Committee for the Prevention of Torture, Argentina, [Record of COVID-19 cases](#), November 22, 2021, p.3

⁴⁹ National Committee for the Prevention of Torture, Argentina, [Record of COVID-19 cases](#), November 22, 2021, p.4

⁵⁰ IACHR. Press Release 252/21, [IACHR Condemns Death of Women Detainees in Fire at Police Station in Argentina](#), September 23, 2021

⁵¹ National Committee for the Prevention of Torture, Argentina, [2021 Annual Report to the Bicameral Commission of the Office of the Public Defender](#), June 2021, p. 15.

⁵² Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 5-7, in IACHR files; Website, [Trials for Crimes against Humanity in real time](#), accessed January 2022

⁵³ The Commission highlights data from the Office of the Prosecutor of Crimes against Humanity, which indicates that as of September 16, 2021, 631 cases of violations of human rights have been recorded in connection with State-sponsored terrorism and 264 judgments have been handed down. In total, 1044 individuals have been sentenced in this context and 162 were acquitted. Furthermore, 824 persons have been deprived of liberty as of the reporting date, 619 were detained under home arrest, 142 were in jail, and 63 others were housed in other facilities. Ministry of Public Prosecution of the Nation, [1044 persons sentenced for crimes against humanity pursuant to 264 judgments](#), September 24, 2021.

⁵⁴ IACHR, [Tweet](#), June 14, 2021

⁵⁵ CELS, [First judgment for crimes against sexual integrity committed at ESMA](#), August 13, 2021; p. 12, [Historic sentences for sex crimes at ESMA](#), August 14, 2021.

Rights which gathers information on corporate responsibility and crimes against humanity committed for economic reasons.⁵⁶

42. As for the rights of People of **African Descent and against racial discrimination**, the Commission welcomes the significant advances made. According to information provided by the State, the National Directorate for Ethnic and Racial Equity, Migrants, and Refugees of the Secretariat for Human Rights is developing the “National Afro Plan (2021-2024),” which seeks to offer a road map for managing public inclusion policies and improving living conditions for Afro-Argentine, Afrodescendant, and African populations. Furthermore, the State indicated that the Secretariat for Human Rights presented the “Guide for strengthening an intercultural and human rights perspective,” geared toward trainers in Argentina. The Guide aims to provide inputs for teaching workshops and training government implementers, municipal human rights units, and social organizations. The Guide includes Afrodescendants as a priority ethnic population.⁵⁷

43. The IACHR also noted progress such as the launching of the “National Census of Afro-Argentine Community Organizations” by the National Institute against Discrimination, Xenophobia, and Racism (INADI), focused on offering Afro-Argentines legal assistance, training, and sponsorship by institutions and different agencies.⁵⁸ Furthermore, the Commission highlights the official presentation of the “Federal Advisory Council to the Commission for Historical Recognition of the Afro-Argentine Community,”⁵⁹ and the publication of “Afrodescendants and racial equity,” a normative and public policy resource for the Afro-Argentine Community.⁶⁰

44. As for **indigenous peoples’ rights**, the Commission notes that in the context of the COVID-19 pandemic and lockdown measures, indigenous communities in the northeast and northwest were particularly hard hit due to the “worsening of historical problems such as the lack of access to safe, clean drinking water, health services, and medications, as well as persistent evictions. Furthermore, they had to face new difficulties, such as the mandatory protocols that were in conflict with their lifestyle and cultural practices.”⁶¹

45. Additionally, the IACHR received information on Law No. 26160 regarding emergency land possession and ownership, which ordered the National Institute of Indigenous Affairs to conduct a technical—legal—property survey regarding ownership of lands occupied by indigenous communities. This Law became an effective tool for stopping multiple illegal attempts to evict indigenous families and communities.⁶² Nevertheless, the Commission has been informed that the evictions continue, despite the existing legislation.⁶³

46. Furthermore, the Commission notes that as of said Law’s entry into force, 42% of the indigenous communities have been surveyed. This means that more than 1,000 communities are still missing.⁶⁴ The IACHR notes with concern that this legislative instrument does not constitute a permanent

⁵⁶ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 5, in IACHR files.

⁵⁷ Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 17, in IACHR files

⁵⁸ Télam, [National Census of Afro-Argentine Community Organizations launched](#), September 29, 2021

⁵⁹ INADI [@INADI], June 22, 2021, [[Tweet](#)], Twitter; Télam, The Advisory Council to the Afro-Argentine Community presented, June 22, 2021

⁶⁰ INADI, [We present the resource “Afrodescendants and racial equity.”](#) July 2, 2021

⁶¹ CELS, [Indigenous Communities: inequalities exacerbated during the pandemic](#), February 12, 2021.

⁶² Telam, [Another step in recognizing the rights of native peoples](#), September 3, 2021.

⁶³ InfoBaires24, [Indigenous Communities in the country will debate the extension of Law 26,160](#), August 30, 2021; CELS, [Indigenous Communities: inequalities exacerbated during the pandemic](#), February 12, 2021; Vida Nueva Argentina, [The church sounds the alarm on eviction of indigenous communities](#), September 1, 2021.

⁶⁴ Vida Nueva Argentina, [The church sounds the alarm on eviction of indigenous communities](#), September 1, 2021.

mechanism to protect indigenous peoples' territorial rights and has had to be extended on several occasions.

47. What is more, the Commission is concerned about situations of violence against indigenous peoples given the lack of effective mechanisms to resolve their territorial demands. The Commission was informed of the murder of a young Mapuche, Elias Garay, that took place on November 21, 2021 in Río Negro, in the context of a conflict due to economic interests in lands considered to be State-owned, but which are claimed by the Mapuche community as part of its ancestral lands.⁶⁵ Furthermore, according to available information, members of the Quemquemtrew Mapuche community took action to recover their ancestral territory in the Cuesta del Ternero zone in September, after which the police evicted them using excessive force.⁶⁶

48. As to the rights of **persons with disabilities**, the IACHR welcomes approval of the draft law to amend Law 26,310, approved on December 9, 2021. The draft law provides that persons with disabilities, without exception, have the right to provide informed consent, with assistance of support systems and reasonable accommodations, to access tubal ligation or vasectomy at health system services, without the need for authorization by a court.⁶⁷

49. The Commission also underscores the efforts with respect to COVID-19 immunization for this group and the prioritization of persons with Down syndrome.⁶⁸ Additionally, it welcomes the offer of courses and training in sign language and web accessibility,⁶⁹ management of inclusive competitions and workshops,⁷⁰ and consolidation of strategies to increase the inclusion of persons with disabilities in the public sector.⁷¹ The IACHR also welcomes the court ruling that orders the judicial branch of the Province of Buenos Aires to comply with the work quota for persons with disabilities.⁷²

50. Nevertheless, the IACHR takes note with concern about public information that indicates persistent challenges in inclusion of persons with disabilities in the educational system,⁷³ non-compliance with the 4% hiring quota for persons with disabilities in the public sector,⁷⁴ and mobility difficulties in exercising the right to vote.⁷⁵ It likewise takes note with concern of the reports about the alleged use of excessive force by the police against individuals with psychosocial disabilities.⁷⁶

51. With regard to the **rights of the children and adolescents**, the Commission welcomes the sanctioning on December 30, 2020, of Law No. 27,661 on Comprehensive Treatment and Health Care during Pregnancy and Early Childhood, which seeks to: (i) reduce mortality and malnutrition; (ii) prevent

⁶⁵ Page 12, [Elías Garay, a young Mapuche who fought peacefully to recover his ancestral lands is murdered](#), November 22, 2021

⁶⁶ OMCT, Joint announcement of OMCT-FIDH, Group of indigenous peoples and torture and Latin American Human Rights. [Argentina: Police violence against those who defend the rights of the Mapuche people](#), October 1, 2021.

⁶⁷ Congress of the Argentine Nation, [Law No. 26,130. Amendment](#), December 24, 2021.

⁶⁸ Government of Argentina, [Persons with disabilities included in the target population for COVID-19 vaccines](#), May 7, 2021.

⁶⁹ NIC Argentina, [Web Accessibility Trainings](#), October 6, 2021; Government of the Province of Buenos Aires, [The Province offers Argentine Spanish Sign Language Courses for government companies](#), September 15, 2021.

⁷⁰ Government of Argentina, [Winners of the National Competition "Promote your inclusive experience."](#) October 5, 2021; Government of Argentina, [Comprehensive Sexual Education and a Disability Perspective](#), September 10, 2021.

⁷¹ Government of Argentina, [The SIGEN consolidates inclusion of persons with disabilities in the national public sector](#), October 6, 2021; Government of Argentina, [ANDIS and PSA make headway in employment integration of persons with disabilities in the security forces for criminal investigation tasks](#), September 22, 2021.

⁷² Judicial Branch of the Province of Buenos Aires, Francisco José Terrier, Judge, Administrative Tribunal No. 3, Judicial District of La Plata, Res. CCALP No. 15/17 (R.A), March 9, 2021.

⁷³ El Tribuno, ["In Argentina we are far from full inclusion."](#) October 6, 2021; La Nación, [Her daughter has Down Syndrome and inclusion at school is a challenge: "They never expected her at school."](#) September 29, 2021

⁷⁴ Perfil, [They report that the Law on quotas for persons with disabilities is flouted](#), September 11, 2021

⁷⁵ Page 12, [Paso 2021: What happens to persons with disabilities who want to vote but are not mobile?](#) September 10, 2021.

⁷⁶ Cosecha Roja, [How the police shot a man with bipolar disorder in Chubut](#), July 28, 2021; Cosecha Roja [So bionic: how the police act in mental health cases](#), July 26, 2021.

violence; and (iii) protect early bonding, neurodevelopment, and health in a comprehensive manner.⁷⁷ It further welcomes approval by the Chamber of Deputies of the draft law that creates the National Program for Comprehensive Care of Children with Cancer, which would provide children with cancer 100% coverage of required services and furnish economic assistance equivalent to the amount of the universal allocation for a child with disabilities through the Public Health System, health insurance, and pre-paid health coverage.⁷⁸ Despite the foregoing, the IACHR expresses its concern about the situation of poverty in which children and adolescents are living in the country. According to official data, in the first quarter of 2021, 54.3% of children between 0 and 14 years of age lived in poverty. Of these, 16.6% were in conditions of indigency inasmuch as they did not have sufficient revenue to meet the minimum threshold for their caloric and protein needs.⁷⁹

52. The Commission welcomes the advances in the rights of **persons in the context of human mobility**. In this respect the Commission welcomed the publication of Decree of Necessity and Urgency No. 138/21 of March 4, 2021, abrogating Decree 70/17, which had restricted the scope of the Migration Law by hindering access to immigration rights and guarantees in the country.⁸⁰ It likewise welcomes the publication of Provision 1891/2021 of the National Directorate of Migration, which contains the “Special Regularization Regime for Venezuelan Migrant Children and adolescents.”⁸¹ The State also reported on the inauguration of the center for integration of migrants and refugees on June 18, 2021.⁸²

53. In relation to **human trafficking**, the Commission takes note of the actions taken by the State to use search warrants to rescue victims of trafficking for purposes of labor exploitation on farms and ranches, principally in the provinces of Rio Negro, La Rioja, Corrientes, Misiones, and Santa Fe.⁸³ The Commission also welcomes the design of a special statute for housing access for victims rescued from sexual and labor exploitation, adopted in February 2021, thanks to the Executive Committee to Fight Human Trafficking and Exploitation and Provide Victims Protection and Assistance and the Ministry of Territorial Development and Housing of the Nation.⁸⁴ The Commission likewise takes note of a national campaign for decent rural employment that the State and trade organizations have created,⁸⁵ and a state textile hub established for the reintegration of victims of trafficking.⁸⁶ The IACHR is also pleased about the launching of 100 measures to be carried out in 2021-2022 against human trafficking and to support victims, including in the Two-Year 2021-2022 Plan on prevention, prosecution, assistance, and institutional strengthening.⁸⁷

⁷⁷ Official Gazette of the Argentine Republic, Law No. 27,661 on Comprehensive Treatment and Health Care during Pregnancy and Early Childhood, January 15, 2021.

⁷⁸ Honorable Chamber of Deputies of the Argentine Nation, Draft Law 4730-D-2020; Telam News Agency, They welcome the partial sanctioning of a draft law that creates a childhood cancer program, October 27, 2021.

⁷⁹ INDEC, Incidence of poverty and indigence in 31 urban centers. First quarter of 2021, September 2021.

⁸⁰ IACHR, Tweet, March 7, 2021; Official Gazette of the Argentine Republic, Decree 138/2021: DECNU-2021-138-APN-PTE – Decree No. 70/2017. Abrogation, March 4, 2021.

⁸¹ Official Gazette of the Argentine Republic, Provision 1891/2021 DI-2021-1891-APN-DNM#MJ, July 12, 2021.

⁸² Argentine Republic, Note NO-2021-85233068-APN-DNAJIMDDHH#MJ, Document submitted to the IACHR for its inclusion in the 2021 Annual Report, September 10, 2021, p. 17, in IACHR files.

⁸³ Government of Argentina, Slave labor: 17 workers were rescued in Santiago del Estero, March 4, 2021

⁸⁴ Government of Argentina, Work has begun on a special statute on housing access for trafficking victims, February 23, 2021.

⁸⁵ Government of Argentina, The Committee with UATRE and Truckers prepare a national campaign for decent rural work, January 27, 2021

⁸⁶ Government of Argentina, Zabaleta and Vera advance in the creation of a State Textile Hub for reintegration of victims, January 28, 2021

⁸⁷ Government of Argentina, Cafiero spearheaded launching of the “National Plan to Fight Human Trafficking and Exploitation.” April 13, 2021

ANTIGUA AND BARBUDA

- **Overview**

54. Regarding **progress made**, the IACHR highlights the adoption of legislation that aims to reduce the case backlog accumulated during the pandemic. The IACHR also applauds the adoption of measures to inform women about the existing services on gender-based violence, and about the decrease in domestic violence figures during the pandemic. Likewise, the Commission highlights the actions taken to ensure migrants access to antivirus vaccines.

55. With respect to **challenges**, the IACHR notes that the State has not yet set up a national human rights institution. It is also concerned about the high rate of homicides and the use of force against demonstrators in contravention of international standards. Regarding the situation of women and girls, the IACHR is concerned about the high rates of teenage pregnancy and maternal mortality, the criminalization of voluntary interruptions of pregnancy, and reports of harassment on the street. The Commission also regrets that the State has not fully abolished corporal punishment, and that the criminalization of consensual same-sex sexual relations persists. Similarly, the IACHR notes the lack of prior and informed consent with respect to decisions on communal lands, the persistent deplorable conditions faced by persons deprived of their liberty, and the continued existence of the death penalty in domestic law.

56. The State did not respond to the request for information for the preparation of this chapter.

- **Specific issues**

57. Regarding the crosscutting issue of the **institutional framework for human rights**, the Commission notes that although Antigua and Barbuda has an Office of the Ombudsman to defend its citizens' rights and an Integrity Commission created in 2004, it has not yet established a national human rights institution. This is despite the fact that the State accepted the recommendation to establish an NHRI at the 2011 United Nations Universal Periodic Review.⁸⁸ The IACHR also notes that the Ombudsman's Office is a member of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies, the Commonwealth Forum of National Human Rights Institutions, and the Caribbean Ombudsman Association. The office has also been accredited as a national human rights institution by the International Coordinating Committee of National Human Rights Institutions, but with the lowest status ('C'). Therefore, to date, its participation in the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas has been limited.

58. In the same vein, the report of United Nations Universal Periodic Review that took place on November 8, 2021, which formed the basis for the review, also notes that the Office of the Ombudsman is inadequately resourced and has limited power.⁸⁹ In addition, the office only deals with administrative violations in the public sector, but not with human rights violations.⁹⁰ In this regard, the IACHR restates the importance of establishing a national human rights institution in accordance with the Paris Principles, equipped with the budget and human resources necessary to discharge its tasks.

59. Regarding **democratic institutional**ity, the Commission notes that according to the World Justice Project and its Rule of Law Index, Antigua and Barbuda's overall rule of law score remained

⁸⁸ Antigua and Barbuda 2016 UPR: [Joint Submission from the United Nations Subregional Team for Barbados and the OECS](#).

⁸⁹ Antigua and Barbuda 2016 UPR: [Joint Submission from the United Nations Subregional Team for Barbados and the OECS](#).

⁹⁰ Office of the Ombudsman, [What you Should Know About the Ombudsman, Antigua and Barbuda](#).

the same as in 2020.⁹¹ Across Latin America and the Caribbean, Antigua and Barbuda ranks sixth out of 32 countries.⁹²

60. In the area of **citizen security**, the Commission observes that the Commissioner of Police reported a drop in homicides during the first quarter of 2021 compared to the corresponding period in 2020.⁹³ However, the IACHR notes that according to public information, as of December 30, 2021, the number of homicides increased by 80%, compared to the nine murders registered in 2020.⁹⁴

61. Also, according to public information, on July 26 and August 8, protests were held to express disagreement with the Prime Minister's public statement of July 17 calling for civil servants and front-line workers to be vaccinated against the COVID-19 virus.⁹⁵ Reportedly, the demonstrators were dispersed forcibly when the police fired tear gas at them.⁹⁶ The Commission notes that both the Prime Minister and the official opposition condemned the use of force under these terms.⁹⁷ The IACHR underscores that the use of force during protests must be governed by international principles of exceptionality, legality, necessity, and proportionality.⁹⁸

62. As regards **access to justice**, the Commission notes that in order to reduce the procedural delays caused by the pandemic, on May 28 the Senate adopted the Act for Judge Alone Trials,⁹⁹ which allows a presiding judge, without the presence of a jury –and always with the consent of the accused—to rule on certain offenses and serious crimes.¹⁰⁰ The Commission will continue to monitor the implementation of this law.

63. Regarding **the human rights of women**, the IACHR takes note of the efforts of the Directorate of Gender Affairs to publicize information on services and support centers available to women survivors of violence;¹⁰¹ it also notes public information indicating that domestic violence rates did not increase during the COVID-19 pandemic.¹⁰² However, reports of harassment on the street against women and the normalization of this type of violence remain a cause for concern.¹⁰³ Another source of concern is that during 2021 the World Health Organization (WHO) reported a teenage pregnancy rate of 42.8 per 1,000 among adolescents between 15 and 19 years of age and a maternal mortality rate of 42 per 100,000 births.¹⁰⁴ In this regard, it should be noted that the voluntary termination of pregnancy remains illegal,

⁹¹ World Justice Project, [WJP Rule of Law Index 2021 performance – Antigua and Barbuda](#), 2021, p. 43.

⁹² World Justice Project, [WJP Rule of Law Index 2021 performance](#), 2020, p. 14. The criteria used for determining the rank are four universal principles of the rule of law: accountability, just laws, open government, and accessible and impartial dispute resolution, p. 10.

⁹³ Antigua Observer, [Crime sees slight dip for first quarter of 2021, police say](#), April 15, 2021.

⁹⁴ *Caribbean Loop News*, Year In Review: Antigua records 16 murders in 2021, December 28, 2021; *Antigua Observer*, Antigua and Barbuda records 16th homicide for 2021, December 30, 2021.

⁹⁵ Media Institute of the Caribbean, Country Reports: Antigua and Barbuda, July 31, 2021. This report includes an audio clip of the Prime Minister addressing local media on the issue on July 17, 2021.

⁹⁶ Media Institute of the Caribbean, Country Reports: Antigua and Barbuda, July 31, 2021. This report includes an audio clip of the Prime Minister addressing local media on the issue on July 17, 2021.

⁹⁷ Prime Minister of Antigua and Barbuda, [Statement to the Nation](#), August 9, 2021; and *Antigua Breaking News*, [DNA denounces excessive use of force on peaceful protesters](#), August 8, 2021.

⁹⁸ Antigua Breaking News, [DNA denounces excessive use of force on peaceful protesters](#), August 8, 2021.

⁹⁹ Antigua and Barbuda Official Gazette Extraordinary, Criminal Proceedings (Trial by Judge Alone) Act, 2021. No. 8 of 2021, May 28, 2021.

¹⁰⁰ According to Clause 4 (2) of the Bill, these indictable offences are found under Acts relevant to forgery, larceny, money laundering, and electronic crimes. The first case tried pursuant to this Act by the Eastern Caribbean High Court of Antigua and Barbuda was *The Queen v Rohan Jarvis* on June 14, 2021.

¹⁰¹ Instagram. [Official account of Gender Affairs Antigua and Barbuda](#), accessed November 30, 2021; Instagram. [Official account of the Support & Referral Centre](#), accessed November 30, 2021.

¹⁰² Antigua Observer. [Gender Affairs official reveals no spike in domestic violence cases](#), October 26, 2021.

¹⁰³ Antigua Observer. [Young women address the issue of 'cat-calling' locally and in the region](#), July 20, 2021.

¹⁰⁴ WHO. [Sexual and reproductive health and rights infographic snapshot Antigua and Barbuda 2021](#), 2021.

except in cases when the woman's life is in danger.¹⁰⁵ Finally, the participation of women in decision-making positions remains low: in particular, as of February 2021, only 11.1% of the elected positions in Parliament were held by women.¹⁰⁶

64. Regarding **children and adolescents**, the Commission highlights the government's decision, adopted at the cabinet meeting of June 24, 2021, to hold consultations on the abolition of corporal punishment in public and private schools.¹⁰⁷ This proposal follows up on the State's 2020 decision to abolish corporal punishment as a sentence for adolescents convicted of a crime.¹⁰⁸ The IACHR further notes that during that meeting, the Child Justice Board acknowledged that corporal punishment at school—as provided for in the Education Act—was in breach of the Child Justice Act (2015) and several international treaties ratified by the State.¹⁰⁹ Nevertheless, to date no legislative amendments or repeals of laws governing corporal punishment at home or at children's homes, orphanages, and other places have been reported. The IACHR reiterates its call for the State to prohibit all forms of violence, including the corporal punishment of children and adolescents in all contexts, and to take steps to eradicate this form of violence.¹¹⁰

65. With respect to **persons in situations of human mobility**, the Commission observes that as part of the implementation of its regulations to address the COVID-19 pandemic, the Prime Minister reportedly stated that migrants who may be subject to removal or deportation proceedings in the State should not be prosecuted for seeking access to the coronavirus vaccine.¹¹¹ Additionally, the Commission takes note of the government's decision to: (i) eliminate the need to purchase return tickets, (ii) waive accumulated fines, and (iii) allow adults who failed to regularize their immigration status in the country during their childhood to obtain police records, so that they could continue to enjoy the benefits obtained in the State.¹¹²

66. In addition, the Commission notes that the Prime Minister stated that worsening weather conditions could affect workers in productive sectors, a situation that could lead to a forced displacement crisis.¹¹³ In line with the above, the IACHR notes that Antigua and Barbuda, together with the other members of the Organization of Eastern Caribbean States (OECS), is working with the International Organization for Migration (IOM) to analyze national policies and systems for the management and presentation of information relating to the forced displacement of persons due to climatic and environmental factors.¹¹⁴

67. In relation to **trafficking in persons**, the Commission notes that according to the report of the United Nations High Commissioner for Human Rights, Antigua and Barbuda adopted a national action

¹⁰⁵ Laws of Antigua and Barbuda, [Offences against the Person Chapter 300](#), 56-57; United Nations Human Rights Council, [Compilation on Antigua and Barbuda: Report of the Office of the United Nations High Commissioner for Human Rights](#), A/HRC/WG.6/39/ATG/2, August 19, 2021, para. 31

¹⁰⁶ UN-Women, [Country Fact Sheet Antigua and Barbuda](#), 2021.

¹⁰⁷ Office of the Prime Minister, [Notes from Cabinet: \(PT2\)](#), June 24, 2021.

¹⁰⁸ IACHR, [Annual Report 2020: Chapter IV.A, section on Antigua and Barbuda](#), p. 304.

¹⁰⁹ Laws of Antigua and Barbuda, Part X, Section 72(2), [Child Justice Act 2015 No. 23 of 2015](#) [published in the Official Gazette Vol. XXXVI No.18 dated March 17, 2016].

¹¹⁰ IACHR, [Report on Corporal Punishment and Human Rights of Children and Adolescents](#), OAS/Ser/L/V/II.135, 135th regular period of sessions, August 5, 2009, para. 3.

¹¹¹ Office of the Prime Minister, Antigua and Barbuda, [Notes from Cabinet \(PT4\)](#), June 3, 2021.

¹¹² Office of the Prime Minister, Antigua and Barbuda, [Notes from Cabinet \(PT5\)](#), June 24, 2021.

¹¹³ Caricom, [Statement by Prime Minister Gaston Browne of Antigua and Barbuda at "Summit of 40 Leaders" on climate change organized by the President of the United States of America Joseph Biden](#), April 22, 2021.

¹¹⁴ IOM, [IOM hosts Successful Workshop on Human Mobility & Climate Change in the OECS](#), February 2, 2021.

plan against trafficking for the 2019 to 2021 period. In addition, the IACHR notes that the State has introduced standard operating procedures for the referral of victims to specialized care agencies.¹¹⁵

68. With respect to the rights of **LGBTI persons**, the Commission reiterates its concern that Section 12 of the Sexual Offences Act, which criminalizes the offense of buggery, remains in force, thereby criminalizing consensual same-sex relations.¹¹⁶ Public information indicates that in July 2020, a constitutional motion was filed against this provision.¹¹⁷

69. The Inter-American Commission has stated that laws that punish a particular group of persons for engaging in a consensual sexual act or practice with another person of the same gender are unacceptable, as they stand in direct opposition to the prohibition of discrimination on the basis of sexual orientation.¹¹⁸ Furthermore, the IACHR reiterates that such laws reinforce preexisting social prejudices and significantly heighten the negative effects that those prejudices have on the lives of LGBTI persons.¹¹⁹

70. In relation to the rights of **indigenous peoples**,¹²⁰ the Commission received information on the denial of the right of the inhabitants of Barbuda to make decisions about their communal lands.¹²¹ Information provided to the IACHR by the Barbuda Council and civil society also reports that after Hurricanes Irma and Maria in 2017—which damaged 95% of buildings in Barbuda¹²²—the Central Government decided on leases for development projects in Barbuda without the full consent of the island’s inhabitants, as required under Section 7 of the Barbuda Land Act of 2007. In addition, the Barbuda Council informed the Commission that Parliament subsequently voted to amend the Barbuda Land Act, changing the status of all Barbuda residents from collective owners¹²³ to private owners.¹²⁴

71. Regarding **persons deprived of liberty**, the IACHR reiterates its concern about the deplorable prison conditions at the country’s only prison, which are contrary to applicable international standards. In this regard, civil society organizations informed the Commission that Her Majesty’s Prison in St. John’s continues to suffer from overcrowding, archaic sanitation facilities, and unhygienic detention conditions in general.¹²⁵ In this context, although the prison population was lower in 2020 than the previous year, the current occupancy level is reportedly still 12% above its maximum capacity.¹²⁶

72. Although the **death penalty** is not mandatory under current legislation, no one is currently under a death sentence in the country, and no executions have taken place since 1991.¹²⁷ The

¹¹⁵ United Nations General Assembly, [Compilation on Antigua and Barbuda Report of the Office of the United Nations High Commissioner of Human Rights](#), August 19, 2021.

¹¹⁶ Sexual Offences Act 1995 (No. 9), Section 12 (Buggery).

¹¹⁷ *Antigua News Room*, [A lawyer is challenging the constitutionality of Antigua and Barbuda’s buggery laws](#), May 8, 2021.

¹¹⁸ IACHR. Report No. 81/13, Case 12.743. Merits. Homero Flor Freire. Ecuador. November 4, 2013, para. 114.

¹¹⁹ IACHR. [Violence against lesbian, gay, bisexual, trans, and intersex people in the Americas](#). OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 56, 74, and 75.

¹²⁰ According to the Inter-American Court in the case *Saramaka People v. Suriname*, people who were brought to the region during the period of colonization share similar characteristics with indigenous peoples due to their special relationship with their ancestral territories, and the manner in which they regulate their own norms, customs, and/or traditions. See I/A Court, *Case of the Saramaka People v. Suriname*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 28, 2007, para. 84.

¹²¹ Information provided to the Commission during meetings with the Council of Barbuda on November 25, 2020, and April 22, 2021.

¹²² Information provided to the Commission during meetings with the Council of Barbuda on November 25, 2020, and April 22, 2021; Relief Web, [After the Hurricane – an overview of the damage Irma and Maria left behind](#), September 22, 2021.

¹²³ Laws of Antigua and Barbuda, Part II, Article 3(1) [The Barbuda Land Act, 2007, No. 23 of 2007](#) [published in the Official Gazette Vol. XXVIII No. 5, January 17, 2007].

¹²⁴ Laws of Antigua and Barbuda, Part II, Article 3(2), [Barbuda Land \(Amendment\) Act 2017 No. 41 of 2017](#) [published in the Official Gazette Vol. XXXVIII No. 8, January 22, 2018].

¹²⁵ Information from civil society group on August 25, 2021; and *Antigua Breaking News*, [Activist to mount legal challenge over poor prison conditions in Antigua and Barbuda](#), April 26, 2021.

¹²⁶ World Prison Brief, [Antigua and Barbuda](#), 2021.

¹²⁷ World Coalition Against the Death Penalty, [Antigua and Barbuda](#), August 5, 2021.

IACHR notes that no progress has been made in abrogating this form of punishment from national law. According to public information, an Advisory Committee on the Prerogative of Mercy was appointed on January 19 in accordance with the provisions of Sections 84 and 85 of the Constitution of Antigua and Barbuda.¹²⁸ The Commission notes that this Committee serves to advise the Governor-General on the granting of pardons and remissions to convicted persons. The Commission once again urges the government to abolish the death penalty.

BAHAMAS

• General Considerations

73. With respect to **progress** achieved by the Commonwealth of The Bahamas, the Commission notes the democratic process that took place during the general elections that permitted electoral observation from international organizations. Furthermore, the IACHR highlights the efforts of the State to fight crime and reduce the backlog of court cases, as well as the decrease in the rates of sexual violence against women. With respect to children and adolescents, the Commission welcomes the implementation of a public alert system to locate missing children, the elimination of all forms of corporal punishment at alternate care institutions for children, and efforts to reduce the number of cases of statelessness among the population. The Commission also takes note of social reintegration programs implemented for persons deprived of liberty.

74. With respect to **challenges**, the Commission notes that the State has not made progress in putting into effect a national human rights system. It further notes the need to create mechanisms to more closely scrutinize political party and electoral campaign financing. Additionally, it takes note of women's limited representation in politics and the complaints about police brutality. At the same time, the IACHR is concerned about the State's immigration policy of responding to forced displacement of people by limiting territorial access, detention, and collective expulsion without considering possible needs for international protection. The IACHR takes note of overcrowding and excessive use of pre-trial detention that persons deprived of liberty face, as well as the existence of the death penalty in the country's domestic legislation.

75. The State did not respond to the request for information to prepare this chapter.

• Specific topics

76. With respect to the cross-cutting pillar of **human rights institutional**ity, the Commission notes that the State has not made headway in implementing a national human rights system or an Office of the Ombudsperson; nevertheless, draft legislation has been prepared in this regard.¹²⁹ The IACHR recalls the importance of the Ombudsperson to address complaints in connection with human rights. At a budgetary level, the IACHR understands that giving effect to human rights means that the State has the obligation to program, allocate, mobilize and spend public resources in keeping with its obligations under international human rights treaties.

77. As for **democratic institutional**ity, the Commission takes note that there were early general elections and monitoring by international organizations of the electoral process. With respect to general elections, the IACHR highlights that in keeping with the country's constitution, elections were to have been held in May 2022.¹³⁰ However, the Prime Minister decided to call early elections for September 16, indicating that this way the electorate could determine the most appropriate party to lead the reconstruction of The Bahamas post COVID-19.¹³¹ According to the Parliamentary Registration

¹²⁸ Laws of Antigua and Barbuda, [The Antigua and Barbuda Constitution Order, Statutory Instruments 1981 No. 1106](#) July 31, 1981.

¹²⁹ Ombudsman Bill, 2017. [A bill an act to provide for the office of Ombudsman.](#)

¹³⁰ Caribbean Elections, [Fact Sheet on Election Dates of Caribbean Countries](#), August 4, 2021.

¹³¹ Bahamas Information Services Updates, [Prime Minister Minnis speaks on general election](#), August 19, 2021.

Department—the agency that manages the country’s elections—the opposition Progressive Liberal Party won 32 of the 39 parliamentary seats with the 7 remaining seats going to the Free National Movement.¹³²

78. The IACHR highlights the observation of the general elections by the OAS, CARICOM, and the Commonwealth,¹³³ and the post-election preliminary statements that voters had cast their vote without “intimidation or fear”¹³⁴ and that the electoral processes had been “credible, inclusive, and transparent.”¹³⁵ Furthermore, the Commission took note of the concerns expressed by the OAS Electoral Observation Mission regarding women’s ongoing underrepresentation in politics and the failure to create mechanisms that allow for a more rigorous scrutiny of political party and electoral campaign finance.¹³⁶

79. The IACHR likewise notes that in keeping with Transparency International’s Corruption Perception Index 2020, The Bahamas fell one point in comparison to 2019 and is now in 29th place.¹³⁷ Additionally, according to the World Justice Project’s Rule of Law Index, The Bahamas placed 9th out of 30 countries in the Latin American and the Caribbean region.¹³⁸ The Commission also takes note that civil society is requesting greater transparency in governance, urging a more transparent process for public servants to divulge their assets, and demanding greater regulation of the campaign finance system.¹³⁹

80. On the issue of **citizen security**, the IACHR takes note of an increase in homicides in the country. The Ministry of National Security reported that the number of homicides from January to May 2021 was 52% higher than the same period in 2020.¹⁴⁰ The IACHR underscores the Government’s efforts to fight crime,¹⁴¹ and in this respect takes note that the Government has integrated emerging technologies in its police operations and inaugurated a Real-Time Crime Center to focus its resources in high-crime areas.¹⁴² The Commission also recognizes the State’s ongoing efforts undertaken from January to May 2021 to remove unlawful firearms from circulation.¹⁴³

81. As for complaints about police brutality, in keeping with information presented by the police, in 2020 a total of 20 police shootings were reported; this figure represents an increase of 54% in comparison to the 13 shootings reported in 2019.¹⁴⁴ In addition to this, information in the public domain indicates that in 2021 different acts of police brutality were reported. The most notable among these were:

¹³² Parliamentary Registration Department, [Press Release](#), September 16, 2021.

¹³³ OAS, [OAS to Deploy Electoral Observation Mission for the September 16 General Elections in The Bahamas](#), September 9, 2021. CARICOM, [Arrival Statement - CARICOM Election Observation Mission to the Bahamas](#), September 15, 2021. The Commonwealth, [Former Jamaican Prime Minister to lead Commonwealth Observer Group, as The Bahamas holds general election](#), September 11, 2021.

¹³⁴ Today CARICOM, [CARICOM Election Observation Mission to the Commonwealth of the Bahamas General Elections: Preliminary Statement](#), September 17, 2021.

¹³⁵ Commonwealth Observer Group, [The Bahamas weathers Hurricane and Covid-19 to hold “credible, inclusive and transparent” elections](#), September 19, 2021.

¹³⁶ OAS, [Preliminary Statement of the OAS Electoral Observation Mission for the General Elections of September 16, 2021 in the Commonwealth of the Bahamas](#), September 17, 2021.

¹³⁷ Transparency International, [Corruption Perceptions Index 2020](#), January 2021, p. 3. The CPI uses a score from 0 (very corrupt) to 100 (very clean) -See p. 4.

¹³⁸ World Justice Project, [WJP Rule of Law Index 2020 performance: The Bahamas](#), 2020, p.1. The universal principles of law of accountability, just laws, open government and accessible and impartial dispute resolution were applied in determining the rank –see p.10.

¹³⁹ The Tribune, [Bahamas ‘Not Doing Enough’ To Fight Corruption Perception](#), August 4, 2021 & Eye Witness News, [TREAD CAREFULLY: Susceptibility to corruption among major issues for The Bahamas, says US report](#), August 4, 2021.

¹⁴⁰ Minister of National Security, [National Security FY 2021 – 2022 Budget Contribution](#), June 9, 2021, pp.26 and 27.

¹⁴¹ Office of the Minister, [Prime Minister Minnis: Tremendous strides made in reforming nation’s policing system](#), February 22, 2021.

¹⁴² Office of the Minister, [Prime Minister Minnis: Tremendous strides made in reforming nation’s policing system](#), February 22, 2021.

¹⁴³ Minister of National Security, [National Security FY 2021 – 2022 Budget Contribution](#), June 9, 2021, pp.26 and 27.

¹⁴⁴ Royal Bahamas Police Force, [2020 Nationwide Crime Statistics](#), 2021, p.30.

beatings, murders, intimidation, and harassment of citizens by the police.¹⁴⁵ The IACHR will continue monitoring cases of alleged police brutality and urges the States to investigate the facts with due diligence, identifying and punishing those responsible and making reparations to victims.

82. With respect to **access to justice**, the IACHR takes note of the adoption of an array of measures to reduce the backlog of court cases and make the justice system more efficient. In this respect, the Supreme Court moved court hearings onto a virtual platform, which reduced the number of cases accumulated in the second quarter of 2020 due to the restrictions imposed by the COVID-19 regulations.¹⁴⁶ Furthermore, the Office of the Attorney General reported that other technological initiatives introduced to modernize and make judicial proceedings more efficient had enabled courts to hold 98 % of its meetings virtually, including all the hearings of the Court of Appeals.¹⁴⁷ Additionally, with the goal of reducing the procedural backlog, the Judicial and Legal Service Commission appointed five justices to the Supreme Court and four judges to lower courts.¹⁴⁸

83. As for **women's human rights**, the IACHR appreciates the funding the Department of Gender and Family Affairs has granted to two local non-governmental non-profit organizations, under the violence prevention program for perpetrators. The aim of this program is to address the deep-seated causes of gender-based violence.¹⁴⁹ It also takes note of the Bahamas Development Bank's launch of its AWE Microloan Program in September 2021. This Program will provide loans to women who have graduated from the Academy for Women Entrepreneurs of the Embassy of the United States, with the aim of promoting gender equality and economic empowerment.¹⁵⁰

84. Furthermore, according to official data, sexual violence against women has decreased 13% in comparison to the previous year, with a total of 131 incidents recorded between January and September 2021—these include rape, attempted rape, incest, and sexual assault—while during the same period in 2020 there were 151.¹⁵¹ Finally, the IACHR takes note that out of the total number of candidates endorsed by political parties for the 2021 General Elections, only 18% are women.¹⁵²

85. As for the **rights of the child**, the Commission takes note of the implementation of a public alert system for missing children, the decision of the State to end corporal punishment at some institutions, and its progress in reducing cases of statelessness. The IACHR highlights the efforts the Government of The Bahamas has undertaken to implement the public alert system, "MARCO ALERT," to locate missing children.¹⁵³ The IACHR further highlights that during a working visit to the country in 2019, the State reported that the amendment of the Child Protection Act of 2013 created the public alert system, but its implementation would begin in 2019 when the Government signed a contract with a private technology firm.¹⁵⁴ The Commission notes that in 2021, a second contract was signed to increase the system's capacity.¹⁵⁵ The Commission will continue monitoring the system's implementation.

¹⁴⁵ Eyewitness News, Videos show alleged officer slapping man to the ground, January 4, 2021; Eyewitness News, [Police shoot and kill man who sought to evade checkpoint at the racing tracks](#), February 1, 2021; Eyewitness News, "They only terrorize us": Some young Bahamian men losing trust in RBPF in light of police brutality claims, March 30, 2021.

¹⁴⁶ Hon. Chief Justice Brian Moree, [At Ceremonies Marking the Opening of the 2021 Legal Year](#), January 13, 2021.

¹⁴⁷ Bahamas Information Service, [Attorney General Explains the Digitalization of the Country's Legal System](#), June 25, 2021.

¹⁴⁸ Bahamas Information Service, [Attorney General Explains the Digitalization of the Country's Legal System](#), June 25, 2021.

¹⁴⁹ The Government of The Bahamas. DGPA continues efforts to address violence with two new grants. May 31, 2021.

¹⁵⁰ BDB. Awe Microloan Program Launched, September 9, 2021.

¹⁵¹ Royal Bahamas Police Force. Meet the Press Nationwide Crime Statistics January- September 2021.

¹⁵² Equality Bahamas, Equality Bahamas Welcomes Women in Parliament to Advocate for Human Rights, September 21, 2021.

¹⁵³ The Tribune, [Marco Alert Moves Step Closer](#), May 28, 2021.

¹⁵⁴ IACHR, [Annual Report, Chapter IV.A "The Bahamas"](#), 2019, para. 57. The Child Protection (Amendment) Bill was enacted in 2014 –See Official Gazette: The Bahamas, Part XIII A, s. 148A, [Child Protection \(Amendment\) Act, 2014](#), May 6, 2014.

¹⁵⁵ The Tribune, [Marco Alert Moves Step Closer](#), May 28, 2021 & Eye Witness News, [Govt signs contracts for Marco's Alert system](#), May 29, 2021.

86. With respect to corporal punishment, the IACHR underscores the State's decision of February 2, 2021, that ended all forms of corporal punishment in institutions for children's alternative care; this, in response to complaints about abuse in the foster care home, Children's Emergency Hostel¹⁵⁶. Nevertheless, the Commission takes note that measures have not been adopted to prohibit corporal punishment at home and at schools, and that this practice is still allowed under Article 110 of the Criminal Code.¹⁵⁷ The IACHR once again urges the State to prohibit all forms of punishment of children and adolescents in all settings.

87. In terms of **persons in the context of human mobility**, the Commission notes with concern the operation of April 8, 2021, which resulted in the detention of migrants with an irregular immigration status in the Bahamas, as well as the destruction of the community known as the *Farm*, located close to *Treasure Cay*, Abaco.¹⁵⁸ In this context, the IACHR notes that a group of United Nations Rapporteurs urged the State to stop the demolition of approximately 600 houses at two informal settlements known as the *Farm* and *Farm Road* on the island of Abaco. They added that if the demolitions scheduled for May 7 were to take place, some 2,000 Haitian migrants, including women and children, would be at serious risk of becoming homeless.¹⁵⁹

88. In addition, the IACHR cautions that the State is implementing an immigration policy aimed at containing the forced displacement of people through measures such as: limiting access to its territory, applying immigration detention, and executing procedures for collective expulsion that do not identify potential needs for international protection.¹⁶⁰ In keeping with official information, at least 1,386 Haitians would have been expelled from the country in 2021.¹⁶¹ Also, the Commission observes that persons who entered outside of regular entry channels are being accused of the crime of illegal entry, as well as of other violations of the Immigration Act. As a result, these people are sentenced to pay a fine and ordered to be expelled from the country. In some cases, they are also made to serve a prison sentence at a State-run correctional center.¹⁶² In this respect, the Commission recalls that the fact that an immigrant is in an irregular situation in a State does not cause harm to any fundamental legal interest that requires protection from the State's correctional authorities. Therefore, the imposition of a penalty for irregular entry, presence, stay, or immigration situation is disproportionate under criminal law.¹⁶³

¹⁵⁶ Our News Bahamas, [Homes to cease corporal punishment](#), February 2, 2021 & The Tribune, [Officials Having 'Vigorous Conversation' On Corporal Punishment In Schools](#), January 22, 2021.

¹⁵⁷ Laws of the Bahamas, [The Penal Code \(1873\)](#) Chapter 84.

¹⁵⁸ IAHR, Request for information letter, Article 18 of American Declaration, May 6, 2021, IACHR Archive.

¹⁵⁹ UNHCR, [UN experts urge the Bahamas to halt plans to demolish 600 homes](#), May 7, 2021.

¹⁶⁰ Bahamas Immigration Department, [52 Foreign Nationals Intercepted in Bahamian Waters](#), October 25, 2021. Bahamas Immigration Department, [Migrants Retrieved from Flamingo Cay](#), September 28, 2021. Bahamas Immigration Department, [An Excess of 400 Illegal Migrants Found in Bahamian Waters](#), September 26, 2021. Bahamas Immigration Department, [337 Migrants in Lawful Custody](#), September 24, 2021. Bahamas Immigration Department, [21 Cuban Migrants Repatriated](#), April 26, 2021. Bahamas Immigration Department, [Migrants Found Residing in Bus Arrested on Abaco](#), April 20, 2021.

¹⁶¹ Bahamas Immigration Department, [234 Haitian Nationals Repatriated to Cap-Haitien, Haiti](#), October 14, 2021. Bahamas Immigration Department, [260 Haitian Nationals Repatriated to Cap-Haitien, Haiti](#), October 6, 2021. Bahamas Immigration Department, [368 Haitian Nationals Convicted in The Magistrate's Court](#), Inagua, October 5, 2021. Bahamas Immigration Department, [516 Haitian Nationals Repatriated to Cap-Haitien, Haiti](#), October 1, 2021. Bahamas Immigration Department, [64 Haitian Nationals Repatriated to Haiti From New Providence](#), August 18, 2021. Bahamas Immigration Department, [65 Haitian Nationals Repatriated to Haiti](#), July 6, 2021. Bahamas Immigration Department, [6 Haitian Nationals Apprehended on New Providence](#), June 10, 2021. Bahamas Immigration Department, [95 Haitian Nationals Repatriated](#), June 3, 2021. Bahamas Immigration Department, [64 Convicted Haitian Nationals Repatriated](#), May 6, 2021. Bahamas Immigration Department, [11 Haitian Nationals Charged in Magistrate's Court](#), April 13, 2021. Bahamas Immigration Department, [64 Haitian Nationals Repatriated from New Providence](#), February 23, 2021. Bahamas Immigration Department, [7 Haitian Migrants Arraigned and Convicted in Grand Bahama](#), January 13, 2021.

¹⁶² Bahamas Immigration Department, [10 Foreign Nationals Charged in The Magistrate's Court, Marsh Harbour](#), September 1, 2021. Bahamas Immigration Department, [Migrants Arraigned In a Freeport Magistrate Court for Illegal Embarkation](#), May 5, 2021. Bahamas Immigration Department, [Migrants Arraigned In a Freeport Magistrate Court for Infractions of Immigration Laws](#), April 29, 2021. Bahamas Immigration Department, [9 Foreign Nationals Convicted in Magistrate's Court](#), April 24, 2021. Bahamas Immigration Department, [2 Foreign Nationals Charged in Magistrate's Court](#), April 22, 2021. Bahamas Immigration Department, [Migrants Arraigned Before Two \(2\) Freeport Magistrates for Infractions of Immigration Laws](#), April 16, 2021.

¹⁶³ IAHR, [Resolution 04/19, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking](#), December 7, 2019, Principle 67.

89. With respect to reducing the number of cases of **statelessness**, the IACHR welcomes the Court of Appeals' judgment of June 21, 2021, which upholds the Supreme Court's judgment of May 2020—this allows children born in the Bahamas to acquire nationality upon birth when one of their parents is Bahamian, regardless of the parents' marital status.¹⁶⁴ Prior to this decision, these children had to wait until they were 18 years old before requesting citizenship.¹⁶⁵

90. In relation to **human trafficking**, the Commission takes note of the Ministry of Security's anti-trafficking awareness campaign titled "no one is for sale," that would attempt to involve the general population in denouncing possible cases of human trafficking.¹⁶⁶

91. As for **persons deprived of liberty**, the IACHR observes overcrowding at Her Majesty's Prison, Fox Hill—the only penitentiary in the country—with a 161.7% level of overcrowding, as well as the high number of persons in prevention detention, which is equivalent to 37% of the total prison population.¹⁶⁷ With regard to recidivism of individuals who have been incarcerated, according to official data, the rate of recidivism fell to 12% in 2020 as compared to 14% in 2019.¹⁶⁸ Likewise, the Government has highlighted its efforts to implement social reintegration programs to make the criminal justice system more effective, in particular through the use of integrated emerging technologies.¹⁶⁹ The IACHR also takes note of the commitment of The Bahamas' to expunge the criminal records of first-time non-violent offenders.¹⁷⁰ According to public information, more than 100 applications have been submitted for the expungement of criminal records.¹⁷¹

92. The Commission takes note that this year the **death penalty** has not been applied, no one has been condemned to death since 2000, and no one is currently on death row. Nevertheless, there has been no progress in eliminating the death penalty from domestic legislation.¹⁷² In this respect, the IACHR once more urges the State to adopt the necessary measures to abolish this punishment.

BARBADOS

- **Overview**

93. Regarding **progress made**, the IACHR applauds the democratic process undertaken for the State's transition to a Republic. In this context, it highlights the election of Sandra Mason as the country's first president and the announcement that a new constitution is to be drafted. It also notes the decrease in crime and the priority placed by the State on the distribution of COVID-19 vaccines to persons deprived of liberty. The Commission also highlights the initiatives adopted to improve accessibility for persons with disabilities and the approval of the National Action Plan to Combat Human Trafficking.

94. As regards **challenges**, the Commission notes its concern regarding the adoption of measures that limit the protection of women victims of violence, the lack of updated information on situations of violence faced by women, the increase in domestic violence cases during the pandemic, and reports of acts of sexual abuse and street harassment against tourists. The IACHR also notes that pretrial detention is enforced in contravention of applicable international standards and that the death penalty

¹⁶⁴ Court of Appeals, [Case# 62: of 2020, the Attorney General AND Shannon Tyreck Rolle et. al](#), June 21, 2021.

¹⁶⁵ IACHR, [Annual Report, Chapter IV.A "Bahamas"](#), 2020, para. 73.

¹⁶⁶ Ministry of National Security, Bahamas, [No one is for sale](#), July 30, 2021.

¹⁶⁷ World Prison Brief, [Bahamas](#), 2021.

¹⁶⁸ Office of the Prime Minister, [Prime Minister Minnis: Tremendous strides made in reforming nation's policing system](#), February 22, 2021.

¹⁶⁹ Office of the Prime Minister, [Prime Minister Minnis: Tremendous strides made in reforming nation's policing system](#), February 22, 2021.

¹⁷⁰ Office of the Prime Minister, [Prime Minister Minnis: Tremendous strides made in reforming nation's policing system](#), February 22, 2021.

¹⁷¹ Bahamas Local, [More than 100 apply to have criminal records expunged](#), May 20, 2021 & The Tribune, [60 Seek Records Expunged](#), May 5, 2021.

¹⁷² World Coalition Against the Death Penalty, [Bahamas](#), August 10, 2021.

remains on the country's statute books. Similarly, the IACHR expresses concern about the criminalization of consensual same-sex sexual relations, and about the lack of equal housing and education opportunities for persons with disabilities. The State did not respond to the request for information for the preparation of this chapter.

- **Specific problems**

95. As regards **human rights institutions**, the IACHR has noted that Barbados has an Office of the Ombudsman,¹⁷³ which is a member of the Caribbean Ombudsman Association,¹⁷⁴ the Commonwealth Forum of National Human Rights Institutions,¹⁷⁵ and the International Ombudsman Institute.¹⁷⁶ The office lost its accreditation as an NHRI in 2001 because it was deemed not to be in compliance with the Paris Principles;¹⁷⁷ it currently operates in the absence of that accreditation. On the other hand, the Commission highlights the training of immigration and security officers of the Defense and Security Division carried out by the Immigration Department, which covered such human rights issues as human trafficking.¹⁷⁸

96. With respect to **democratic institutional**ity, the Commission applauds the democratic process instituted for the State's transition to a Republic. In this regard, it takes particular note of the election of the country's first president and the announcement of the drafting of a new constitution. In its press release of December 10, the IACHR noted that Dame Sandra Mason had officially replaced Queen Elizabeth II as head of state on November 30, and it applauded the formal transition of Barbados to a republican State, eliminating its last colonial link after nearly 400 years of British rule.¹⁷⁹ This was done in accordance with the vote held on October 20, 2021, in which Mason was elected by Parliament as the country's first president, a development that was welcomed by the Commission at the time.¹⁸⁰ The IACHR reiterates that Barbados's transition to a Republic strengthens its democratic institutions and that representative democracy is indispensable for the effective exercise of human rights.

97. In this context, the Republican Status Transition Advisory Committee was created on May 22, 2021, to strengthen the State's transition to a republic.¹⁸¹ In particular, among its other functions, the Committee is responsible for: (i) establishing the necessary constitutional requirements for the transition, (ii) determining the roles of different governmental institutions, and (iii) addressing issues related to the rights and freedoms of the inhabitants of Barbados.¹⁸² The Commission also notes that the Committee was tasked with ensuring full public participation throughout the consultation process.¹⁸³ In addition, in the context of strengthening the country's democratic institutions, the IACHR welcomed the announcement made by the Prime Minister on August 21 regarding the start of public consultations in January 2022 for the drafting of a new constitution.¹⁸⁴

¹⁷³ IACHR, [Annual Report 2020, Chapter IV.A](#), para. 82.

¹⁷⁴ CAROA, [Members](#).

¹⁷⁵ Commonwealth Forum of National Human Rights Institutions, [Barbados](#).

¹⁷⁶ IOI, [Members](#).

¹⁷⁷ GANHRI, Accreditation status as of August 3, 2021.

¹⁷⁸ Barbados Government Information Service, [Training Provided For Immigration Officers](#), June 30, 2021.

¹⁷⁹ IACHR, Press release 333/21, [IACHR welcomes the strengthening of democratic institutional](#)ity in Barbados, through its transition to a Republic. Washington DC, December 10, 2021.

¹⁸⁰ IACHR [@CIDH]. (Oct. 27, 2021). The @IACHR salutes the election of Sandra Mason as the country's first elected president [Tweet]. Twitter. <https://twitter.com/CIDH/status/1453508201983401989?s=20>.

¹⁸¹ IACHR, Press release 333/21, [IACHR welcomes the strengthening of democratic institutional](#)ity in Barbados, through its transition to a Republic. Washington DC, December 10, 2021.

¹⁸² Government Information Service, [Republican Status Transition Advisory Committee](#), May 22, 2021.

¹⁸³ IACHR, Press release 333/21, [IACHR welcomes the strengthening of democratic institutional](#)ity in Barbados, through its transition to a Republic. Washington DC, December 10, 2021. See also: Government Information Service, [Republican Status Transition Advisory Committee](#), May 22, 2021.

¹⁸⁴ IACHR, Press release 333/21, [IACHR welcomes the strengthening of democratic institutional](#)ity in Barbados, through its transition to a Republic. Washington DC, December 10, 2021.

98. Regarding **citizen security**, the Barbados Police Service reported during a public interview that between January 1 and June 5, 2021, and compared to the corresponding period in 2020, a decrease of 26% in the total number of reported crimes, 34% in serious crime, and 47% in the number of homicides.¹⁸⁵ The Commission also notes that although the police data indicate a reduction in serious crime, fear of crime had reportedly increased due to the publicity given to the commission of this type of crimes. The IACHR notes that to address this perception of crime, the Barbados Police Service raised the visibility of its actions and implemented an outreach strategy to strengthen its community ties.¹⁸⁶

99. As regards **access to justice**, the Commission takes note of the launch of an electronic filing system and a Court Case Management System (CCMS) for a more expeditious administration of justice. Thus, on September 15, 2021, the judiciary launched the *APEX Curia* electronic filing system, which was created to manage the duration of cases and evaluate the overall performance of the courts. According to the Bar Association, this tool is expected to improve the processing of civil and family cases.¹⁸⁷ The IACHR further notes that the State launched the CCMS project for the management of case schedules, including cases involving the collection and distribution of child support.¹⁸⁸ According to the State, the success of the CCMS will require additional staff training to improve access to the justice system.¹⁸⁹

100. With reference to the **human rights of women**, the IACHR welcomes the March 2021 launch of the Gender Violence in the Workplace Project,¹⁹⁰ in collaboration with UN-Women, which seeks to increase knowledge on the subject through various training tools. However, the IACHR notes the lack of updated information on situations of violence faced by women. In that regard, it points to the 2020 statistics, which show a 38% increase in domestic violence cases during the pandemic.¹⁹¹ It also expresses concern about reports of sexual abuse and street harassment against tourists.¹⁹² At the same time, the IACHR regrets the Appeals Court's decision that adds a time limit to the definition of "former spouse" contained in the Domestic Violence Protections Orders Act, restricting access to protection orders by those women victims of violence who are no longer in a relationship with their aggressors.¹⁹³

101. Regarding the **rights of persons deprived of liberty**, the IACHR is concerned about the denial of bail for certain types of offenses and the spread of COVID-19 among detainees at Dodds Prison, the country's sole penitentiary. The IACHR notes that under the Bail (Amendment) Act,¹⁹⁴ persons charged with serious firearms offenses or homicide cannot apply for bail: instead, those suspected of such offenses must be remanded in custody for 24 months, unless a High Court judge determines that the case against the accused is "weak."¹⁹⁵ According to available information, a judge of the Barbados High Court ruled on May 18 that the Bail (Amendment) Act was unconstitutional as it violates the fundamental rights of the accused, including personal liberty, the presumption of innocence, and the right to a fair trial.¹⁹⁶ In that context, the IACHR calls on the State to implement the necessary measures to reduce the use of preventive custody and to guarantee that it is enforced on an exceptional basis and is constrained by the principles of

¹⁸⁵ *Barbados Today*, [Senior police official says it's the fear of crime that's on the rise](#), June 11, 2021.

¹⁸⁶ *Barbados Today*, [Senior police official says it's the fear of crime that's on the rise](#), June 11, 2021.

¹⁸⁷ The Barbados Bar Association, [Launch of the APEX Curia electronic filing system at the Supreme Court](#), September 15, 2021.

¹⁸⁸ Government Information Service, [Court Case Management System Project Launched](#), June 23, 2021.

¹⁸⁹ Government Information Service, [Court Case Management System Project Launched](#), June 23, 2021.

¹⁹⁰ Barbados Government Information Service. [New Project Links Well With Women's Day Theme](#), March 4, 2021; *Barbados Today*. [B'dos and UN partner on project to stamp out gender-based violence](#), March 2, 2021.

¹⁹¹ Barbados Government Information Service. [Domestic Violence Increased with COVID-19](#), March 2, 2021.

¹⁹² *Barbados Today*. [Authorities help British guests to recover from mental, physical harm after attack](#), July 10, 2021; *Business Insider*. [Why I Left a Remote Work Year in Barbados Early](#), July 24, 2021.

¹⁹³ Barbados Judicial System. [Domestic Violence \(Protection Orders\)](#); *Barbados Today*. [#BTSpeakingOut-Protect us: don't limit the law](#), October 20, 2021; The world news, [#BTColum - A former spouse's response \(Part 1\)](#), June 15, 2021.

¹⁹⁴ Barbados Parliament, [Bail \(Amendment\) Act, 2019-13](#), April 4, 2019. This Act amends Section 5 of the Bail Act of Barbados. See Barbados Parliament, [Chapter 122A. Bail 1996-28](#), December 2002.

¹⁹⁵ Barbados Parliament, [Section 5A. 1\(d\). Bail \(Amendment\) Act, 2019-13](#), April 4, 2019.

¹⁹⁶ *Barbados Today*, [Murder and weapons accused can't be remanded for two years to qualify for bail](#), May 18, 2021.

the presumption of innocence, legality, exceptionality, proportionality, rationality, and necessity. In particular, it is recommended that the State regulate and implement alternative measures, such as bail.

102. The Commission also notes that according to public information, in September 2021 the State prioritized the vaccination of persons detained at Dodds Prison. The Commission applauds this decision, which is in line with the call made in IACHR Resolution 1/21 on COVID-19 vaccines for States to prioritize the vaccination of persons who are at greater danger of infection due to their special situations of risk.¹⁹⁷

103. With respect to the **death penalty**, the Commission notes that the number of persons sentenced to death remains at 10, as reported by the IACHR in 2020,¹⁹⁸ and that no progress has been made with removing this penalty from the statute book. This is despite the fact that no executions have been carried out since 1984.¹⁹⁹ The IACHR once again urges the State to abolish capital punishment.

104. As regards the rights of **LGBTI persons**, the IACHR notes that the proposed “Charter of Barbados” includes protection against discrimination on the grounds of gender and sexual orientation.²⁰⁰ Nevertheless, the Commission notes with concern that Chapter 154, Section 9, of the Sexual Offences Act, which criminalizes same-sex relations between consenting adults, remains in force, as does the offense of “serious indecency.”²⁰¹

105. The Inter-American Commission has stated that laws that punish a particular group of persons for engaging in a consensual sexual act or practice with another person of the same gender are unacceptable, as they stand in direct opposition to the prohibition of discrimination on the basis of sexual orientation.²⁰² Furthermore, the IACHR reiterates that such laws reinforce preexisting social prejudices and significantly heighten the negative effects that those prejudices have on the lives of LGBTI persons.²⁰³

106. With respect to the **rights of children and adolescents**, the Commission notes that the Ministry of Home Affairs prohibited the use of prolonged solitary confinement as a disciplinary measure at the Government Industrial School (GIS), a public institution responsible for providing alternative care for minors.²⁰⁴ The Commission notes that the decision was taken by the government at the conclusion of its investigation into the abuse—reported on social networks—of one of the residents of the Industrial School for Girls, who was stripped naked and placed in solitary confinement.²⁰⁵ According to information from the government, the incident was the culmination of several years of this practice.²⁰⁶ In this respect, the IACHR notes that the State began an investigation into the facts and into disciplinary practices at the GIS, imposed an immediate ban on that form of punishment,²⁰⁷ and appointed a new board of directors for the institution.²⁰⁸

¹⁹⁷ IACHR, [Resolution No. 01/2021 on COVID-19 vaccines and inter-American human rights obligations](#), April 6, 2021.

¹⁹⁸ IACHR, [Annual Report, Chapter IV.A “Barbados.”](#) 2020, para. 90.

¹⁹⁹ World Coalition Against the Death Penalty, [Barbados](#), August 30, 2021.

²⁰⁰ Government of Barbados, [Proposed Charter of Barbados](#), September 24, 2021.

²⁰¹ Sexual Offences Act, Chapter 154, Section 9 (Buggery), and Sexual Offences Act, 2002, Chapter 154, Section 12.

²⁰² IACHR. Report No. 81/13, Case 12.743. Merits. Homero Flor Freire. Ecuador. November 4, 2013, para. 114.

²⁰³ IACHR. [Violence against lesbian, gay, bisexual, trans, and intersex people in the Americas](#). OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 56, 74, and 75.

²⁰⁴ *Toronto Caribbean*, [Appalling situation at Government Industrial School Barbados](#), March 31, 2021.

²⁰⁵ *Barbados Loop News*, [Minister promises investigation into Government Industrial School](#), March 16, 2021.

²⁰⁶ Government Information Services, Press conference on the Government Industrial School, March 20, 2021. (PMO), March 20, 2021.

²⁰⁷ *Toronto Caribbean*, [Appalling situation at Government Industrial School Barbados](#), March 31, 2021.

²⁰⁸ Barbados Today, [Governmental Industrial School gets new board](#), March 20, 2021.

107. Regarding the **rights of persons with disabilities**, the Commission takes note of the initiative for adequate management of public spaces²⁰⁹ and the adaptation of public transport to facilitate access by persons with disabilities.²¹⁰ Similarly, the IACHR has recorded the challenges faced by such persons in accessing adequate housing²¹¹ and the education system, under conditions of equality.²¹²

108. In relation to **trafficking in persons**, the IACHR notes that the 2021-2023 National Action Plan to Combat Human Trafficking was approved at the beginning of the year, with the aim of determining the nature and scope of this crime at the national level.²¹³ It also takes note of the development of e-learning modules by the Attorney General's Office to train immigration agents, customs officials, and the Royal Barbados Police on human trafficking issues.²¹⁴

BELIZE

• General

109. Concerning **progress** made by the Government, the Commission highlights the efforts to investigate and punish acts of corruption. It likewise observes the measures taken to lower the backlog of judicial cases. The IACHR also highlights actions taken to launch a campaign against gender-based violence and to implement a plan to advance children's rights. It welcomes the measures taken to prioritize the protection of migrant children, the COVID-19 vaccination of persons in human mobility, and the granting of special work permits to asylum-seekers in the country. Finally, the Commission takes note of the actions undertaken by the State for the protection of and eventual reparations to persons of African descent, and highlights the inter-agency agreement between Belize and Honduras to protect victims of trafficking.

110. As for **challenges**, the IACHR notes that the new Ombudsman has not yet been appointed. The Commission is concerned about the increase in homicide reports in some districts of the country and about the low percentage of women appointed to decision-making positions nationally. The Commission also expresses deep concern about reports of an increase in cases of child sexual abuse and the vulnerability of children in the context of the pandemic. On the other hand, it cautions the practice of arresting migrants and reiterates the lack of progress by the State with abolishing the death penalty.

111. The State did not respond to the request for information for the preparation of this chapter.

• Specific Issues

112. On the cross-cutting axis of **human rights institutions**, the IACHR takes note of the institutional change promoted in the office of the Ombudsman. In this context, the Commission calls for the appointment of a new head of the institution²¹⁵ and for strengthening the body under the principles of independence and autonomy in accordance with the Paris Principles to promote and protect human rights in the country.

113. On the other hand, the IACHR has pointed out that a complementary aspect of human rights institution-building is the revision of fiscal policies and state budgets to finance human rights. In this regard, the Commission takes note of the information published by the Ministry of Finance to promote

²⁰⁹ Barbados Advocate, [Disabled community to benefit from green space project](#), November 3, 2021.

²¹⁰ Barbados Advocate, [Lack of housing for persons with disabilities a concern](#), March 19, 2021.

²¹¹ Barbados Advocate, [Lack of housing for persons with disabilities a concern](#), March 19, 2021.

²¹² Barbados Today, [Disabled still excluded](#), October 1, 2021.

²¹³ Government of Barbados, [Barbados Has A Human Trafficking National Action Plan](#), March 29, 2021.

²¹⁴ Caricom Today, [Barbados receives critical training in their fight against Human Trafficking](#), January 26, 2021.

²¹⁵ Love FM News, [Ombudsman Arzu Demits Office](#), April 2, 2021.

transparency in budget forecasts.²¹⁶ This presupposes that the Government has timely, complete, sufficient, and reliable data and information to make the decisions that will give effect to human rights.²¹⁷

114. Likewise, as part of the institutional framework to promote and protect the human rights of vulnerable individuals and groups, the IACHR notes the reformulation and relaunch of the Joint Sexual Violence Prevention and Response (JSVPR) Programme, within the global *Spotlight* initiative. This program proposes ending sexual violence against women within the Belize Security Forces and would provide services in response to acts of sexual violence.²¹⁸ The IACHR recalls the importance of promoting capacity-building on the causes and consequences of gender-based violence for security personnel and other public servants throughout the government.²¹⁹

115. Concerning **democratic institutional**ity, the Commission notes the Government's efforts to combat corruption and, in particular, to enforce the Prevention of Corruption Act against officials involved in acts of corruption. With respect to the fight against corruption, public information indicates that the Government announced that it would investigate all acts of corruption committed in previous years.²²⁰ In this context, the Supreme Court of Belize issued a ruling on the unconstitutionality of the use of public funds by the former Prime Minister and the Minister of Finance without the approval of the National Assembly of Belize.²²¹

116. As to enforcement of the Prevention of Corruption Act (2007), the IACHR notes that the Government filed a complaint under Articles 3 and 4 of that Act concerning the investigation of the former Minister of Finance for embezzlement of government resources for private purposes.²²² Thus, on September 7, 2021, the former Minister of Finance was charged with corruption, abuse of authority, and for causing harm to the public while in office.²²³ Accordingly, the Commission recalls that the obligation of governments to investigate any conduct that harms the rights protected by the American Convention holds regardless of which officials may eventually be indicted for such violations. In addition, where the conduct in question may involve the participation of state agents, governments have a special obligation to clarify the facts and to prosecute those responsible.²²⁴

117. As for **citizen security**, the Commission notes an increase in crime by organized criminal groups, particularly in the Southside of Belize City. Accordingly, the IACHR notes that 125 homicides were reported during January and December 2021, a 23% increase over the 102 homicides reported in 2020.²²⁵ The Commission also notes that most of the killings during the period were in the districts of Belize City and Cayo, with 53.6% and 24.8%, respectively.²²⁶

²¹⁶ Ministry of Finance, [Web page with downloads on budgeting and public expenditure](#).

²¹⁷ IACHR, [Public Policy with a Human Rights Approach](#), OEA/Ser.L/V/II. Doc. 191, September 15, 2018.

²¹⁸ Breaking Belize News, [Government ministers review newly formulated Joint Sexual Violence Prevention and Response \(JSVPR\) Programme](#), August 17, 2021; Government of Belize Press Office, [The Spotlight Initiative Hosts High Level Briefing to Review and Approve the Joint Sexual Violence Prevention and Response Programme](#), August 16.

²¹⁹ IACHR, ["Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean"](#), OEA/Ser.L/V/II. Doc. 233, November 14, 2019.

²²⁰ Channel 5 News, [PM Briceno to reveal & take action against corruption carried out during the Barrow Administration!](#), December 30, 2020.

²²¹ Channel 5 News, [Supreme Court Declares G.O.B.'s \\$1.5 Billion Expenditure Unconstitutional](#), January 31, 2021.

²²² News 5 Live, [In investigating Montero's dealings during his term...](#), January 6, 2021.

²²³ WIC News, [Belize: Former UDP Minister Montero used public money to build "private farm," face criminal charges](#), September 7, 2021, and Laws of Belize, Sections 284 and 309, [Criminal Code, Chapter 101, Revised Edition 2000](#), December 31, 2000.

²²⁴ IACHR, [Corruption and Human Rights in the Americas: Inter-American Standards](#), OEA/Ser.L/II. Doc. 236, December 6, 2019, para. 264.

²²⁵ Belize Crime Observatory, [Major Crimes Dashboard](#), January-December 2021.

²²⁶ Belize Crime Observatory, [Major Crimes Dashboard](#), January-December 2021.

118. The Commission also notes that the Belize Police Force (BPF) identified the Southside of Belize City as a focus of armed violence and crimes perpetrated by organized criminal groups.²²⁷ As a result, on August 18, 2021, the Government declared a state of emergency in that area, in accordance with article 18 (3) of the Constitution of Belize.²²⁸

119. As for **access to justice**, the Commission notes the Government's efforts to lower the backlog of cases in the country. Accordingly, the IACHR notes that the Judicial Reform and Institutional Strengthening (JURIST) Project, in conjunction with the Belize Judiciary, would be working to establish procedures and systems to reduce and prevent court delays. Also, in February 2021, this project started to provide technical assistance to achieve a better enforcement of the rules, procedures, and practices related to the Lower Court of Appeals.²²⁹ The Commission notes that the JURIST Project has trained court officials, judicial staff, and other stakeholders, and has revised the existing rules and procedures to enhance access to justice for the people of Belize.²³⁰

120. Regarding **the human rights of women**, the IACHR notes that, within the framework of the 16 days of activism around the International Day for the Elimination of Violence against Women, the National Women's Commission launched a Resource Package that seeks to involve the government, non-governmental organizations, and the private sector in an activism campaign to further the struggle against gender-based violence.²³¹ Conversely, the Commission highlights that official records report a drop in the cases of violence against women compared to 2020. Accordingly, from January to September 2021, there were six femicides, 10 rape cases, 35 cases of statutory rape (under age 16), and 1,391 reports of family violence against women, as compared to 2020, which reported nine femicides, 20 rape cases, 45 cases of statutory rape (under age 16), and 1,918 reports of domestic violence against women.²³² In addition, the IACHR notes the low representation of women in decision-making positions. According to official information, a mere 4% of cabinet positions are held by women and only 20% of local representatives are female.²³³

121. Concerning **children's rights**, the Commission expresses deep concern for the cases of child sexual abuse in the country. According to the Ministry of Human Development and the Office of the Special Envoy for the Development of Families and Children, 220 sexual abuse reports were received during January to June 2021, in comparison to the 366 reports received in 2020.²³⁴ Also according to official information, sexual abuse is still the second most reported form of child abuse in Belize. The Government has recognized the need to increase the protection of children, since the COVID-19 pandemic would have increased their vulnerability to such incidents.²³⁵ The Commission urges the Government to take all necessary measures to guarantee their safety and provide them with medical and psychological care. It recalls that States have a strong obligation to take specific and special measures, and to incorporate a holistic, multi-sectoral and comprehensive approach that addresses the structural and endemic causes of violence, in particular sexual violence.²³⁶

²²⁷ Statement by the Commissioner of Police, [State of Emergency Called for Ten Areas in Belize City](#), August 19, 2021.

²²⁸ Press Office of the Government of Belize, [A Proclamation Declaring a State of Public Emergency in the Southside of Belize City: Statutory Instrument Number 89 of 2021](#), August 18, 2021.

²²⁹ JURIST News, [Belize Inferior Court appeals rules and procedures revised. Issue 18. February-May 2021](#), May 2021.

²³⁰ JURIST News, [Belize Inferior Court appeals rules and procedures revised. Issue 18. February-May 2021](#), May 2021.

²³¹ National Women's Commission, [NWC-16 Days of Activism Resource Packet](#), November 5, 2021.

²³² Belize Crime Observatory, [Gender-Based Violence](#), 2021.

²³³ National Women's Commission, [Women in Belize Stats](#).

²³⁴ Ministry of Human Development, Families and Indigenous Peoples' Affairs, the Office of the Special Envoy for the Development of Families & Children, and the National Committee for Families and Children, [Joint Statement](#), August 24, 2021, published by Ambergris Caye as [Joint Statement on Sexual Abuse](#) on August 25, 2021.

²³⁵ Ministry of Human Development, Families and Indigenous Peoples' Affairs, the Office of the Special Envoy for the Development of Families & Children, and the National Committee for Families and Children, [Joint Statement](#), August 24, 2021, published by Ambergris Caye as [Joint Statement on Sexual Abuse](#) on August 25, 2021.

²³⁶ IACHR, [Report 233/19. Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean](#), November 14, 2019, paras. 239 and 240.

122. On another note, the Commission highlights the Government's partnership with UNICEF to implement the 2021-2022 Work Plan of the Sustainable and Child-Friendly Municipalities Initiative (SCFMI). According to official information, this is a rights-based, child-centered initiative that seeks to support the implementation of programs that promote children's rights in municipalities.²³⁷

123. As for **persons in human mobility**, the IACHR notes the actions taken by the Government in June 2021, to validate the Protocol for the Care of Accompanied and Unaccompanied Migrant Children in Belize. According to official information, this protocol is governed by national, regional, and international conventions that give priority to children's rights to life, survival, security, and shelter.²³⁸

124. The Commission welcomes the decision of the Ministry of Health and Welfare to facilitate COVID-19 vaccination for asylum seekers, refugees, and migrants holding identity cards issued by Belizean authorities or by authorities from their country of origin.²³⁹ According to UNHCR information, the Government has decided to grant special work permits to 600 asylum-seekers in the country. The UNHCR stresses the significance of this decision in the current context of recovering from the socio-economic impacts of the pandemic.²⁴⁰ The Commission notes that the Human Rights Commission of Belize (HRCB), in conjunction with the UNHCR, will be offering asylum-seekers in the country access to legal services.²⁴¹

125. Finally, the Commission notes with concern that, according to the Belize Crime Observatory, the number of persons deprived of liberty rose in June 2021, due to the detention of migrants from neighboring Central American countries such as El Salvador, Guatemala, and Honduras.²⁴²

126. Concerning **the rights of persons of African descent and against racial discrimination**, the Commission notes the motion submitted by the first deputy minister and member of the House of Representatives regarding the plan of reparative justice for the transatlantic trafficking in enslaved persons and slavery in British Honduras. According to public information, the Government proposes presenting the case to determine whether the United Kingdom is responsible for the illegal seizure, transport, and subsequent enslavement of African people in Belize under the British colonial regime up to 1833. If it is found liable, the United Kingdom, among other things, should provide reparations, on behalf of the enslaved, to their descendants in Belize, the then British Settlement in the Bay of Honduras.²⁴³ In this context, the IACHR encourages Belize to continue pursuing comprehensive reparation measures for people of African descent and tribal communities for serious human rights violations, in the framework of discrimination and related forms of intolerance based on ethnic-racial origin.

127. With regard to **human trafficking**, the Commission notes that the Governments of Belize and Honduras are taking inter-agency measures to protect persons from this crime. These actions are reportedly aimed at: (i) discussing and analyzing the trends and dynamics of the crime of human trafficking; (ii) identifying the support services offered by both countries; and (iii) establishing a road map for the protection of victims.²⁴⁴

128. Regarding the **death penalty**, the Commission notes a lack of progress in striking it from the statutory books, even though the State has not carried out executions since 1985 and no person is

²³⁷ Press Office of the Belize Government, [Ministry of Local Government Signs SCFMI Rolling Work Plan with UNICEF](#), June 1, 2021.

²³⁸ Government of Belize, [Press Release Cabinet Brief](#), July 20, 2021.

²³⁹ UNHCR, ["UNHCR, the UN Refugee Agency, and the Ministry of Health & Wellness Belize announce to asylum seekers, refugees, and migrants living in Belize, that they can receive the COVID-19 vaccine."](#) April 26, 2021.

²⁴⁰ UNHCR, [Fact Sheet April-June 2021](#), June 22, 2021, p. 1.

²⁴¹ UNHCR, [Fact Sheet April-June 2021](#), June 22, 2021, p. 2.

²⁴² Belize Crime Observatory, [InfoSegura Project: Analysis of the State of the Violence and Citizen Security \(January to June 2021\)](#), July 2021, p. 7.

²⁴³ Breaking Belize News, [Belize to support regional reparations movement and present own case](#), October 27, 2021.

²⁴⁴ IOM, [Belize and Honduras join efforts to prevent trafficking in persons](#), May 31, 2021.

currently sentenced to death.²⁴⁵ The IACHR once again urges the State to work toward the abolition of the death penalty.

129. As for the **rights of indigenous peoples**, the Commission notes that, according to civil society organizations, on June 16, 2021, the Supreme Court ruled that the Jalacte community had the right to free, prior, and informed consent to its customary lands. In particular, the Court noted that the State had violated the constitutional rights of the Mayan peoples, determined that it was responsible for returning the lands taken without community consent, and ordered the payment of compensation equivalent to 3.12 million dollars.²⁴⁶

130. The Commission emphasizes that the decision of the Supreme Court of Belize, in addition to being a fundamental recognition of territorial rights and reparation for the Jalacte Maya community, represents an important advance in the application of compliance with human rights conventions by domestic courts.

BOLIVIA

• General considerations

131. In the course of 2021, the IACHR took note of **progress** made in Bolivia, including measures for modernizing the justice system and ensuring access to justice with a gender and diversity perspectives, as well as actions to prevent violence against women and LGBTI persons and initiatives to guarantee the rights of persons of African descent.

132. In addition, the IACHR supports the commitment of the State to address the recommendations of the final report of the Interdisciplinary Group of Independent Experts (GIEI-Bolivia) to ensure the right to justice and reparation for the victims of the human rights violations committed in the last quarter of 2019.

133. The IACHR also notes **challenges** in the area of human rights, mainly the prevalence of situations of violence motivated by historic social tensions and on occasion fomented by racial discrimination, with negative impacts on citizen security.

134. The State responded to the request for information sent by the IACHR for preparing this chapter.

• Specific issues

135. In the area of the **institutional framework for human rights**, the IACHR takes note of the designation of the Office of the Human Rights Ombudsperson (Defensoría del Pueblo) as the National Mechanism for the Prevention of Torture.²⁴⁷ In addition, the Commission notes the work of the Office of the Human Rights Ombudsperson as the national human rights institution by the signing and execution of interinstitutional agreements for the promotion of human rights²⁴⁸ and for carrying out training

²⁴⁵ World Coalition Against the Death Penalty, [Belize](#), August 30, 2021.

²⁴⁶ Cultural Survival, [Maya Peoples Win Lawsuit against Belize Government for Violating Land Rights](#), June 23, 2021.

²⁴⁷ Official Gazette: [Modifica la Ley N° 870 de 13 de diciembre de 2016, del Defensor del Pueblo](#), September 29, 2021.

²⁴⁸ Office of the Human Rights Ombudsperson: Defensoría del Pueblo y la ONG CDC firman un convenio de cooperación interinstitucional para la promoción de los derechos humanos, March 18; Office of the Human Rights Ombudsperson: Defensoría del Pueblo y SEO TV firman un acuerdo para la promoción de los derechos humanos y la prevención de la violencia en las provincias, March 22; Office of the Human Rights Ombudsperson: Defensoría del Pueblo firma convenios con las Alcaldías de Cobija y Porvenir para fortalecer la atención a las poblaciones en situación de vulnerabilidad, July 23. Defensoría del Pueblo sella alianza con 4 medios de comunicación de Sucre para promover y difundir los derechos humanos, August 13. Defensoría del Pueblo firma convenios con cuatro medios de comunicación de Trinidad y San Borja para promover los derechos humanos, September 2. Defensoría del Pueblo y cuatro medios de comunicación de Potosí acuerdan trabajar en la promoción de los derechos humanos, September 22; Office of the Human Rights Ombudsperson: Defensoría del Pueblo y Comité de Género del Órgano Judicial y Tribunal Constitucional firman un convenio de Cooperación Interinstitucional, July 29; Office of the Human Rights Ombudsperson, Dirección General de Migración y Organizaciones trabajan en la reglamentación de dos decretos en favor de los migrantes, September 1; Office of the Human Rights Ombudsperson: La Defensoría del Pueblo firma convenios de cooperación interinstitucional con Tiahuanaco, Guaqui y Taraco en favor

activities.²⁴⁹ Nonetheless, the IACHR notes no titular ombudsperson has been designated; the Office is currently steered by an interim Ombudsperson.²⁵⁰

136. As for the democratic institutional framework, the Commission noted that elections were held for departmental, regional, and municipal authorities, without reports of any incidents affecting the celebration of the elections in peaceful conditions. In this respect, reports from the observation missions concluded that the election process was successful.²⁵¹

137. As regards **citizen security**, the State reported on the creation of a Gender Unit within the Bolivian Police to investigate reports of physical, psychological, and sexual violence against women.²⁵² Moreover, the IACHR takes note of the implementation of the plans “Mi Barrio Seguro” and “Bol-110,” whose objective is crime prevention and response.²⁵³

138. The IACHR also followed up on situations of violence reported during demonstrations in Bolivia as from November 8, 2021.²⁵⁴ According to information from the Office of the Ombudsperson, in that context the death of one person was reported in Potosí – it is currently under investigation²⁵⁵ – as well as attacks on and obstacles to the exercise of journalism²⁵⁶, confrontations among citizens²⁵⁷, threats against persons who exercise social leadership or who hold public office²⁵⁸, and acts of harassment directed against the Casa de la Mujer in Santa Cruz²⁵⁹, among others.

de las poblaciones vulnerables, August 31; Office of the Human Rights Ombudsperson: Defensoría del Pueblo y CECASEM se unen para trabajar en la defensa de los derechos de los pueblos indígenas; Office of the Human Rights Ombudsperson: Defensoría del Pueblo y el Municipio de Curahuara de Carangas acuerdan para prevenir la violencia, July 20.

²⁴⁹ Ministry of Defense: [Ministerio de Defensa, SEPRET y FF.AA capacitan contra tortura y atropello a derechos humanos en la entidad Castrense](#), March 31; Office of the Human Rights Ombudsperson: [Defensoría del Pueblo capacitará a la Policía boliviana en el ejercicio y vigencia de los derechos humanos](#), April 6; Office of the Human Rights Ombudsperson: [Defensoría del Pueblo lanza la segunda versión del curso virtual especializado “Derechos Humanos y Trata de Personas.”](#) July 30.

²⁵⁰ Página siete, [Tras dos años de interinato, elección de Defensor del Pueblo no está en agenda en la ALP](#), February 9.

²⁵¹ OAS, [Informe preliminar de la Misión de Observación Electoral de la OEA sobre las elecciones departamentales, regionales y municipales de Bolivia celebradas el 7 de marzo de 2021](#), March 10, 2021; [Unión Interamericana de Organismos Electorales, Reporte Ejecutivo Informe sobre Elecciones Subnacionales en Bolivia](#), March 2021; [Parlamento del Mercosur, Informe de la Misión de Observación Electoral en las elecciones de autoridades departamentales, regionales y municipales del Estado Plurinacional de Bolivia](#), March 8, 2021.

²⁵² Plurinational State of Bolivia, Verbal note MPB-OEA-NV204-21, Informe sobre la situación de los Derechos Humanos en el Estado Plurinacional de Bolivia para su inclusión en el informe anual 2021 de la CIDH, October 15, 2021. In the archives of the IACHR and Vice Ministry of Communication. [Ministro de Gobierno anuncia la creación de una Unidad de Género para investigar denuncias de violencia física y psicológica](#), March 8, 2021.

²⁵³ Presidency of the Plurinational State of Bolivia, [Presidente Arce destaca implementación del Bol-110 y plan Mi Barrios Seguro](#), November 8, 2021 and ATB Digital, [Presidente Arce destaca el proyecto Bol-110 y Mi Barrio Seguro para resguardar la seguridad de la población](#), November 8, 2021.

²⁵⁴ The Commission received information on demonstrations motivated mainly by disagreements on the part of some social sectors with the “National Strategy to Fight the Legitimation of Illicit Earnings and the Financing of Terrorism” (Law No. 1386). According to official information, this law was subsequently repealed by Law 1409, which was published in the Official Gazette on November 17, 2021. See: IACHR, Press Release No. 311/21, [IACHR Calls for Stronger Consensus-Building Dialogue in Bolivia](#), November 19, 2021.

²⁵⁵ Office of the Human Rights Ombudsperson, [Defensoría asiste a la autopsia medico-legal de Basilio Titi Tipolo](#), November 10, 2021.

²⁵⁶ Office of the Human Rights Ombudsperson, [DEFENSORÍA DEL PUEBLO CONDENA AFECTACIÓN A TRABAJADORES DE LA PRENSA Y DEMANDA AL ESTADO PROTECCIÓN Y GARANTÍAS PARA SU LABOR PERIODÍSTICA](#), November 9, 2021, and [DEFENSORÍA DEL PUEBLO RECHAZA LA AFECTACIÓN A LA LIBERTAD DE EXPRESIÓN Y CONDENA LA AGRESIÓN A TRABAJADORES DE LA PRENSA DURANTE LAS MOVILIZACIONES LA PAZ](#), November 18, 2021.

²⁵⁷ Office of the Human Rights Ombudsperson, [Defensoría asiste a la autopsia medico-legal de Basilio Titi Tipolo](#), November 10, 2021.

²⁵⁸ Office of the Human Rights Ombudsperson, [LA DEFENSORÍA DEL PUEBLO EXHORTA A DEPONER ACTITUDES DE INTOLERANCIA Y A SENTARSE A LA MESA DE DIÁLOGO EN POTOSÍ](#), November 10, 2021.

²⁵⁹ Office of the Human Rights Ombudsperson, [DEFENSORÍA DEL PUEBLO REPROCHA ACTOS DE HOSTIGAMIENTO CONTRA LA CASA DE LA MUJER EN SANTA CRUZ](#), November 15, 2021.

139. Based on the information received, the IACHR issued an appeal to strengthen dialogues for generating points of consensus in Bolivia.²⁶⁰ The Commission notes that historical social tensions in Bolivia have an impact on the situation of citizen security and the general human rights situation, as was brought to light during the November 2021 demonstrations. Accordingly, the IACHR reiterates the importance of bringing about an environment conducive to dialogue, reconciliation, and the easing of latent tensions and hostilities in Bolivian society.

140. As regards **access to justice and judicial independence**, the State reported on measures implemented in 2021 to ensure and improve effective access to criminal justice by means of IT tools, with gains in access to electronic records of cases processed by the Office of the Attorney General and the Supreme Court of Justice.²⁶¹ The State noted that the process of improving the IT systems is also used to facilitate access by various institutions of the criminal justice system to the information needed to reduce overcrowding in prisons.²⁶²

141. In addition, the State reported on training of the personnel the Office of the Attorney General for protecting the rights of women, LGBTI persons, and other populations in situations of vulnerability.²⁶³ Along the same lines, the State reported that the Departmental Courts of Justice received guidelines for administering justice with gender, intersectional, and intercultural perspectives²⁶⁴, which the IACHR considers a positive development. The State also highlighted the working groups for addressing judicial backlogs in the various jurisdictions.²⁶⁵

142. As regards access to justice for the serious human rights violations committed in the last quarter of 2019, the Commission notes the submission of the final report by the Interdisciplinary Group of Independent Experts (GIEI-Bolivia) on August 17, 2021.²⁶⁶ In this respect, the IACHR reiterates that it welcomes the acceptance by the Plurinational State of Bolivia of the installation of the GIEI and its offer to the experts – as well as their technical team – of the conditions necessary for carrying out their work in a climate of security, free from interference.²⁶⁷ In addition, the Commission is pleased to observe the willingness expressed by the State to carry out the recommendations of the GIEI-Bolivia.²⁶⁸

143. Along those lines, the IACHR took note of the repeal of Presidential Decree 4461 “Granting Amnesty and Pardon for Humanitarian Reasons and for Persons Persecuted for Political Reasons,” mindful of the observations of the GIEI-Bolivia.²⁶⁹ The Commission notes that while the Decree had aims that may be consistent with inter-American standards for handling complaints of political persecution, it included

²⁶⁰ IACHR, Press Release No. 311/21, [IACHR Calls for Stronger Consensus-Building Dialogue in Bolivia](#), November 19, 2021.

²⁶¹ Plurinational State of Bolivia, Verbal note MPB-OEA-NV204-21, Informe sobre la situación de los Derechos Humanos en el Estado Plurinacional de Bolivia para su inclusión en el informe anual 2021 de la CIDH, October 15, 2021. Pp. 8 and 16.

²⁶² Plurinational State of Bolivia, Verbal note MPB-OEA-NV204-21, Informe sobre la situación de los Derechos Humanos en el Estado Plurinacional de Bolivia para su inclusión en el informe anual 2021 de la CIDH, October 15, 2021. P. 11.

²⁶³ Plurinational State of Bolivia, Verbal note MPB-OEA-NV204-21, Informe sobre la situación de los Derechos Humanos en el Estado Plurinacional de Bolivia para su inclusión en el informe anual 2021 de la CIDH, October 15, 2021. Pp. 11 and 12.

²⁶⁴ Plurinational State of Bolivia, Verbal note MPB-OEA-NV204-21, Informe sobre la situación de los Derechos Humanos en el Estado Plurinacional de Bolivia para su inclusión en el informe anual 2021 de la CIDH, October 15, 2021. P. 12.

²⁶⁵ Plurinational State of Bolivia, Verbal note MPB-OEA-NV204-21, Informe sobre la situación de los Derechos Humanos en el Estado Plurinacional de Bolivia para su inclusión en el informe anual 2021 de la CIDH, October 15, 2021. P. 12.

²⁶⁶ IACHR, Press Release 215/21, [IACHR Attends Report Submission Ceremony for the Interdisciplinary Group of Independent Experts on Bolivia](#), August 17, 2021.

²⁶⁷ IACHR, Press Release No. 215/21 [IACHR Attends Report Submission Ceremony for the Interdisciplinary Group of Independent Experts on Bolivia](#), August 17, 2021.

²⁶⁸ Presidency of the Plurinational State of Bolivia, [Presidente recibe informe del GEIE que corrobora el golpe de Estado y anuncia aplicar sus recomendaciones](#), August 17, 2021.

²⁶⁹ Presidency of the Plurinational State of Bolivia, [Presidential Decree 4571](#), October 21, 2021 and Presidency of the Plurinational State of Bolivia, [Presidente recibe informe del GEIE que corrobora el golpe de Estado y anuncia aplicar sus recomendaciones](#), August 17, 2021.

vague and indeterminate language that could have a negative impact on the right to truth, justice, and reparation of victims of human rights violations.²⁷⁰

144. The IACHR also took note of the judicial proceedings for the crimes of sedition, terrorism, and conspiracy against various persons, including some of those who held public office during the last quarter of 2019.²⁷¹

145. In this respect, the Commission highlighted the recurrence of complaints of acts and patterns of judicial persecution of political opponents, in different administrations of the Government of the Plurinational State; such persecution, it was reported, was carried out by using the criminal statutes on sedition and terrorism, among others.²⁷² Along those lines, without prejudging the specific criminal cases, the IACHR reiterates, as it did in its press release, that certain national laws on anti-terrorism violate the principle of legality by including definitions of terrorism that inevitably end up being excessively broad and vague.²⁷³

146. On the situation of **persons in human mobility**, the IACHR takes note of the adoption of Supreme Decree No. 4576 of August 26, 2021, which makes it possible to regulate – for up to two years – the immigration status of those persons who are in Bolivia with irregular status.²⁷⁴ It was also learned that the Ministry of Health and Sports, in conjunction with the International Organization for Migration (IOM), authorized the registration of foreign persons in the Single Health System in order to provide free access to comprehensive health services to migrants, and in particular to the populations in vulnerable circumstances.²⁷⁵

147. As regards **human trafficking**, the Commission takes note of the strategy adopted by the State to prevent human trafficking by awareness-raising and giving visibility to this crime.²⁷⁶ It also highlights the actions carried out by the Plurinational Council against Trafficking and Smuggling of Persons to analyze the amendments to the Comprehensive Law against Trafficking and Smuggling of Persons, number 263, whose objective is to fight the trafficking and smuggling of persons and related crimes and to guarantee the fundamental rights of the victims by consolidating measures and mechanisms for prevention, protection, attention, prosecution, and criminal punishment of these offenses.²⁷⁷ The IACHR observes that according to reports by the State, in all 200 victims were reported, 70% of them children and adolescents, in the first half of 2021.²⁷⁸

²⁷⁰ The IACHR sent a letter requesting information from the State on this Decree. In that letter, the Commission shared its main concerns with the State regarding the ambiguity in its drafting and it reiterated applicable inter-American standards.

²⁷¹ BBC, [Detienen a Jeanine Áñez en Bolivia por el “caso golpe de Estado” contra Evo Morales](#), March 12, 2021.

²⁷² IACHR, Press Release No. 62/21, [IACHR Urges Bolivia to Respect Inter-American Standards for Due Process and Access to Justice and Stresses the Country’s Obligation to Investigate and Punish Anyone Responsible for Human Rights Violations Committed in the Context of the 2019 Electoral and Institutional Crisis, and to Ensure Comprehensive Reparations for Victims and their Families](#), March 16, 2021.

²⁷³ IACHR, [Report on Terrorism and Human Rights](#), para. 226 and IACHR, Press Release No. 62/21, [IACHR Urges Bolivia to Respect Inter-American Standards for Due Process and Access to Justice and Stresses the Country’s Obligation to Investigate and Punish Anyone Responsible for Human Rights Violations Committed in the Context of the 2019 Electoral and Institutional Crisis, and to Ensure Comprehensive Reparations for Victims and their Families](#), March 16, 2021.

²⁷⁴ Official Gazette, Bolivia, [Regularización excepcional migratoria de personas extranjeras que se encuentran en territorio boliviano en situación irregular: Decreto Supremo N° 4576](#), August 25, 2021.

²⁷⁵ Ministry of Health and Sports, Bolivia, [“SUS habilita inscripción para atención gratuita en salud a migrantes que viven en Bolivia.”](#) September 5, 2021. IOM, [“El Ministerio de Salud y Deportes de Bolivia y la OIM cierran la Campaña de Adscripción de la Población Migrante al Sistema Único de Salud”](#), September 22, 2021. Ministry of Health and Sports, Bolivia, [“Cerca De 2.000 Migrantes Que Viven En Bolivia Podrán Acceder A Atención En Salud Gratuita Mediante El Sus.”](#) September 22, 2021.

²⁷⁶ Vice-Ministry of Communication of Bolivia, [En el primer semestre 2021: 70% de los casos de trata y tráfico involucran a menores](#), September 23, 2021.

²⁷⁷ Ministry of Justice and Institutional Transparency, Bolivia, [Consejo Intersectorial Impulsa Acciones contra la Trata y Tráfico de Personas](#), April 5, 2021.

²⁷⁸ Vice-Ministry of Communication of Bolivia, [En el primer semestre 2021: 70% de los casos de trata y tráfico involucran a menores](#), September 23, 2021.

148. As regards the rights of **LGBTI persons**, the State informed the IACHR of Resolution 1/2021 of the National Committee against Racism and All Forms of Discrimination, on crafting policies of respect for LGBTI persons in all public institutions for the purpose of preventing discrimination.²⁷⁹

149. The IACHR received information from civil society organizations regarding acts of discrimination during the pandemic, including the proliferation of stigmatizing and pathologizing messages to LGBTI persons, violations of the rights of trans persons engaged in sex work, discrimination against older, indigenous, and peasant LGBTI persons, and LBT women, as well as the undersupply of medicines for persons living with HIV.²⁸⁰ The IACHR recognizes the commitment of the State to incorporate a gender-diversity perspective in the measures to address the pandemic in response to the complaints from civil society.²⁸¹

150. The IACHR also received information on the lack of systematic and disaggregated statistical information to understand and address the phenomenon of violence against LGBTI persons in Bolivia. In that connection, the IACHR regrets the reported assassination of a 19-year-old trans woman in Cochabamba.²⁸²

151. As regards the **rights of older persons**, the Office of the Human Rights Ombudsperson reported a 104% increase in complaints referring to violations of the human rights of older persons, of which there were 1,027 as of July 2020; and as of July 2021 the figure to date for 2021 totaled 2,094 cases.²⁸³ According to the report by that Office, there were reports of violations of dignity, preferential treatment, individual private property and holdings, due process guarantees, and access to justice.

152. As regards the rights of **Afro descendant persons and against racial discrimination**, the State reported on the program “Solidarity Social Fellowships” (“Becas Social Solidaria”), geared to students with scant economic resources, social organizations, Indigenous nations and peoples, peasant communities, and intercultural and Afro-Bolivian communities for university studies. In addition, the State reported that the Office of the Human Rights Ombudsperson and the National Afro-Bolivian Council (CONAFRO: Concejo Nacional Afroboliviano) signed a framework agreement for interinstitutional collaboration that will enable them to implement joint actions to contribute to implementing the Decade of the Afro-Bolivian People.²⁸⁴

153. In its monitoring work the IACHR also observed that Municipal Law No. 1038 was promulgated in the municipality of Cochabamba; it guarantees the protection and promotion of the cultural, material, and non-material heritage of the Afro-Bolivian people. That law is aimed at preserving their identity and fostering, protecting, revitalizing, and disseminating the rights of those persons.²⁸⁵

154. The Commission encourages the State of Bolivia to continue making progress with the adoption of special measures to guarantee the rights of Afro descendant persons and to eradicate racial discrimination.

155. As regards the rights of **persons with disabilities**, the Commission took note of the Ombudsperson Resolution that made recommendations aimed at ensuring the right to protest for persons

²⁷⁹ Plurinational State of Bolivia, Verbal note MPB-OEA-NV204-21, Informe sobre la situación de los Derechos Humanos en el Estado Plurinacional de Bolivia para su inclusión en el informe anual 2021 de la CIDH, October 15, 2021.

²⁸⁰ IACHR, Attachment to Press Release [165/21](#), July 2, 2021.

²⁸¹ Expressed during the thematic hearing “Situation of the rights of LGBTI persons in Bolivia in the context of the COVID-19 pandemic,” held during the Commission’s 180th period of sessions. See IACHR, Attachment to Press Release [165/21](#), July 2, 2021.

²⁸² Opinión, [Colectivos LGBT toman las calles y piden justicia tras la muerte de mujer trans](#), February 8, 2021.

²⁸³ Plurinational State of Bolivia, Office of the Human Rights Ombudsperson, [Defensoría del Pueblo alerta que se duplica la cantidad de denuncias por vulneraciones de los derechos de las personas adultas mayores](#), August 26, 2021.

²⁸⁴ Plurinational State of Bolivia, Información para el Informe de la Comisión Interamericana de derechos 2021, October 15, 2021, MPB-OEA-NV204-21, pp. 19 and 21, document submitted to the IACHR.

²⁸⁵ Office of the Mayor of Cochabamba, [La alcaldía promulga la ley municipal que protege el patrimonio cultural del pueblo afroboliviano](#), October 19, 2021; see also Opinión, [Cochabamba "protege" la cultura del pueblo afroboliviano con una ley](#), October 9, 2021.

with disabilities, and issuing instructions for police personnel that establish a protocol for action during demonstrations that involve persons with disabilities.²⁸⁶

156. The Commission has received reports on the persistence of barriers to accessing medical services, the lack of accessibility for engaging in transactions in the public administration, and the violations entailed in the low number of interpreters for persons with auditory disability.²⁸⁷

157. As regards the rights of **children and adolescents**, the IACHR welcomes the approval, by the Legislative Assembly, of the reforms to the Code on Children and Adolescents, amended by the Law on Abbreviated Procedures for Guaranteeing Restitution of the Human Rights to the Family for Children and Adolescents.²⁸⁸ According to the official information, the purpose of that reform is to facilitate and expedite the procedures of temporary urgent or exceptional protection (*acogimiento circunstancial*), judicial determination of filiation (*filiación judicial*), extinction of paternal or material authority, and adoption, with the aim of ensuring restitution of the right to the family for children and adolescents without parental care who are under the extraordinary tutelage of the State.

158. In addition, the IACHR learned of the introduction of a bill to create a national scholarship program for orphaned children and adolescents who are victims of COVID-19, with scant resources, at a superior professional level in technical and technological programs and undergraduate higher education.²⁸⁹

159. On **persons deprived of liberty**, the IACHR observes with concern that of the countries of the region, Bolivia is fourth in the percentage of persons deprived of liberty who are being held in pretrial detention. In particular, according to official data, 65% of persons facing charges are held in pretrial detention.²⁹⁰ According to civil society organizations, this figure is closer to 70%.²⁹¹

160. In this regard the Commission notes that these figures show that pretrial detention is not being used in keeping with its exceptional nature. In addition, civil society groups informed the IACHR of the increased use of pretrial detention.²⁹² In this context, the IACHR urges the State to adopt the measures necessary to reduce its use and to ensure it is applied exceptionally and limited by the principles of presumption of innocence, legality, exceptionality, proportionality, rationality, and necessity.

161. With respect to the **rights of women**, the Commission notes the installation of the National Commission for Monitoring Cases of Femicide²⁹³ and the legislative proposal of the Office of the Human Rights Ombudsperson for the creation of a bond for children who are orphans as a result of

²⁸⁶ Office of the Human Rights Ombudsperson, Ombudsperson Resolution DP/AVEDH/No. 02/2021, January 12, 2021.

²⁸⁷ Office of the Human Rights Ombudsperson, [Defensoría del Pueblo posibilita atención médica para una mujer con discapacidad](#), November 18, 2021; [Defensoría del Pueblo culmina actividades del Plan Al Encuentro con el pueblo del municipio de Bolpebra](#), November 17, 2021; [Defensoría del Pueblo realizar taller de sensibilización sobre Derechos Humanos de las Personas con Discapacidad dirigido a servidores públicos de la alcaldía alteña](#), October 30, 2021; [Defensoría del Pueblo restituye derechos de persona que vive con VIH/SIDA a quien se negó internación en salud mental del Hospital Bracamonte por su enfermedad de base](#), November 18, 2021; [Defensoría del Pueblo posibilita renovación de cédulas de identidad de estudiantes con discapacidad del centro San Benito del Norte Potosí](#), October 22, 2021; [Página siete, En Bolivia solo hay 40 intérpretes para unos 50 mil sordos](#), September 25, 2021; [La voz de Tarija, Personas ciegas de Yacuiba dan 72 horas a la Gobernación para firmar convenio con el IBC](#), September 20, 2021.

²⁸⁸ Plurinational Legislative Assembly, [Law to amend Law No. 548 of July 17, 2014. "Code on Children and Adolescents," amended by Law No. 1168 of April 12, 2019, on Abbreviated procedure for guaranteeing restitution of the human right to the family of children and adolescents](#), May 1, 2021.

²⁸⁹ Office of the Human Rights Ombudsperson, [Proyecto de ley para garantizar subsidio alimenticio para niñas niños y adolescentes en orfandad por Covid-19](#), July 12, 2021.

²⁹⁰ World Prison Brief, Institute for Crime & Justice Policy Research, [World Prison Brief data - Bolivia](#), 2021.

²⁹¹ IACHR, [Public hearing: "Use of virtual hearings in criminal proceedings in the region in the context of the COVID-19 pandemic."](#) 180th regular period of sessions, June 30, 2021. Information provided by civil society organizations.

²⁹² IACHR, [Public hearing: "Use of virtual hearings in criminal proceedings in the region in the context of the COVID-19 pandemic."](#) 180th regular period of sessions, June 30, 2021. Information provided by civil society organizations.

²⁹³ Ministry of Justice and Institutional Transparency. [Justicia pone en marcha Comisión Nacional de Seguimiento para Casos de Femicidio](#), March 10, 2021.

femicide²⁹⁴. In addition, the Commission takes note of the publication of the Protocol for processing information on gender-based violence²⁹⁵, which establishes guidelines for standardizing the processing of such information²⁹⁶; in addition, the Commission notes regulation of the procedure for addressing complaints of workplace harassment and sexual harassment of women in the workplace applicable to both the public and private sectors.²⁹⁷

162. Nonetheless, the IACHR notes with concern official figures that report 97 femicides from January 1 to November 8, 2021, and 32,016 cases of family or domestic violence.²⁹⁸ In addition, the IACHR reiterates its concern over the persistence of cases of sexual violence, especially against girls and adolescents.²⁹⁹ The IACHR observes with concern the persistent reports of political violence against women, with 23 reports from January to November 2021, according to official data.³⁰⁰

163. As for sexual and reproductive rights, the IACHR notes with concern the publicly available information that points to Bolivia as one of the countries with the highest rates of teenage pregnancy in the region³⁰¹ According to official figures, from January to July 2021 there were 22,221 pregnancies in persons under 18 years of age; an increase is anticipated towards yearend.³⁰²

164. Moreover, the IACHR expresses concern over the persistent *de facto* limitations that stand in the way of girls and adolescent females accessing the legal interruption of pregnancies in cases of statutory rape and rape (*estupro* and *violación*). According to information provided to the IACHR, only 8% of 277 health care providers at 44 health centers nationwide know in which cases a legal interruption of a pregnancy may be performed.³⁰³

165. At the same time, the Commission notes the reports from civil society with respect to the barriers and lack of access to sexual and reproductive health services, particularly in rural areas during the COVID-19 pandemic. Such barriers include demanding a negative test as a condition for accessing the services, as well as the limited provision of these services at hospitals.³⁰⁴ The IACHR also observes that the COVID-19 pandemic became the leading cause of death of pregnant women in Bolivia, with a rate of 10.1 per 100,000 live births.³⁰⁵

²⁹⁴ Office of the Ombudsperson: “Aprueban normativas propuestas por la Defensoría del Pueblo en favor de hijas e hijos de víctimas de feminicidio y para prevenir la violencia en Camargo,” March 11, 2021; Congress: “Comisión mixta admite propuesta de bono para huérfanos por feminicidios” May 4, 2021.

²⁹⁶ Ministry of the Presidency. [Protocolo para el Tratamiento informativo de violencia basada en género](#), October 2021.

²⁹⁷ Plurinational State of Bolivia, Informe del Estado Plurinacional de Bolivia solicitado por la CIDH – Capítulo IV A – Informe Anual de la CIDH 2021, Document submitted to the IACHR, undated, p. 20, in the archive of the IACHR. Ministry of Labor, Employment, and Social Security. [Ministerial Resolution No. 196/2021](#), March 3, 2021.

²⁹⁸ Office of the Attorney General. [Feminicidios Reporte 08-11-2021](#), November 8, 2021; Office of the Attorney General. [Delitos de la Ley 348 \(08-11-2021\)](#), November 8, 2021.

²⁹⁹ Office of the Attorney General. [Delitos de la Ley 348 \(08-11-2021\)](#), November 8, 2021.

³⁰⁰ Office of the Attorney General. [Delitos de la Ley 348 \(08-11-2021\)](#), November 8, 2021.

³⁰¹ IACHR, Press Release 287/2021 [IACHR Urges Bolivian State to Comply with Obligation to Protect Girls and Adolescents from Sexual Violence and Guarantee Their Sexual and Reproductive Rights](#), November 2, 2021.

³⁰² In this regard, according to public information, from January to August 2021 there were 1,372 pregnancies in girls under 15 years of age, and 20,849 pregnancies in adolescents ages 15 to 19. See: Guardiania. [Hay 6 embarazos en menores de 15 años por día y la mayoría es fruto de violaciones](#), September 20, 2021, and Ministry of Health and Sports. [Salud promueve encuentro nacional de adolescentes y jóvenes para prevenir embarazo no deseado](#), September 30, 2021.

³⁰³ IACHR, [Hearing on the situation of sexual and reproductive rights in Bolivia](#), 182nd period of sessions, December 13, 2021; Office of the Human Rights Ombudsperson. [Persiste desconocimiento e incumplimiento de procedimientos para la interrupción legal del embarazo en establecimientos de salud](#), June 30, 2021.

³⁰⁴ IACHR. [Hearing on sexual and reproductive rights in the context of the COVID-19 pandemic](#). 179th period of sessions, March 26, 2021.

³⁰⁵ United Nations, Human Rights Council. [Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng – Sexual and reproductive health rights: challenges and opportunities during the COVID-19 pandemic](#) A/76/172, July 16, 2021, para. 30.

166. In addition, the Commission takes note of the lack of gender parity in candidacies for public office during the subnational elections of 2021, highlighting that only 14% of the candidates for mayors' offices were women, and only 8% of gubernatorial candidates.³⁰⁶

167. As regards the **rights of indigenous peoples**, the Commission received information on mobilizations of the peoples of the Oriente, the Bolivian Amazon, and the Bolivian Chaco in defense of their territories, identity, and culture, to demand of the Government respect for their lands, protesting the invasion and destruction of their territories.³⁰⁷

168. The IACHR was informed of the reactivation of the Chepete and El Bala hydroelectric project by the state-owned Empresa Nacional de Energía Eléctrica (Ende), whose implementation would negatively impact more than 5,000 members of indigenous communities who live in the areas of the Madidi National Park and Integrated Management Area and the Pilón Lajas Biosphere Reserve and Indigenous Community Land, in the department of La Paz. Press reports indicate that one member of the national coordinating group for indigenous territories and protected areas Coordinadora Nacional de Defensa de Territorios Indígenas Originarios Campesinos y Áreas Protegidas (Contiocap) noted that implementation of the project would entail the forced displacement of the communities from the territory.³⁰⁸

169. In addition, the Commission takes note of the continuation of the activities of extractive enterprises, including in mining, forestry, oil, and hydroelectric power. The Commission has also noted complaints because of the invasion by peasants and drug-trafficking interests of the spaces and areas occupied by indigenous peoples in voluntary isolation, placing these peoples in an even more vulnerable situation³⁰⁹ and at risk of extinction.

170. The IACHR further underscores the information with regard to instituting a criminal trial for the crimes of racism and discrimination after the affront to the Wiphala flag and other incidents in the department of Santa Cruz.³¹⁰ Similarly, the report of the Office of the Human Rights Ombudsperson concluded that the state policy on prevention and management of COVID-19 lacks an intercultural, differentiated approach that takes account of cultural belonging, such as native language, cosmovision, ancestral traditional medicine, and that the Epidemiological Notification Data Sheet of the Ministry of Health does not include a section for the cultural identification of patients suspected of or actually having COVID-19.³¹¹

171. As regards **memory, truth, and justice**, the IACHR welcomes the delivery of the Report of the Truth Commission to the Presidency of the Republic and the installation of Houses of Memory (Casas de la Memoria) in different regions of Bolivia.³¹² The IACHR received information from civil society organizations and victims of the dictatorship who criticized the limits in the actions and results of the work of the Truth Commission and denounced state initiatives that have restricted access to measures of reparation for the human rights violations that were perpetrated from 1964 to 1982.³¹³ In this respect, the

³⁰⁶ Conferencia Americana de Organismos Electorales Subnacionales por la Transparencia Electoral. [Bolivia. Elecciones Subnacionales 2021: el cierre de un ciclo electoral accidentado y maratónico](#), March 7, 2021.

³⁰⁷ CNN español. [Marcha indígena en contra de la destrucción de sus territorios en Bolivia llegará a Santa Cruz la próxima semana](#). September 24, 2021.

³⁰⁸ Mongabay. [Bolivia: temor en seis pueblos indígenas por la reactivación del proyecto hidroeléctrico Chepete-El Bala](#). September 7, 2021.

³⁰⁹ CEJIS. [Informe sobre situación de los pueblos indígenas en aislamiento voluntario](#). 2021.

³¹⁰ El País. [Un incidente con la bandera indígena agrava la polarización política boliviana](#). September 28, 2021.

TelesurTv. [Bolivia abre proceso penal tras ultraje a la Wiphala](#). September 25, 2021.

³¹¹ Office of the Human Rights Ombudsperson. [Informe sobre falta de protección reforzada de naciones y pueblos indígena originarios altamente vulnerables en Bolivia, durante la pandemia COVID-19](#). Approved January 19, 2021.

³¹² Ministry of Justice, [Comisión de la Verdad entrega al Presidente Arce el Informe Final de Violaciones de DDHH en Dictaduras](#), March 22, 2021; Ministry of Justice, [Casa de la Memoria, marco normativo y seguro de salud como resarcimiento de daños a víctimas de dictaduras](#), March 3, 2021; TeleSur TV, [Pdte. de Bolivia anuncia la creación de las Casas de la Memoria](#), August 21, 2021.

³¹³ At the hearing "Memory, truth and justice in Bolivia: The work of the Truth Commission."

Commission reiterates its appeal to disseminate to the public the findings of the Truth Commission and to further pursue the forums for dialogue with victims to guarantee their rights.

BRAZIL

• General considerations

172. The Commission takes note of the **progress** that different State institutions have made in adopting interinstitutional measures for the implementation of human rights programs, especially in the areas of gender, human mobility, racial discrimination, and human rights defenders. The IACHR also welcomes the promulgation of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance³¹⁴, which was ratified on May 12, 2021³¹⁵.

173. Concerning **challenges**, the IACHR notes with concern legislative actions that would threaten the rights of indigenous peoples. It also notes the reversals in the areas of memory, truth, and justice, as well as those in the rights of children and adolescents. The IACHR also underscores the challenges in the area of citizen security due to the increase in cases of police violence leading to deaths from the excessive use of force. The Commission further notes challenges to democratic institutions in connection with the independence of the different branches of government.

174. On October 15, 2021, the State submitted its response to the request for information sent for the preparation of this chapter³¹⁶.

• Cross-cutting themes

175. Concerning **human rights institutions**, among the measures adopted, the Commission welcomes the plan of the Public Defenders' Office (DPU) and the UN High Commissioner for Refugees (UNHCR)³¹⁷ to assist migrants and refugees; the DPU agreement with the Brazilian Association of Afro-descendant Investigators (ABPN) to promote activities to combat racism³¹⁸; the coordination between the National Human Rights Council (CNDH), the Federal Prosecutor's Office (MPF), the DPU, and the Chamber of Deputies Commission to monitor human rights violations³¹⁹; the updating of the National Pact for the Eradication of Forced Labor, which a number of states and municipalities have signed onto³²⁰; the creation of the National Program to Combat Violence against Children and Adolescents, under the ministries of Women, Family, and Human Rights³²¹; as well as the launch of reports on torture and institutional violence in the prison system³²².

176. The IACHR also welcomes the new regulation providing for the creation of mechanisms for the promotion of human rights in federal public administration units³²³; the updating of Decree No. 9937/2019 on the program for the protection of human rights defenders, communicators, and

³¹⁴ [Presidência da República](#), Brasil, [Decreto nº 10.932](#), of January 10, 2022

³¹⁵ OEA, [Instrumento de ratificación](#), Presidente da República Federativa do Brasil, May 12, 2021

³¹⁶ Missão Permanente do Brasil junto à Organização dos Estados Americanos, Nota No. 401, 15 de outubro de 2021. Anexo, República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, 15 de outubro de 2021, págs. 12 y 13, Documento sometido a la CIDH para su inclusión en Informe Anual 2021

³¹⁷ Defensoria Pública da União [DPU e Acnur onsolidam plano conjunto de atenção a migrantes e refugiados](#), June 22, 2021

³¹⁸ Defensoria Pública da União: [DPU e ABPN assinam acordo histórico para ações de combate ao racismo](#), May 24, 2021

³¹⁹ Conselho Nacional dos Direitos Humanos - [CNDH articula com MPF, DPU e comissão da Câmara dos Deputados atuação conjunta para monitorar violação de direitos humanos](#), May 21, 2021

³²⁰ República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, October 15, 2021, pp. 12 and 13, Document submitted to the IACHR for inclusion in the Annual Report 2021.

³²¹ Presidência: [Governo lança programa de enfrentamento da violência contra crianças e adolescentes](#), May 17, 2021.

³²² Defensoria Pública da União: [DPU lança informe sobre tortura e violência institucional no sistema prisional](#), August 16, 2021

³²³ Correio Braziliense, [Ações de Direitos humanos passam a ser exigidas em órgãos públicos](#), June 19, 2021

environmentalists³²⁴. Similarly, it welcomes the approval of the bill institutionalizing the program for the protection of human rights defenders in Rio de Janeiro³²⁵.

177. Nonetheless, the Commission observes with concern the institutional weakening widely reported in the available public sources³²⁶ and noted by the IACHR in its 2021 country report³²⁷. The IACHR takes particular note of action to weaken the institutions and forums for social participation charged with public policy on socioenvironmental matters, indigenous peoples, Afro-descendants, housing, health, and social protection mechanisms for workers³²⁸.

178. Concerning **access to justice**, the IACHR takes note of the launch of the National Strategy for the Promotion of Justice Policies (EJUS) through Ordinance No. 864/2019 of the Ministry of Justice and Public Security, which operates through interinstitutional coordination with entities of the Justice System³²⁹. It also takes note of Law No. 14.253, passed on December 1, 2021, increasing the number of magistrates in the five Federal Regional Courts (TRF)³³⁰.

179. Concerning **democratic institutions**, the IACHR acknowledges the soundness of democratic institutions in Brazil, but notes the conflict between the different branches of government – in particular, the challenges to the independence of the judicial system reflected in the current administration's attacks against the Supreme Court. The Commission especially notes the public statements of the President of the Republic indicating that he “might cancel” or “cannot permit” the 2022 elections, referring to “maintaining the current electoral system.” According to the available public sources, Brazil's Supreme Court has become one of the principal checks on the President's initiatives, including his alleged attempt to suspend the law on access to information³³¹.

180. It should also be pointed out that the IACHR has noted the dissemination of false information (“fake news”) by State agencies, especially related to institutional management of the COVID-19 pandemic³³². Here, the Commission notes the progress of the Supreme Court's investigations³³³, as well as the procedures adopted by a parliamentary investigation committee³³⁴.

181. Within this context, through available public sources, the IACHR also took note of the use of the National Security Law, which dates back to the days of the military dictatorship, to intimidate human rights defenders critical of the current administration. The Commission points out that this act, repealed in

³²⁴ Diário Oficial: [DECRETO Nº 10.815](#), September 27, 2021

³²⁵Proposições 2019/2023 - [Projeto de Lei N11061/2019. Programa Estadual de Proteção aos Defensores de Direitos Humanos Comunicadores Sociais e Ambientalistas – PEPDDH/RJ](#)

³²⁶ El País, [O método Bolsonaro: um assalto à democracia em câmera lenta](#), July 18, 2021

³²⁷ IACHR, Country Report, **Error! Hyperlink reference not valid.**[Situation of human rights in Brazil](#) <https://brasil.elpais.com/brasil/2021-07-18/o-metodo-bolsonaro-um-assalto-a-democracia-em-camera-lenta.html>, February 12, 2021.

³²⁸ IACHR, Country Report, **Error! Hyperlink reference not valid.**[Situation of human rights in Brazil](#), February 12, 2021.

³²⁹ República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, October 15, 2021, pg. 17, Document submitted to the IACHR for inclusion in the Annual Report 2021.

³³⁰ Conjur, [Bolsonaro sanciona lei que aumenta em 41% o número de juízes dos TRFs](#), December 1, 2021

³³¹ Human Rights Watch, [Bolsonaro threatens democratic rule](#), September 15, 2021

³³² Brasília, [Presidente da Anvisa critica fake news e antivacinas: 'É criminoso'](#), January 20, 2022

³³³Gov.br, [Nota Pública do Conselho Nacional dos Direitos Humanos em repúdio a ataques à liberdade de expressão por meio da indevida aplicação da Lei de Segurança Nacional](#), March 31, 2021; Folha de S. Paulo, [Conheça 20 atingidos por investigações de crimes da Lei de Segurança Nacional e críticas a Bolsonaro](#), May 2, 2021, updated September 2, 2021; CNN, [6 points to understand the fake news investigation in the STF that reached Bolsonaro](#), August 4, 2021.

³³⁴ Senado Federal, [Comissão Parlamentar Mista de Inquérito - Fake News](#).

2021³³⁵, was also used to justify judicial proceedings against people who subverted democratic institutions, the rule of law, and judicial independence in Brazil³³⁶.

182. Concerning **citizen security**, the State informed the IACHR that it was advancing initial strategies to finance projects for improving the Service for the Care of Victimized Police in the Military Police of Rio de Janeiro and another to promote psychological services and the mental health of members of the Federal Highway Police. It also stated that the activities promoted for the prevention and control of violence and crime in Brazil include the monitoring of Community Public Safety Councils, as well as state and municipal crime prevention programs³³⁷. The State also reported on the "Public safety in the promotion of racial equality" project, whose main objective is to train members of the Unified Public Security System (SUSP) in the promotion of ethnic and racial equality³³⁸.

183. The Commission nonetheless expresses concern about cases of police violence that have resulted in deaths in the favelas. The IACHR especially condemns the police raids of May 6, 2021, in the Jacarezinho favela in Rio de Janeiro State, which left 28 civilians dead, and of November 20 and 22, 2021, which resulted in the deaths of at least nine civilians³³⁹. The Commission reminds Brazil of its duty to ensure compliance with international standards governing the use of force, based on the principles of legality, proportionality, and absolute necessity with a view to reforming its public security policies. At the same time, it urges the State to punish acts of institutional violence associated with patterns of racial discrimination.

- **Specific topics**

184. Concerning the rights of **indigenous peoples**, in 2021 the Commission expressed its concern about a series of bills that could constitute serious setbacks for the rights of indigenous peoples. These proposals were related, among other things, to the denunciation of Convention 169 of the International Labour Organization (ILO) on Indigenous and Tribal Peoples, limitations on the demarcation of indigenous territories, and the weakening of legal protections against extractive, agroindustrial, energy, and infrastructure activities on indigenous land³⁴⁰. The Commission also expressed its concern about the development and application of the "temporal landmark thesis" by the Federal Supreme Court, whereby in complaints involving the right to collective property, indigenous peoples would only have the right to claim territories they held when the Federal Constitution was passed in 1988³⁴¹.

185. Concerning the Yanomami and Munduruku indigenous peoples, the Commission, jointly with the Regional Office for South America of the United Nations High Commissioner for Human Rights, expressed its extreme concern about the acts of violence against these peoples and urged the State to comply with its duty to protect the lives, personal integrity, territories, and natural resources of these peoples³⁴². On January 4, 2020, the Commission granted precautionary measures in favor of members of the Guajajara and Awá indigenous peoples of the Araribóia Indigenous Land, the latter group in voluntary

³³⁵ Câmara Dos Deputados, [Sancionada com vetos a lei que revoga a Lei de Segurança Nacional e define crimes contra a democracia](#), September 2, 2021.

³³⁶ Folha de S. Paulo, [Moraes, do STF, manda prender deputado Daniel Silveira após ataques a ministros da corte](#), February 16, 2021.

³³⁷ República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, October 15, 2021, pg. 19, Document submitted to the IACHR for inclusion in the Annual Report 2021.

³³⁸ República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, October 15, 2021, pg. 23, Document submitted to the IACHR for inclusion in the Annual Report 2021.

³³⁹ IACHR, Press Release No. 117/21, [IACHR Condemns Police Violence in Favela Jacarezinho in Rio de Janeiro and Urges Brazilian State to Reform its Security Policy](#), May 7, 2021; IACHR, Press Release No. 339/21, [IACHR Condemns Death of At Least 9 People during a Police Raid in the Salgueiro Favela in Rio de Janeiro, Brazil](#), December 13, 2021.

³⁴⁰ IACHR. [236/21 – IACHR Expresses Concern over Bills That Could Constitute Setbacks for the Human Rights of Indigenous Peoples in Brazil](#). Washington, D.C., September 9, 2021

³⁴¹ IACHR. [219/21 - IACHR Stresses Concern About Brazilian "Temporal Landmark Thesis" and Its Impact on the Human Rights of Indigenous and Tribal Peoples](#). Washington, D.C., August 23, 2021

³⁴² IACHR. [129/21 – IACHR and OHCHR Regional Office for South America Urge Brazil to Ensure Comprehensive Protection of Yanomami and Munduruku Indigenous Peoples](#). Washington, D.C./Santiago, May 19, 2021

isolation, given their situation of extreme vulnerability due not only to the COVID-19 pandemic but to an alleged history of violence against members of these peoples due to their efforts to defend their rights³⁴³.

186. The Commission was also informed about the increased risk to the Yanomami³⁴⁴ and Ye'kwana, Munduruku³⁴⁵, Guajajara, and Awá indigenous peoples³⁴⁶ - all beneficiaries of precautionary measures- from the presence of intruders in their lands, which implies an increase in the spread of diseases such as COVID-19 and mercury pollution from illegal mining. At the time, the State acknowledged the persistence of challenges to the implementation of the precautionary measures and reported on police raids to combat illegal mining in indigenous lands and activities to protect the territories in question³⁴⁷.

187. Concerning **people of African descent and the fight against racial discrimination**, the Commission notes that, according to information provided by the State, the Federal Government benefitted more than 7 million people of African descent with payment of the guaranteed income. The State further noted that to increase food security, basic baskets of food were distributed to 403,000 quilombola and indigenous households. It also reported on the Ethnic-Racial Policy Monitoring System (SIMOPE), the Plan to Fight COVID-19 with the quilombola population, and the COVID-19 Vaccination Monitoring Panel, which monitors vaccination of the quilombola population³⁴⁸. At the same time, the Commission welcomes the creation of the National Flow of Assistance to Victims of Forced Labor. An initiative under the National Commission for the Eradication of Forced Labor (CONOTRAE), with support from the International Labour Organization (ILO), its aim is to provide a systematized and specialized service, as well as better coordination among the responsible agencies³⁴⁹.

188. At the same time, the IACHR notes with concern that, according to available public sources, quilombola families have been evicted from the Sítio Conceição territory in Barcarena (PA) by police, military personnel, and representatives of the municipality due to sanitation work³⁵⁰. The Commission also takes note of the available statistics for 2021 on the matter of public security, which indicate that 78.9% of the victims of lethal force by the police are people of African descent³⁵¹.

189. Concerning **women's rights**, the IACHR takes note of the legislative and public policy measures introduced by the State to combat violence against women. In this regard, it points to Decree No. 10.568 creating the intersectoral committee responsible for drafting the National Plan to combat femicide, and takes note of the progress made in this regard³⁵². The Commission also welcomes the passage of Law No. 14.188/2021, which establishes the "Red Light" (*Sinal Vermelho*) cooperation program as one of the violence prevention measures provided for under the Maria Da Penha Law and creates the criminal offense of psychological violence against women³⁵³. It likewise welcomes the passage of Law No.

³⁴³ IACHR. [9/21 – IACHR Adopts Precautionary Measures in Favor of Members of the Guajajara and Awá Indigenous Peoples of the Araribóia Indigenous Land in Brazil](#). Washington, D.C., January 13, 2021.

³⁴⁴ IACHR, 168/20, [IACHR Grants Precautionary Measures in Favor of Members of the Yanomami and Ye'kwana Indigenous Peoples](#), July 20, 2020

³⁴⁵ IACHR, 302/2020, [IACHR Adopts Precautionary Measures for Members of the Munduruku Indigenous People in Brazil](#), December 14, 2020.

³⁴⁶ IACHR, 009/2021, [IACHR Adopts Precautionary Measures in Favor of Members of the Guajajara and Awá Indigenous Peoples of the Araribóia Indigenous Land in Brazil](#), January 13, 2021.

³⁴⁷ IACHR. Public Hearing. [BR: MC-563-20 – Yanomami people and Ye'kwana people; MC-679-20 – Munduruku people; & MC-754-20 – Guajajara e Awá people, concerning Brazil](#). July 1, 2021.

³⁴⁸ República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, October 15, 2021, pg. 5, Document submitted to the IACHR for inclusion in the Annual Report 2021.

³⁴⁹ República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, October 15, 2021, pp. 12 and 13, Document submitted to the IACHR for inclusion in the Annual Report 2021.

³⁵⁰ Brasil de Fato, [Quilombolas tem suas casas destruídas pela Prefeitura de Barcarena \(PA\)](#), October 14, 2021

³⁵¹ Fórum Brasileiro de Segurança Pública, [Anuário Brasileiro de Segurança Pública](#), 2021, pg. 39

³⁵² Presidência da República. [Decreto Nº 10.568](#), of December 9, 2020; Ministério da Mulher, da Família e dos Direitos Humanos. [Plano Nacional de Enfrentamento a Femicídio \(PNEF\)](#), March 11, 2021

³⁵³ Presidência da República. [Lei N. 14.188](#), July 28, 2021; CNJ. [Sinal Vermelho se torna programa nacional de combate à violência contra a mulher](#), July 29, 2021

14.192/2021, which sets standards for preventing, eradicating, and combatting political violence against women³⁵⁴.

190. Notwithstanding, the Commission received information about the prevalence of political violence against women in the country³⁵⁵, as well as the rise in domestic violence, pointing to the 44% increase in protection measures granted in São Paulo State from 2019 to 2021³⁵⁶. The IACHR also notes with concern the uptick in the maternal mortality rate, which rose from 55 deaths per 100,000 live births in 2020³⁵⁷ to 59.1 in August 2021³⁵⁸. Finally, the Commission takes note that 1 out of every 4 adolescent girls has no access to menstrual sanitary products³⁵⁹ and laments the veto of Law No. 14.214, an initiative that would permit the free distribution of menstrual sanitary products to women, girls, and adolescents in situations of socioeconomic vulnerability and deprivation of liberty³⁶⁰.

191. Concerning the **rights of children and adolescents**, the IACHR takes note of the Policy for Modernization and Universalization of the Civil Registry and Basic Documentation, whose objectives include making early childhood policies more effective, eradicating the disappearance of children and adolescents, and combatting child trafficking.³⁶¹

192. However, the IACHR notes with concern the context of violence affecting children and adolescents in the country. According to recent information published by UNICEF, between 2016 and 2020, at least 34,918 children and adolescents aged 0 to 19 were violently murdered. This figure represents an average of 7,000 murders per year. Moreover, between 2017 and 2020, a total of 179,277 cases of sexual violence were reported – that is, 45,000 cases per year. Added to this, the report in question notes that the main victims in these violent deaths are Afro-descendant boys and adolescents, while in cases of sexual violence, 80% of the victims are girls, mainly between the ages of 10 and 14³⁶².

193. The Commission also expresses its concern about the proposed amendment to the Constitution — PEC 18/2011— to lower the minimum working age from 16 to 14³⁶³. According to the most recent data from the United Nations Children’s Fund (UNICEF), approximately 1.758 million children and adolescents aged 5 to 17 were performing child labor in Brazil before the pandemic. Furthermore, these data indicate that at least 706,000 children and adolescents are exposed to the worst forms of child labor, and 66.1% of this total are African descents³⁶⁴.

194. Concerning **memory, truth, and justice**, the Commission expressed its concern about the note of March 31 published by the Ministry of Defense praising the Amnesty Law as a national peace

³⁵⁴ Presidência da República. [Lei N.14.192](#), August 4, 2021

³⁵⁵ IACHR. [hearing on political rights and the intersection of gender, diversity and race in Brazil](#). Regular Session No. 179, March 23, 2021.

³⁵⁶ Court of Justice of São Paulo. [TJSP in the Media: Protective measures granted to women increased by 44% show data from the #Rompa project](#), July 22, 2021

³⁵⁷ FIOCRUZ. [Boletim Observatório COVID-10 Semanas Epidemiológicas 20 e 21 de 16 a 29 de maio de 2021](#).

³⁵⁸ Ministério da Saúde. [MS, Opas, Conass e Conasems apresentam proposta de plano nacional para enfrentamento da mortalidade materna e infantil](#), August 8, 2021

³⁵⁹ Livre para Menstruar. [Meninas contra a pobreza menstrual](#), accessed December 1, 2021

³⁶⁰ Twitter, official IACHR account. [Tweet of October 15, 2021](#); Diário Oficial da União. [Lei N. 14.214](#), October 7, 2021

³⁶¹ República Federativa Do Brasil, Capítulo IV A –Informe Anual CIDH 2021 Relatório do Estado, October 15, 2021.

³⁶² UNICEF and Brazilian Public Security Forum (FBSP), [Overview of lethal and sexual violence against children and adolescents in Brazil](#), October 2021.

³⁶³ Criança Livre de Trabalho Infantil, [Civil society, non-governmental institutions and parliamentarians speak out against lowering the minimum working age](#), October 27, 2021.

³⁶⁴ UNICEF, [Child labor increases for the first time in two decades and affects a total of 160 million children and adolescents worldwide](#), June 10, 2021.

agreement³⁶⁵. Civil society organizations³⁶⁶ denounced³⁶⁷ the State's support for a rhetoric of denial about the military dictatorship, expressed mainly in statements by public authorities praising former dictators and perpetrators and denying the serious violations that had occurred during that period³⁶⁸; the institutional commemoration of the military coup³⁶⁹; and the dismantling of transitional justice mechanisms and policies. They criticized the fact that the Amnesty Commission (CA) and the Special Commission on Political Deaths and Disappearances (CEMDP) were repeating these statements and practices, revictimizing victims and their families, blocking their access to reparations and reviewing reparations granted in the past.

195. Furthermore, the Commission learned about the cutback in the budget of the CEMDP, which in recent years had received resources from the Executive Branch exclusively for its mandate to grant reparations and not for searching. The IACHR was also informed of the invalidation of 612 reparations in March 2021 and requested information from the State about these decisions and respect for due process and procedural guarantees for the affected persons³⁷⁰. In response, the State indicated³⁷¹ that the reparations that had been invalidated involved military personnel affected by an administrative regulation of 1964 that did not describe the act of political persecution, and that it was up to the interested party to prove that the invalidation was a mistake.

196. Concerning criminal trials, civil society organizations have indicated the following challenges: failure to recognize the dictatorship's crimes as crimes against humanity; application of the statute of limitations; application of the Amnesty Law; [and] failure to apply conventionality control.³⁷² As of June 30, 2021, there were 51 complaints, 10 of which had received a definitive judgment. As of now, only one sentence has been handed down for serious human rights violations during this period – which was noted by the IACHR.³⁷³

197. Concerning **human rights defenders**, the State reported that it was implementing the Program for the Protection of Human Rights Defenders (PPDDH) in the federative states of Bahia, Paraíba, Pernambuco, Ceará, Maranhão, Minas Gerais, Pará, and Rio de Janeiro, would be doing so in the states of Rio Grande do Sul and Amazonas; and was in the negotiation phase in the state of Paraná. It indicated that

³⁶⁵ IACHR [@CIDH], March 31, 2021, [[Tweet](#)], Twitter.

³⁶⁶ Within the framework of the Specialized Academic Network for Technical Cooperation, [selected](#) by the IACHR in 2021, the Human Rights Unit of the PYC-Rio Department of Law coordinated, among other products and activities, the preparation of the report "Monitoring of the recommendations of the Inter-American Commission on Human Rights in Brazil on memory, truth, and justice (2020-2021), Final Report on Objective 1" (*Monitoramento das recomendações da Comissão Interamericana de Direitos Humanos ao Brasil em matéria de memória, verdade e justiça (2020-2021), Relatório Final do Objetivo 1*," produced in collaboration with the University of Pernambuco (UPE), the University of Brasília (UnB), the Catholic University of Pernambuco (Unicap), the Human Rights Protection Observatory of the Forensic Anthropology and Archeology Center (CAAF) of the Federal University of São Paulo (Unifesp), the Vladimir Herzog Institute (IVH), the International Bar Association's Human Rights Institute (IBAHRI), and others.

³⁶⁷ Núcleo de Direitos Humanos do Departamento de Direito da PUC-Rio (coord.), Monitoramento das recomendações da Comissão Interamericana de Direitos Humanos ao Brasil em matéria de memória, verdade e justiça (2020-2021), Relatório Final do Objetivo 1 no marco da Rede Acadêmica especializada de cooperação da Comissão Interamericana de Direitos, October 2021, in IACHR files.

³⁶⁸ O Globo, [Bolsonaro classifica ex-integrantes da ditadura militar como 'heróis' ao lançar programa de crédito rural](#), June 22, 2021; Folha de São Paulo, [Braga Netto agora diz que prefere não emitir sua opinião sobre voto impresso e urnas eletrônicas](#), August 17, 2021; Folha de São Paulo, [General Ramos nega que regime militar tenha sido ditadura e cita questão de semântica](#), August 18, 2021; Folha de São Paulo, [Secretário da Pesca de Bolsonaro defende alvos do STF, ofende ministros e convoca para atos de 7 de setembro](#), August 20, 2021; G1, [Mendonça diz que democracia no Brasil foi conquistada sem 'sangue derramado' e depois se desculpa](#), December 1, 2021.

³⁶⁹ BRASIL, Ministério da Defesa, [Ordem do Dia Alusiva ao 31 de Março de 1964](#), March 31, 2021.

³⁷⁰ IACHR, Request for information from the State of Brazil, Note No. CIDH/SE/Art.41/03-2021/145, REF: Anulação e rejeição de solicitações de reparação sob a condição de pessoa anistiada política no Brasil, March 19, 2021.

³⁷¹ República Federativa do Brasil, Relatório do Estado, Anulação e rejeição de solicitações de reparação sob a condição de pessoa anistiada política no Brasil, April 2021, in IACHR files.

³⁷² Núcleo de Direitos Humanos do Departamento de Direito da PUC-Rio (coord.), Monitoramento das recomendações da Comissão Interamericana de Direitos Humanos ao Brasil em matéria de memória, verdade e justiça (2020-2021), Relatório Final do Objetivo 1 no marco da Rede Acadêmica especializada de cooperação da Comissão Interamericana de Direitos, October 2021, in IACHR files.

³⁷³ IACHR [@CIDH], June 22, 2021, [[Tweet](#)], Twitter.

it had invested an average of R\$ 8 million per year in this program and that the PPDDH currently includes some 600 defenders throughout the country³⁷⁴. The IACHR further noted the September 28, 2021 publication of Decree No. 10.815/2021 (Annex XII), promoting civil society's role in implementing the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH) and in the Deliberative Council of the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists³⁷⁵.

198. Notwithstanding, the Commission was also informed about the advances in Bill No. 1595/2019 amending the Anti-terrorism Law of 2016 to create a parallel intelligence unit in the Federal Executive Branch. This bill would significantly broaden the definition of terrorism under domestic law, which could lead to greater criminalization of human rights and social movements and organizations, as well as limits on the exercise of fundamental freedoms.³⁷⁶ In this regard, the IACHR learned of the assassination on January 26, 2021 of Fernando dos Santos Araújo, a defender of land rights and witness to the 2017 Pau D'Arco massacre³⁷⁷, as well as an attack on the headquarters of the Mundurukú Wakoborûn Women's Association in the city of Jacareacanga in southwestern Pará State on March 25, 2021³⁷⁸.

199. Concerning **persons deprived of liberty**, the Commission notes with the concern that Brazil has the world's third largest prison population³⁷⁹. According to the most recent official figures published by *World Prison Brief*, as of December 2020, the total prison population was 811,707, with an occupancy rate of 146.8%³⁸⁰. Furthermore, concerning at-risk groups, the Commission welcomed the Federal Supreme Court's (STF) decision guaranteeing the rights of trans women deprived of liberty to decide whether to be confined to a women's facility or a separate area in a men's facility³⁸¹.

200. Concerning the COVID-19 pandemic, the IACHR notes that according to the latest data from the National Penitentiary Department (DEPEN), 278 persons deprived of liberty have died of the virus since the start of the pandemic³⁸². Concerning vaccination, as of November, a total of 488,635 detainees had received the first dose of the vaccine and 418,319, both doses³⁸³. These figures represent roughly 50% of the total prison population.

201. Concerning **torture**, civil society organizations informed the IACHR that the replacement of in-person custody hearings with remote hearings had resulted in an 83% drop in reports of torture since the start of the pandemic. The National Mechanism for Preventing and Combatting Torture, in turn, has indicated the need for custody hearings to be held in person, calling on the courts to amend their

³⁷⁴ República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, October 15, 2021, pg. 15, Document submitted to the IACHR for inclusion in the Annual Report 2021.

³⁷⁵ República Federativa do Brasil, Capítulo IV A – Informe Anual CIDH 2021, Relatório do Estado, October 15, 2021, pg. 16, Document submitted to the IACHR for inclusion in the Annual Report 2021.

³⁷⁶ CELS, [Brazil: Anti-terrorist bill is a threat to democracies in the region](#), October 25, 2021; UN Special Rapporteur, [BRA 6/2021](#) Comments on Senate Bill No. 272/2016, which seeks to reinstate provisions in Brazil's Anti-Terrorism Law (Law No. 13.260/2016, approved on 16 March 2016) and Bill No. 1595/2019, which also amends prior legislation (Laws No. 10,257, of July 10, 2001, and No. 9,807, of July 13, 1999), June 15, 2021.

³⁷⁷ OHCHR, Brazil: [Assassinato de defensor dos direitos da terra deve ser devidamente investigado para acabar com a impunidade, diz especialista da ONU](#), February 22, 2021; Voice of America, [The UN demands to clarify the murder of a massacre witness in Brazil](#), February 22, 2021.

³⁷⁸ IACHR, Press Release No. 129/21, [IACHR AND OHCHR Regional Office for South America Urge Brazil to Ensure Comprehensive Protection of Yanomami and Mundurukú Indigenous Peoples](#), May 19, 2021

³⁷⁹ World Prison Brief, Institute for Crime & Justice Policy Research, [Highest to lowest prison population total](#), 2021.

³⁸⁰ World Prison Brief, Institute for Crime & Justice Policy Research, [World Prison Brief data - Brazil](#), 2021.

³⁸¹ IACHR [@CIDH]. (March 24, 2021). La CIDH saúda a decisão do @STF_oficial, em #18Mar, que garantiu o direito às mulheres trans e travestis privadas de liberdade de decidir se cumpriram suas penas alocadas em estabelecimento feminino ou em área reservada de centro masculino de detenção. [Tweet]. Twitter. <https://twitter.com/cidh/status/1374856170003968007?s=11>

³⁸² Departamento Penitenciário Nacional (Depen), [Medidas de Combate ao Covid-19 – Painel Nacional](#), November 23, 2021.

³⁸³ Departamento Penitenciário Nacional (Depen), [Medidas de Combate ao Covid-19 - Vacinação](#), November 23, 2021.

procedures³⁸⁴ – this, in a context in which deaths from police violence in 2020 had increased by 53% over those of the previous year³⁸⁵.

202. Concerning the rights of **LGBTQ persons**, the Commission welcomed the Federal Supreme Court’s decision guaranteeing the right of trans women and transvestites deprived of liberty to decide whether they wished to be placed in a women’s facility or a separate area in a men’s facility.⁷ The IACHR also welcomed³⁸⁶ the National Council of Justice’s publication of the manual for the treatment of LGBTQ persons deprived of liberty in the context of the criminal and juvenile justice systems to offer guidance on human rights to courts throughout the country.⁸

203. The Commission, in turn, notes among the progress in this area the change in the school enrolment system to cover LGBTQ families in São Paulo State following a judicial decision in a complaint lodged by a same-sex couple that put the name one of the [male] parents in the field designated for the boy’s “mother”⁹. The IACHR also takes note of the Federal Supreme Court’s suspension of Law No. 5.123³⁸⁷ of Rondônia State that expressly prohibited the use of neutral language in public and private institutions, as well as public tenders¹⁰.

204. At the same time, the Commission notes that Brazil continues to exhibit numerous cases of violence against LGBTQ persons.¹¹ Here, it points to the patterns of cruelty seen in several of the cases reported, as well as the prevalence of violence against Afro-descendant trans women¹². In this regard, the Commission notes the case of a trans women who was burned alive in the city of Recife, as well as that of a transvestite who was tied by the feet and beaten in Piauí State¹³. In the same vein, the Commission has expressed³⁸⁸ its concern about the violence experienced by trans, transvestite, and intersex councilmembers and their teams in Brazil, which it received detailed information about during a thematic hearing held during the 179th Regular Period of Sessions.

205. Concerning the **rights of persons with disabilities**, the IACHR takes note of the resolution of the National Council of the Public Prosecutor’s Office seeking to enforce the rights of this population group through annual inspections of institutions for adults with disabilities by the nation’s prosecutors, who should take legal action when they find abuses³⁸⁹. The Commission also learned of the judgment of the Rio de Janeiro Court of Justice ordering that reasonable action be taken to guarantee equity for persons with disabilities in competitions for public posts³⁹⁰. The IACHR has further noted the efforts of the Rio de Janeiro Public Defender’s Office and the State Council on the Policy for the Integration of Persons with Disabilities, aimed at promoting discussions on accessibility and human mobility to guarantee their inclusion³⁹¹.

206. The Commission notes with concern, however, the reports about the National Special Education Plan, which proposes the creation of a specific educational system for persons with disabilities, in violation of the right to an education under equal conditions without discrimination³⁹². It likewise notes

³⁸⁴ Mecanismo Nacional de Prevenção e Combate à Tortura, Nota Técnica No. 08, November 20, 2021, Posicionamento sobre a inviabilidade de audiências de custódia em [delegacias](#), March 2021, pp. 10-11.

³⁸⁵ IACHR, [Audiencia pública “Uso de audiencias virtuales en procedimientos penales en la región en el contexto de la pandemia de COVID-19”](#), 180th Regular Period of Sessions, June 30, 2021. Information provided by civil society.

³⁸⁶ IACHR [@CIDH], July 8, 2021, [\[Tweet\]](#), Twitter.

³⁸⁷ Governo de Estado de Rondônia, [Lei N° 5.123](#), October 19, 2021.

³⁸⁸ IACHR [@CIDH], May 20, 2021, [\[Tweet\]](#), Twitter.

³⁸⁹ Consejo Nacional del Ministerio Público, [CNMP aprova proposta que regulamenta a atuação do Ministério Público na defesa de pessoas com deficiência que moram em instituições de acolhimento](#), April 28, 2021.

³⁹⁰ Defensoría Pública del Estado de Río De Janeiro, [Candidata tem direito assegurado de usar máquina Braille em concurso](#), September 29, 2021.

³⁹¹ Defensoría Pública del Estado de Río De Janeiro, [Defensoria promoverá Fórum Estadual da Pessoa com Deficiência](#), November 4, 2021.

³⁹² Human Rights Watch, [Inclusive education is at risk in Brazil](#), August 26, 2021.

the challenges facing hearing-impaired pregnant women due to the lack of interpreters during the necessary care – a situation that has worsened during the COVID-19 pandemic³⁹³.

207. Concerning the **rights of older persons**, the Commission notes the information provided by the State about the National Operational Plan for COVID-19 Vaccination³⁹⁴, which makes the immunization of people over 60 residing in long-term care facilities such as nursing homes, asylums, or shelters a priority group. The IACHR also learned of Decree No. 10.643/2021, containing various provisions affecting the National Council on the Human Rights of Older Persons and notes with concern the change in the procedure for the selection and appointment of civil society representatives to this Council³⁹⁵.

208. Concerning the rights of **persons in human mobility**, the Commission notes that, according to the United Nations High Commissioner for Refugees (UNHCR), more than 50,000 Venezuelans have been relocated as part of the internal relocation strategy, which appears to have helped to alleviate the pressure on border communities and promote the local integration of migrants and refugees³⁹⁶.

209. Nonetheless, in its press release of April 1, 2021, the Commission noted with concern the adoption of Ordinance No. 62/2021 by the Ministry of Justice and Public Security³⁹⁷, replaced by Ordinance No. 86/2021³⁹⁸, which ordered the National Public Security Force, a military police force, to plan and sporadically assist public security forces in the states with exceptional activities to temporarily block the flow of foreigners out of the country. In this regard, the State informed the IACHR that the regulations and measures adopted are exceptional, temporary, and a public health measure; thus, they do not reflect Brazil's migration policy³⁹⁹.

210. Concerning the migration of Venezuelans in particular, the IACHR takes note that under the Operation Welcome (*Operação Acolhida*) program, state and municipal authorities in Roraima and Amazonas – in association with Platform R4V – drafted a contingency plan that included setting up a field hospital in Boa Vista with the capacity to care for up to 2,200 Venezuelans and members of the receiving community⁴⁰⁰. It notes with concern, however, the public information about budget cuts to the program in 2022, which could make its continuation unfeasible⁴⁰¹.

211. Concerning **trafficking in persons**, the Commission takes note of the Public Awareness Campaign against Human Trafficking and for the Collection of Data and Training of Professionals, to be launched in strategic federative states such as Acre, Amazonas, Amapá, Bahia, Ceará, the Federal District, Goiás, Maranhão, Minas Gerais, Mato Grosso, Pará, Pernambuco, Paraná, Rio Grande do Norte, Rio de Janeiro, Rio Grande do Sul, and São Paulo⁴⁰². Furthermore, concerning cooperation, the Commission takes note of the signing of the Joint Declaration against Human Trafficking, Forced Labor, and the proposal for

³⁹³ Defensoría Pública del Estado de Río De Janeiro, [Gestante com deficiência auditiva deve ter acompanhante e intérprete](#), July 30, 2021.

³⁹⁴ Informe del Estado de Brasil para el Capítulo IV. A del Informe Anual de la CIDH 2021, October 15, 2021. Ministério da Saúde, [Plano Nacional de Operacionalização da Vacinação contra a COVID-19](#), 2021.

³⁹⁵ Presidência da República, [Decreto No. 10643](#), March 2021

³⁹⁶ United Nations, [“Relocations in Brazil offer dignity and hope to thousands of Venezuelans”](#), April 20, 2021.

³⁹⁷ Diário Oficial Da União, [Portaria MJSP Nº 62 Dispõe sobre o emprego da Força Nacional de Segurança Pública em apoio ao Estado do Acre](#), February 12, 2021.

³⁹⁸ Diário Oficial Da União, [Portaria MJSP Nº 86 Altera a Portaria MJSP nº 62, de 12 de fevereiro de 2021](#), February 19, 2021.

³⁹⁹ IACHR, Press Release 82/21 – [IACHR Calls on States in the Americas to Adopt Migration and Border Management Policies That Incorporate a Human Rights Approach](#), Washington D.C., April 1, 2021.

⁴⁰⁰ Plataforma de Coordinación para Refugiados y Migrantes de Venezuela (R4V), [PLAN DE RESPUESTA PARA REFUGIADOS Y MIGRANTES 2020. MAYO 2020 – REVISIÓN](#), May 2020.

⁴⁰¹ El Carabobeño, [Brasil planea acabar con apoyo a migrantes venezolanos, dice Procuraduría](#), September 17, 2020.

⁴⁰² Governo do Brasil, [Governo Federal promove ações para conscientizar e prevenir sobre o tráfico de pessoas](#), July 8, 2021.

a New Socio-occupational Declaration by the ministries of labor of Brazil, Uruguay, and Paraguay and representatives of Argentina and Venezuela to combat—mainly— forced child labor⁴⁰³.

CANADA

- **General considerations**

212. With respect to **progress**, the IACHR welcomes the action taken by the government to guarantee the safe administration of elections in the context of COVID-19. It also acknowledges the measures introduced to ensure mechanisms for the protection of persons at risk of becoming victims of hate-motivated crimes. In addition, the Commission notes the creation of a community child-care and early-learning system. It further notes the implementation of a program to protect refugee human rights defenders and other vulnerable groups and action taken to support the survivors of human trafficking. The Commission also welcomes the entry into force of the United Nations Declaration on the Rights of Indigenous Peoples Act and welcomes with satisfaction amendment C-4 to the Criminal Code banning attempts to modify or suppress an individual's sexual orientation, gender identity, or gender expression.

213. With respect to **challenges**, the IACHR expresses its concern about the increase in reports of online sexual extortion (sextortion) of children and adolescents. It further notes the discovery of unidentified skeletal remains in former residential schools for indigenous children in Saskatchewan and British Columbia. The IACHR likewise observes with concern alleged cases of racial profiling and killings of Afro-descendants as a result of the use of excessive force by police officers. Finally, it notes with concern the situation of migrants with psychosocial disabilities who are deprived of liberty.

214. The State did not respond to the request for information sent by the IACHR in preparation for this chapter.

- **Specific issues**

215. With respect to **human rights institutions**, the Commission notes that the State has a Human Rights Commission charged with following up on reports in this regard⁴⁰⁴.

216. With respect to **democratic institutions**, the IACHR takes note of the penalty in the amendment to the Canada Elections Act, which establishes temporary rules to guarantee the safe administration of elections in the context of COVID-19. In particular, this Act: i) extends the power of the Chief Electoral Officer to adapt the provisions of the Act to ensure the health or safety of electors or election officers; ii) provides for a polling period of three consecutive days; and iii) provides for opening and closing measures at polling stations⁴⁰⁵. In this context, in September 2021, Canada held its 44th general election, in which the Liberal Party won its third consecutive mandate⁴⁰⁶. In addition, the members of Parliament elected the 37th Speaker of the House of Commons for the 44th Parliament⁴⁰⁷.

217. With respect to **public safety**, the Commission notes that the Government of Canada is seeking to improve the security infrastructure in gathering places to provide greater security to people from communities at risk of becoming victims of hate-motivated crimes⁴⁰⁸. The Commission notes in particular that the projects that would be financed are part of the Security Infrastructure Program (SIP), so

⁴⁰³ MERCOSUR, [Ministros del Mercosur debaten sobre el trabajo esclavo](#), June 10, 2021.

⁴⁰⁴ Canadian Human Rights Commission, [About us](#), 2021.

⁴⁰⁵ Parliament of Canada, [An Act to amend the Canada Elections Act \(COVID-19 response\)](#), June 21, 2021.

⁴⁰⁶ Wilson Center, [Democracy in Canada? It's Complicated](#), September 29, 2021. Bloomberg, [Canadian Election Results: Trudeau Wins Third Mandate—With Another Minority](#), September 27, 2021. [CBC Canada, Canadians have re-elected a Liberal minority government](#), September 20, 2021. Washington Post, [Justin Trudeau's Liberals win Canadian election, fall short of majority](#), September 21, 2021.

⁴⁰⁷ House of Commons, [Speaker of the House of Commons of the 44th Parliament](#), November 22, 2021.

⁴⁰⁸ Government of Canada, [Government of Canada moving forward with 150 projects to protect against hate-motivated crimes](#), July 21, 2021.

that people living in Canada can practice their culture or faith without fear, whatever their race, ethnicity, sexual orientation, gender identity, or religion⁴⁰⁹. Furthermore, a percentage of the total budget would be allocated to address hate-motivated crimes committed against members of Asian communities⁴¹⁰.

218. With respect to **access to justice**, the Commission takes note of the introduction of legislation to promote greater confidence in the judicial system⁴¹¹. According to the information at the Commission's disposal, the legislative amendments to the Judges Act would strengthen the judicial complaints' process to streamline it in a cost-efficient manner, thereby increasing citizen's confidence in the judicial system⁴¹². In addition, the Government of Canada would support the Canadian Juries Commission through the project to provide support and training in mental health⁴¹³. This project would be supported by the Department of Justice for four fiscal years and would have the following objectives: i) promote the support and participation of Canadian citizens in jury duty; ii) provide in-trial and post-trial support; iii) stress the importance of mental health in the justice system; and iv) create a Jury Duty Peer Support Group⁴¹⁴. The Commission further notes that one impact of the COVID-19 pandemic on Canada's judicial system has been a backlog of cases, leading to trial delays in the criminal justice system⁴¹⁵.

219. With respect to the rights of **children and adolescents**, the Commission welcomes the federal government's decision to create a quality countrywide community child-care system giving all families access to flexible, affordable, high-quality child care and early learning regardless of where they live. It would also lower the fee for child care to Can\$10 per day for the next five years⁴¹⁶.

220. The Commission learned that, according to the Canadian Centre for Child Protection, between March and September 2021 there was a 62% increase in reports of online sextortion of children and adolescents, adolescent males aged 15-17 being the most affected group⁴¹⁷.

221. With respect to the human rights of **persons in human mobility**, the IACHR welcomes the decision of the Ministry of Immigration, Refugees, and Citizenship to create a program for refugee human rights defenders and vulnerable groups. According to information from UNHCR, the project will accommodate 250 individuals and their families per year and focus on the protection of people at higher risk, such as women, journalists, and LGBTQ rights defenders.⁴¹⁸

222. Nevertheless, the Commission has continued to note with concern the detention of migrants, asylum seekers, and others seeking international protection. In this regard, the most recent figures from Canada's Border Services Agency (CBSA) indicate that 799 persons were detained in fiscal

⁴⁰⁹ Government of Canada, [Government of Canada moving forward with 150 projects to protect against hate-motivated crimes](#), July 21, 2021.

⁴¹⁰ Government of Canada, [Government of Canada moving forward with 150 projects to protect against hate-motivated crimes](#), July 21, 2021.

⁴¹¹ Government of Canada, [Government of Canada introduces legislation to foster greater confidence in the judicial system](#), May 25, 2021.

⁴¹² Government of Canada, [Government of Canada introduces legislation to foster greater confidence in the judicial system](#), May 25, 2021.

⁴¹³ Government of Canada, [Justice Canada providing funding to support mental health within the justice system](#), August 13, 2021.

⁴¹⁴ Government of Canada, [Justice Canada providing funding to support mental health within the justice system](#), August 13, 2021.

⁴¹⁵ House of Commons Canada, [Standing Committee on Justice and Human Rights - Access to Justice](#), April 21, 2021.

⁴¹⁶ Government of Canada, [Budget 2021, Chapter 3: New Opportunities for Canadians](#), 2021, pg. 101.

⁴¹⁷ Canadian Centre for Child Protection, Canada, ["Cybertip.ca sees a 62% increase in reports of teens being sextorted online: boys appear to be biggest target"](#), September 24, 2021.

⁴¹⁸ National Post, [Canada to welcome 'human rights defenders', including journalists, as refugees](#), July 16, 2021.

year 2021. Within this context, the CBSA stated that it would continue working to find alternatives to immigration detention⁴¹⁹.

223. In addition, a report published by Human Rights Watch and Amnesty International noted that even though migrants are detained for administrative reasons, Canada appears to be subjecting them to some of the country's most restrictive detention conditions. It added that the CBSA has the exclusive power to decide whether migrants are confined to immigrant detention centers, provincial jails, or other facilities. This report points out, moreover, that both lawyers and immigrant detainees have stated that the population in human mobility is confined to the same wings and cells as people detained for criminal prosecution or to serve a sentence⁴²⁰.

224. With respect to **human trafficking**, the Commission notes that the Minister of Public Safety and the Minister of Emergency Preparedness presented an official report on human trafficking in Canada. This report takes a comprehensive approach to prevention, protection, punishment, and international cooperation. It also includes a new line of "empowerment" designed to emphasize the important role of both victims who are survivors of human trafficking and at-risk populations and to ensure informed, gender-sensitive, and culturally appropriate trauma support⁴²¹. The Commission further notes that the new strategy to combat human trafficking is backed by a budget allocation of Can\$75 million for the periods 2019-2020 and 2023-2024⁴²². In this regard, the Commission has been recommending that States design public policies consistent with a framework that respects human rights and allocate the necessary budget to guarantee their effective implementation and sustainability⁴²³.

225. The Commission also takes note of the bill in Ontario Province that would give the police greater jurisdiction to access information in human trafficking investigations. This would allow them to request hotels to share information about their guests if it could help to identify or protect a victim or locate people suspected of committing the crime of human trafficking⁴²⁴.

226. With respect to **indigenous peoples**, the IACHR welcomes the passage and entry into force of the United Nations Declaration on the Rights of Indigenous Peoples Act, designed to create a legislative framework for the Declaration's application in Canada. It also establishes that the Government of Canada, in consultation and collaboration with [the nation's] indigenous peoples, will prepare a plan of action to meet the established objectives⁴²⁵.

227. Notwithstanding, the Commission expressed its consternation at the discovery of unidentified human remains in former residential schools for indigenous children in Saskatchewan and British Columbia. According to the Truth and Reconciliation Commission of Canada, residential schools were part of a policy to culturally assimilate indigenous peoples, deemed the "cultural genocide" of the 150,000 indigenous children interned in them. In this context, the IACHR urged the State to heed the Truth Commission's calls for action, taking effective steps to investigate and compensate the indigenous peoples affected⁴²⁶.

⁴¹⁹ Canada Border Services Agency, Canada, [Quarterly detention statistics: First and second quarter \(Q1-Q2\), fiscal year 2020 to 2021](#), October 12, 2021.

⁴²⁰ Human Rights Watch and Amnesty International, ["I Didn't Feel Like a Human in There"](#), June 17, 2021, pp. 11-12.

⁴²¹ Government of Canada, [National Strategy to Combat Human Trafficking – Annual Report 2019-2020](#), July 30, 2021.

⁴²² Government of Canada, [National Strategy to Combat Human Trafficking – Annual Report 2019-2020](#), 2021.

⁴²³ IACHR, [Políticas Públicas con enfoque de derechos humanos](#), OEA/Ser.L/V/II. Doc. 191 September 15, 2018, para. 122.

⁴²⁴ Government of Canada, [Information and Privacy Commissioner of Ontario, Written Submission to the Standing Committee on Justice Policy of the Legislative Assembly of Ontario: Bill 251, the Combating Human Trafficking Act, 2021](#), May 12, 2021.

⁴²⁵ Government of Canada, [Legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples becomes law](#), June 22, 2021.

⁴²⁶ CIDH [@CIDH]. (June 3, 2021). *La CIDH expresa su consternación ante el reciente hallazgo de 215 restos óseos de niñas y niños en una fosa común* [Tweet]. Twitter. <https://twitter.com/CIDH/status/1400469524449726464>. CIDH [@CIDH]. (July 1, 2021). *La CIDH expresa su consternación ante nuevos hallazgos de restos óseos no identificados en antiguas escuelas residenciales de niños/as indígenas* [Tweet]. Twitter. <https://twitter.com/CIDH/status/1410727353970425856>.

228. The Commission was also informed about the tensions between the Canadian police and indigenous communities and environmentalists who have been protesting logging on the ancestral lands of the Pacheedaht First Nation since August 2020. According to public information, logging has led to divisions between the Pacheedaht political authorities who signed agreements with the Teal Cedar Products corporation and traditional authorities and other members of the Pacheedaht First Nation who oppose such activities on their ancestral lands⁴²⁷. Due to this act of resistance, considered the greatest act of civil disobedience in Canada, the Supreme Court of British Columbia issued an injunction against the blockades set up by the demonstrators, which has resulted in the detention of more than 1,100 demonstrators and reports of abuse by the police charged with enforcing the injunction⁴²⁸. Due to the actions of the police, a Supreme Court justice denied the request to extend the injunction⁴²⁹. A Court of Appeal judge subsequently granted a temporary injunction while a decision on the company's appeal of the denial of the extension was pending⁴³⁰.

229. The Commission notes the need to investigate with due diligence the reports of police abuse of demonstrators – this, to identify and punish the individuals responsible. It also reiterates that the unique relationship between indigenous peoples and their ancestral lands is recognized by international law, creating specific obligations for States to recognize, respect, protect, and guarantee their rights to ancestral communal property.

230. With respect to the **rights of Afro-descendants and the fight against racial discrimination**, the IACHR notes the progress made in the prevention and eradication of racial profiling – particularly the punishment of police officers responsible for the use of excessive force and illegal searches of Afro-descendants⁴³¹. The Commission also notes the call of public officials to cut down on the number of street checks by police officers to reduce racial profiling and change the way the police interact with minority communities⁴³². In this regard, the Commission urges Canada to continue taking steps to combat patterns of racial discrimination in the public safety and justice systems.

231. In addition, the IACHR notes with concern that, according to available public sources, there have been reports of alleged cases of racial profiling and killings of Afro-descendants stemming from the excessive use of force by police officers⁴³³. In this regard, the IACHR, calls on the State to swiftly, diligently, and thoroughly investigate such events, punish those responsible, and comprehensively compensate victims and their families.

232. With regard to the rights of **LGBTQ persons**, through its press release of December 16, 2021, the Commission welcomed amendment C-4 to the Criminal Code banning attempts to modify or suppress an individual's sexual orientation, gender identity, or gender expression, and the removal of LGBTQ children and adolescents from Canada to subject them to these harmful practices. This amendment also prohibits the promotion or advertising of so-called "conversion therapies," as well as the receipt of financial or other material benefits derived from it⁴³⁴.

233. Moreover, in a meeting with the State, the IACHR received updated information on implementation of the 2SLGBTQIA+ action plan, which, *inter alia*, establishes guidelines for capacity

⁴²⁷ RCI, [Árboles centenarios son protegidos por activistas en Columbia Británica](#), April 22, 2021.

⁴²⁸ RCI, [Policía canadiense detiene a otras 27 personas que protegían los bosques antiguos](#), September 13, 2021; CBC, [Police treatment of Indigenous protesters differs starkly from white protesters](#), experts say, September 12, 2021; Global News, [RCMP has spent \\$6.8 M so far enforcing Fairy Creek injunction, docs show](#), December 20, 2021.

⁴²⁹ CBC, [Judge ends injunction against Fairy Creek protests, citing substantial infringement of civil liberties](#), September 28, 2021.

⁴³⁰ CBC, [Judge grants temporary injunction at Fairy Creek, citing economic harm to logging company](#), October 9, 2021.

⁴³¹ CBC, [Police ethics committee finds Montreal officers guilty of racial profiling](#), October 17, 2021.

⁴³² CBC, [Cut down on street checks and make ban on racial profiling explicit, Montreal officials tell SPVM](#), February 26, 2021.

⁴³³ CBC, [Student alleges racial profiling after she says police accused](#), May 25, 2021; CBC, [Family of Black man fatally shot by police in Repentigny, Que., blames racism for his death](#), August 2, 2021.

⁴³⁴ IACHR, Press Release 341/21 - [IACHR welcomes the amendment to Canada's Criminal Code that prohibits attempts to modify sexual orientation, gender identity, and gender expression](#), Washington, D.C., December 16, 2021.

building and the development of infrastructure with culturally relevant 2SLGBTQIA+ facilities throughout the country and the creation of a national 2SLGBTQIA+ committee and eventually, a specific Secretariat⁴³⁵.

234. With regard to the rights of **persons with disabilities**, the IACHR welcomes the rulings that recognize the existence of systematic discrimination against this population and seek to guarantee community-based services to support persons with disabilities⁴³⁶. It also takes note of the legislation to create the Canadian Disability Benefit that would supplement federal and territorial support to combat poverty in this population⁴³⁷. The Commission also underscores [Canada's] efforts to develop participatory processes to obtain the opinions of persons with disabilities when developing inclusion strategies⁴³⁸ and to grant financial benefits for this purpose, including the Skills Development Fund for training persons with disabilities⁴³⁹ and investments in social programs for the creation of accessible and inclusive jobs⁴⁴⁰.

235. The Commission was also informed about amendments to the assisted suicide law in March 2021. In particular, the IACHR notes with concern that the law applies only to people with disabilities experiencing intolerable suffering to avail themselves of this procedure but not to people with or without a disability. This could imply it is a discriminatory measure and could result in the reinforcement of prejudices and stereotypes⁴⁴¹. The Commission also takes note of reports of losses of financial support upon marriage⁴⁴². In addition, it received information indicating that 51% of persons with disabilities who are over the age of 25 are unemployed, in part due to lack of adapted workplaces⁴⁴³. It also learned of reports of a lack of attention to the needs of persons with disabilities during the electoral season⁴⁴⁴.

236. Finally, the IACHR is concerned about reports from civil society organizations indicating the lack of a national plan for the protection of persons with disabilities during heat waves⁴⁴⁵, as well as the situation of migrants with psychosocial disabilities who are deprived of liberty and sent to temporary cells⁴⁴⁶.

CHILE

- **General considerations**

237. The Commission takes note of **progress** related to democratic institutions and human rights, particularly advancement with respect to the Constitutional Convention. The Commission also

⁴³⁵ Government of Canada, [2021 National Action Plan](#), pg. 44.

⁴³⁶ Disability Rights Coalition of Nova Scotia, [Nova Scotia Court of Appeal Rules in Favour of People with Disabilities](#), October 7, 2021.

⁴³⁷ Government of Canada, [Government of Canada introduces legislation to create the new Canada Disability Benefit](#), June 22, 2021.

⁴³⁸ Government of Canada, [Canadians invited to help shape Canada's first Disability Inclusion Action Plan](#), June 4, 2021.

⁴³⁹ Newsroom Ontario, [Ontario Providing Additional Investment into Skills Development Fund](#), September 30, 2021.

⁴⁴⁰ Government of Canada, [Government of Canada invests in training for persons with disabilities to create a more inclusive workforce and stronger economy](#), August 13, 2021.

⁴⁴¹ IACHR Archive, Request for Thematic Hearing during the 182nd Period of Sessions of the Inter-American Commission on Human Rights to Address Human Rights Violations in the Region Resulting from Medical Assistance in Dying Legislation in Canada., British Columbia Aboriginal Network on Disability Society, Canadian Association of the Deaf, Citizens With Disabilities - Ontario, Council of Canadians with Disabilities, Dignity Denied, DisAbled Women's Network Canada, Disability Filibuster, Disability Justice Network of Ontario, Inclusion Canada, Independent Living Canada, L'Arche Canada, People First of Canada, Tangled Art + Disability, Toujours Vivant - Not Dead Yet, and Vulnerable Persons Standard., October 8, 2021.

⁴⁴² CBC, [Woman with disabilities wants change to province's household income policy](#), July 19, 2021.

⁴⁴³ The Varsity, [Our workplaces don't work for people with disabilities](#), September 18, 2021.

⁴⁴⁴ Disability Without Poverty, [Party platforms and disability](#), September 18, 2021.

⁴⁴⁵ Human Rights Watch, [Canada: Disastrous Impact of Extreme Heat](#), October 5, 2021.

⁴⁴⁶ Human Rights Watch, [For Canada's Immigration Detainees With Disabilities, Even Fewer Rights Are Afforded](#), July 4, 2021.

highlights progress in the areas of women's rights and gender equality, LGBTI rights and marriage equality, the rights of persons with disabilities, and matters related to ethno-racial diversity.

238. Regarding **challenges**, the IACHR notes with concern measures adopted with respect to citizen security, particularly the declaration of states of emergency in the Araucanía region, which could have a differentiated impact on indigenous peoples and intensify the historic intercultural conflict in that area.

239. On September 14, 2021, the State submitted its response to the request for information sent for the preparation of this chapter.⁴⁴⁷

- **Cross-cutting topics**

240. With respect to **the institutional framework for human rights**, the IACHR takes note that the First National Human Rights Plan 2018-2021 and the National Action Plan on Human Rights and Business 2017-2020⁴⁴⁸ have concluded. The Commission also welcomes the initiative included in the Public Treasury's 2021 budget, which allows compensation for those who have been victims of human rights violations as from October 18, 2019 and who, as a result of their injuries, saw their ability to work compromised. According to available information, this is a mechanism whereby the National Human Rights Institute will certify victims' status in the context of the reasoning and scope of the Budget Act's provisions, based on available background information gathered during the accreditation process.⁴⁴⁹
https://usc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en-us&rs=en-us&wopisrc=https%3A%2F%2Foas365.sharepoint.com%2Fsites%2FOAS_Team_SeccinPCyCT_SGIACHR%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F4d95f9a311ff4412aa73f6afc1b79aab&wdenableroaming=1&mssc=1&hid=d9346c5b-ef87-6804-067b-50baf0ca3319-16471&uiembed=1&uih=teams&uihit=files&hhdr=1&dchat=1&sc=%7B%22pmo%22%3A%22https%3A%2F%2Fteams.microsoft.com%22%2C%22pms%22%3Atrue%2C%22surl%22%3A%22%22%2C%22curl%22%3A%22%22%2C%22vurl%22%3A%22%22%2C%22eurl%22%3A%22https%3A%2F%2Fteams.microsoft.com%2Ffiles%2Fapps%2Fcom.microsoft.teams.files%2Ffiles%2F2564573974%2Fopen%3Fagent%3Dpostmessage%26objectUrl%3Dhttps%253A%252F%252Foas365.sharepoint.com%252Fsites%252FOAS_Team_SeccinPCyCT_SGIACHR%252FShared%2520Documents%252FGeneral%252FINFORME%2520ANUAL%25202021%252FCapitulo%2520IVA%2520-SPCyCT%2520Integrado%2520-2021519a0e1f0ceb729048ca04ba360e45cd614cab99cce3112769d06f9762b3299.docx%26fileId%3D4d95f9a3-11ff-4412-aa73-f6afc1b79aab%26fileType%3Ddocx%26ctx%3Dfiles%26scenarioid%3D16471%26locale%3Den-us%26theme%3Ddefault%26version%3D21072105700%26setting%3Dring.id%3Ageneral%26setting%3DcreatedTime%3A1636760191393%22%7D&wdorigin=TEAMS-ELECTRON.teams.files&wdhostclicktime=1636760191258&jsapi=1&jsapiver=v1&newsession=1&corrId=6281ccb8-abea-4117-98b2-df81967e3a46&usid=6281ccb8-abea-4117-98b2-df81967e3a46&sftc=1&sams=1&accloop=1&sdr=6&scnd=1&hbcv=1&htv=1&hodflp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected - ft7

241. Regarding **access to justice**, the IACHR observes, based on available civil society reports, the impact the pandemic has had on access to justice, in particular the emergence of new challenges

⁴⁴⁷ Misión Permanente de Chile ante la organización de Estados Americanos, Nota No. 129/21, 14 de septiembre de 2021. Anexo, Informe de la República de Chile a la Comisión Interamericana de Derechos Humanos, septiembre de 2021. IACHR's Files (in Spanish).

⁴⁴⁸ Ministry of Justice and Human Rights, "[First National Human Rights Plan](#)" (in Spanish), November 6, 2021. Ministry of Justice and Human Rights, [Report on the completion of the First National Action Plan on Human Rights and Business](#) (in Spanish), April 2021.

⁴⁴⁹ Ministry of Finance, Office of Budget, [Public Sector Budget Act - 2021](#) (in Spanish); INDH, [INDH certifies first victims of human rights violations](#) (in Spanish), October 1, 2021.

associated with the use of technology for online mediation.⁴⁵⁰ The State also reported that the measures adopted to promote gender equality between men and women in access to the jobs in the judiciary have been strengthened, as well as the participation of judges and their unions in the development and implementation of these measures. It was highlighted the establishment of a recruitment and selection policy action that promotes gender parity in the judiciary entering positions. The state also mentioned the strengthening of the Consultative Council for Gender Equality and Non-Discrimination of the Judiciary, and the Gender and Non-Discrimination Committees of the Courts of Appeals.⁴⁵¹

242. The IACHR reaffirms that Chile has a solid **democratic institutional framework**, particularly highlighting progress made in relation to the constitutional process underway. In this connection, the IACHR notes positively that, according to publicly available information, 6,114 proposals were reportedly received from the public for the Constitutional Convention. The Committee receiving the largest number of proposals was the Fundamental Rights Committee (2,296), followed by the Political System Committee (1,088), and the Environment Committee (751). Of the 6,000 initiatives, 5,485 have been reviewed and 629 are under review.⁴⁵²

243. The IACHR further takes note of the elections in which, for the first time, both regional governors⁴⁵³ and delegates to the Constitutional Convention were elected. The Commission also welcomes the election of Dr. Elisa Loncon Antileo,⁴⁵⁴ who is Mapuche and a prominent defender of indigenous peoples' linguistic rights, as first president of the Constitutional Convention.

244. On matters of **citizen security**, the IACHR emphasizes the various proposals for reforming law enforcement and security forces, with a view to fostering necessary institutional change in light of acts of institutional violence observed during the "social outburst;" in particular, the IACHR takes note of the proposal to reform the *Carabineros* [national law enforcement police], which spells out actions to make this institution more efficient and effective when it comes to safeguarding and maintaining public order with a focus on the defense and protection of people, but guided by democratic principles, a gender approach and unrestricted respect for human rights; the creation of a Specialized Prosecutor's Office for Crimes against Human Rights; the increase in the budget of the INDH [national human rights institution], the Ombudsman for Children and the Legal Medical Office; and, the creation of a Working Group by the Permanent Coordination Commission of the Criminal Justice System whose objective is to unblock the IACHR's findings regarding the investigation and judicial processing of the cases for human rights violations complaints occurred as of October 18, 2019⁴⁵⁵.

245. The Commission also takes note of the declarations of Constitutional States of Emergency in four of Chile's provinces—two in the Araucanía region and two in the Bío-Bío region—based on an uptick and concentration of acts of violence allegedly linked to drug trafficking, terrorism, and organized crime in those areas of the country. It should be noted that the decree declaring the state of emergency authorized the deployment of armed forces to provide logistical support to the police.⁴⁵⁶ In this regard, the IACHR notes that, in the context of the so-called "Araucanía Conflict," the Chilean State has, on various occasions, resorted to declarations of a states of emergency and enforcement of the law on terrorist conduct as a solution, in a context of stigmatization, prejudice, intolerance, and criminalization based on ethnic-racial origins.

⁴⁵⁰ Universidad Diego Portales, Center for Human Rights, [Annual Report on Human Rights](#) (in Spanish), December 2021, ISBN 978-956-314-507-6, p. 2014.

⁴⁵¹ Report of the Republic of Chile, September 14, 2021, Ch. IV, p. 31-35. IACHR's Files (in Spanish).

⁴⁵² 24 horas, [Constitutional Convention received more than 6,000 initiatives from citizens](#) (in Spanish). January 21, 2021.

⁴⁵³ Telesur, [Chileans elect regional governors for the first time](#) (in Spanish), May 12, 2022.

⁴⁵⁴ English professor at the Universidad de La Frontera, with postgraduate studies at the Institute of Social Studies in The Hague (The Netherlands) and at the University of Regina (Canada). She holds a master's degree in Linguistics from the Universidad Autónoma Metropolitana, Iztapalapa UAM-I (Mexico), a PhD in Humanities from the University of Leiden (The Netherlands), and a PhD in Literature from the Pontificia Universidad Católica de Chile. Education Department. [University of Santiago de Chile](#).

⁴⁵⁵ Report of the Republic of Chile, September 14, 2021, Ch. III, p. 21-23. IACHR's Files (in Spanish).

⁴⁵⁶ Official Gazette of the Republic of Chile, Ministry of the Interior and Public Security, [Constitutional state of emergency declared in the areas of the national territory](#) (in Spanish), October 12, 2021.

246. In this connection, the State reported that the regional authorities in the Araucanía region had organized and held a public consultation on extending the constitutional state of emergency. Anyone 18 years of age or older and registered to vote in the region was eligible to participate. Official tallies reportedly showed 144,994 electronic votes, 81% of which favored extending the state of emergency.⁴⁵⁷

247. In this context, the Commission notes the importance of recognizing, respecting, and ensuring indigenous peoples' cultural identity, as well as their rights to their lands, territories, and natural resources, as recognized in international and inter-American human rights standards. The Commission considers these to be necessary elements for fostering opportunities for intercultural dialogue as the most effective way to transcend the conflict.

248. Regarding the **rights of indigenous peoples**, the Commission notes that the constitutional reform process has reportedly instituted a regulation aimed at guaranteeing the participation of preexisting nations throughout the process, pursuant to international standards on the human rights of indigenous peoples.⁴⁵⁸ The Commission likewise values the actions undertaken by the State of Chile toward formal recognition of the Selk'nam people, who for years have been asking to be recognized as a native people.⁴⁵⁹

249. In this regard, the State reported on the measures that have been carried out to guarantee the rights of indigenous peoples considering a diversity and interculturality approach. The State also highlighted the initiatives to strengthen the leadership of indigenous women and to prevent violence; recognition of the quality of the Traditional Educator and support for their performance in the classroom; the new Education Curriculum integrating the subject of Indigenous Language and Culture from the 1st to 6th year; the presidential instructions regarding the respect of languages and intercultural ceremonies; the respect of the traditional Mapuche medicine, establishing the role of *Machis* in it, as well as the respect of the Traditional Authorities of indigenous peoples, such as the *Longko* and *Machi* in the Mapuche culture; the revision of school textbooks of History, Geography and Social Sciences including indigenous contents; among others⁴⁶⁰.

250. The Commission further values judicial decisions that have recognized the rights of indigenous peoples, such as an August 31 ruling by virtue of which the Third Chamber of the Supreme Court admitted an "appeal for protection filed by the Aymara community of Umirpa against the Canadian mining interest Andex Minerals Spa and ordered an end to exploration efforts the company had been carrying out since 2018 in the sacred hill Anocarire, located in the *comuna* [township] of Camarones, region of Arica and Parinacota" for not having consulted the affected indigenous communities.⁴⁶¹ At the same time, the IACHR notes with satisfaction the October 28, 2021 decision of the First Chamber of the Court of Appeals of Concepción rejecting an appeal filed by the company Forestal Mininco S.A. against the judgment of the Court of Cañete, which recognized the Mapuche Rucañirre community's ownership of a property located in the *comuna* due to that community having registered title to the land since 1897.⁴⁶²

251. As to **memory, truth and justice**, the IACHR learned that in January 2021, the Supreme Court of Justice decided to redistribute cases related to the dictatorship among nine judges appointed full-time for a period of six months.⁴⁶³ This action was criticized by civil society organizations, which pointed

⁴⁵⁷ Government of Chile, Ministry of Foreign Affairs, Request for information – Art. 41 "Declaration of constitutional state of emergency in the regions of Araucanía and Bío-Bío," November 25, p. 4, IACHR file.

⁴⁵⁸ Constitutional Convention. [Adoption of regulation on Indigenous Participation and Consultation](#) (in Spanish), October 4, 2021.

⁴⁵⁹ El Mostrador. [Government bids key study for formal recognition of the Selk'nam people](#) (in Spanish), September 2, 2021.

⁴⁶⁰ Report of the Republic of Chile, September 14, 2021, Ch. VII, ps. 46-50. IACHR's Files (in Spanish).

⁴⁶¹ Radio Universidad de Chile. [Aymara community of Umirpa wins protection appeal against Canadian company Andex Minerals](#) (in Spanish), September 2, 2021.

⁴⁶² Judiciary. [Court of Concepción rejects claim by forestry company and recognizes indigenous community's ancestral ownership of land in Cañete](#) (in Spanish), October 28, 2021. See also: El desconcierto.cl: [Court of Appeals rejects Forestal Mininco's claim and recognizes Mapuche land](#) (in Spanish), October 28, 2021.

⁴⁶³ Plenary of the Supreme Court, [AD-849-220](#), January 11, 2021.

out the failure to consult with the victims and their representatives on the change, as well as the lack of information on the effectiveness of this model or of actions that were reportedly going to be taken to boost the state's capacity to process the approximately 1,500 ongoing cases.⁴⁶⁴ The Commission has likewise monitored judicial proceedings for purposes of verifying the lawfulness of pardons granted by the Executive Branch to individuals convicted of crimes against humanity.⁴⁶⁵ The IACHR appreciates the launch of a digital platform⁴⁶⁶ that systematizes the Undersecretariat for Human Rights' memory projects and has catalogued and geolocated at least 1,016 memory sites.⁴⁶⁷

252. The Inter-American Commission repudiates the new attack on the "Londres 38" memory space in Santiago, as well as actions that have resulted in the nearly complete destruction of the memorial "Political prisoners from Santa Bárbara and Quilaco detained, disappeared, and executed in September 1973," located in Santa Bárbara.⁴⁶⁸

253. With respect to the situation of **persons in human mobility**, the IACHR followed up on the implementation of collective expulsion procedures that apparently do not include individual assessments, or take into account possible international protection needs, family reunification, or the best interests of children and adolescents.⁴⁶⁹ In this context, the Commission noted with concern that on November 4, 2021, the Chilean government reportedly expelled at least 120 Colombians and Venezuelans. These would be added to other expulsions observed by the IACHR during 2021.⁴⁷⁰ In addition, civil society organizations claimed that prior to these actions being executed, the individuals in question were detained and held incommunicado. Furthermore, as a consequence of the expulsions, cases of family separation were reported, as was the failure to take steps to guarantee the principle of family unity and reunification.⁴⁷¹ They also indicated that no access to legal assistance or possibility of filing effective judicial appeals against expulsion orders was being provided. The civil society organizations also referred to cases in which the expulsion orders had been ordered suspended after the individuals had already been deported.⁴⁷²

254. The IACHR further condemned the violent and xenophobic acts carried out by private individuals against Venezuelan migrants in Iquique, Chile. It also expressed concern over the eviction of migrants—most of them Venezuelan—from public spaces, also in Iquique, with reports of acts of violence, and without being offered a prior solution for their relocation.⁴⁷³ In this context, the Commission learned of the announcement made by the State regarding the adoption of new humanitarian measures aimed at

⁴⁶⁴ Londres 38, matter: Request for a Thematic Hearing "Judicial Obstacles to the Prosecution of Crimes Perpetrated since the Civilian-Military Dictatorship." 180th Period of Sessions, April 21, 2021, IACHR file, p. 3.

⁴⁶⁵ Diario U Chile, [Justice requests report on pardon for individual convicted of crimes against humanity](#), May 3, 2021; Diario U Chile, [Minister of Justice accused of "silent" reductions in sentences for criminals convicted of crimes against humanity](#), August 12, 2021; La tercera, [Piñera defends pardons for individuals convicted of human rights violations: denies they were issued in a "capricious or indiscriminate" manner](#), November 2, 2021; Crónica Digital, [Families of disappeared detainees present letter regarding pardons of former state agents who had committed human rights violations during the dictatorship](#), August 26, 2021 (All articles in Spanish).

⁴⁶⁶ <https://memoriahistorica.minjusticia.gob.cl/>

⁴⁶⁷ "The team of the #IACHR Executive Secretariat took part in the launch of the Historical Memory Archive of the @SubseDDDHH of #Chile—a digital platform that systematizes memory projects and has catalogued and geolocated at least 1,016 #SitiosDeMemoria. #MemoriaVerdadJusticia," IACHR twitter account (@IACHR), [Posted on May 10, 2021](#).

⁴⁶⁸ El Mostrador, [Londres 38 denounces attacks on its headquarters by "ultra-right groups."](#) January 8, 2021; Biobio Chile, [Unknown assailants destroy memorial to individuals who were detained and disappeared in the Santa Bárbara comuna.](#) February 25, 2021 (Both articles in Spanish).

⁴⁶⁹ Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, [Concluding observations on the second periodic report of Chile](#), CMW/C/CHL/CO/2, May 11, 2021. U.N.: "[Chile must immediately suspend collective expulsions of migrants, say UN experts.](#)" May 19, 2021.

⁴⁷⁰ IACHR [@CIDH]. (Feb. 13, 2021) *IACHR expresses concern over the expulsion of 55 Venezuelans* [[Tweet](#)]. Twitter.

⁴⁷¹ "Diverse Migration, Discrimination against Migrants: Piñera's dance. Summary of the human rights situation of Venezuelan migrants and refugees in Chile, October 2021, p. 14 and 15.

⁴⁷² Human Rights Watch, [Chile: Rulings Uphold Rights of Deported Venezuelans](#), July 28, 2021.

⁴⁷³ IACHR, Press Release 263/21 – [IACHR Condemns Violent, Xenophobic Acts against Venezuelan Migrants in Iquique, Chile](#), Washington DC, October 5, 2021.

migrants.⁴⁷⁴ The Commission also learned of the decision of the Third Chamber of the Supreme Court recognizing that the measures implemented by the State in the area of Iquique were not effectively responding to the existing humanitarian and migratory situation. The ruling therefore ordered various state agencies, in coordination with the Municipality of Iquique, to implement a plan for the comprehensive protection of persons or social groups whose rights have been violated, in order to address the humanitarian and migratory crisis. It likewise, ordered protection for the rights of migrants entering the national territory through border crossings in the affected area.⁴⁷⁵

255. As to **trafficking in persons**, the Commission takes note of Chile's ratification of the 2014 Protocol to ILO Convention Number 29 on Forced Labor.⁴⁷⁶

256. With regard to the **rights of children and adolescents**, the IACHR welcomes the signing of a cooperation agreement between the Constitutional Convention authorities and the Office of the Ombudsperson for Children, which aims to promote the participation of children and adolescents in the constitutional reform process.⁴⁷⁷

257. Additionally, the IACHR received information on human rights violations against children and adolescents in residences and centers run by the National Service for Minors (SENAME).⁴⁷⁸ According to available information, between 2005 and 2020, a total of 1,188 children and adolescents died while in a SENAME network program; of these, at least 65% were in programs under the Protection or Juvenile Justice areas.⁴⁷⁹ In addition, 2,071 cases of abuses against minors were reported and evidence of human rights violations was found in all homes managed directly by SENAME. In this context, the IACHR takes note of the establishment of the National Service for the Special Protection of Children and Adolescents starting on October 1. According to official information, this Service will be the successor and legal continuation of SENAME, excepting matters taken on by the National Juvenile Social Reinsertion Service, the draft bill for which is currently being reviewed.⁴⁸⁰

258. The Commission also notes its concern regarding the proposed amendments to the bill establishing a system of guarantees for children's rights, which would undermine recognition of the progressive autonomy of children and adolescents and the secular and non-sexist nature of comprehensive sexual and emotional education. According to information available to the IACHR, in a July 15, 2021 ruling, the Constitutional Court ordered the provisions referring to both the progressive autonomy of children and adolescents and the "secular and non-sexist" nature of comprehensive sexual and emotional education to be eliminated from the text of the law, arguing parents' preferential right and duty to educate their children.⁴⁸¹ In the opinion of the IACHR, elimination of the above text from the bill would show disregard for the guiding principles of the Convention on the Rights of the Child, particularly progressive autonomy and everything related to Article 5 thereof.

259. Regarding the situation of **human rights defenders**, the Commission became apprised of threats against and harassment of environmental defenders.⁴⁸² On March 21, Uriel González, a water

⁴⁷⁴ Ministry of the Interior of Chile, [Minister @RodrigoDelgadoM makes new announcements on migration situation in the northern part of the country](#) (in Spanish), September 29, 2021.

⁴⁷⁵ Third Chamber of the Supreme Court, Chile, [Judgment \(rol 25.529-2021\)](#), November 3, 2021, pp. 5, 6, and 7.

⁴⁷⁶ ILO, [Chile ratifies the Protocol to Convention No. 29, reaffirming its commitment to fight against forced labour](#), January 19, 2021.

⁴⁷⁷ Constitutional Convention, ["Cooperation agreement signed to enable participation of children and adolescents,"](#) (in Spanish), October 6, 2021.

⁴⁷⁸ DW, [Chile and its debt to children in State custody](#) (in Spanish), March 29, 2021.

⁴⁷⁹ Observatory for Trust, [Deaths in Custody: deaths of children and adolescents in National Children's Service programs, 2005-2020 period,](#) (in Spanish), May 2021.

⁴⁸⁰ Ministry of Social Development and Family, ["Starting off childhood better, the new National Service for the Special Protection of Children and Adolescents"](#) (in Spanish), October 6, 2021. National Congress, [Law No. 21302](#).

⁴⁸¹ Constitutional Court of Chile, [Judgment Rol. 11.315/11.317-21-CPT \(cumulative\)](#), July 26, 2021.

⁴⁸² Front Line Defenders, [Concern over increasing attacks against environmental rights defenders](#) (in Spanish), June 30, 2021.

activist, was reportedly approached in Santiago by strangers, who, armed with knives, kidnapped, assaulted, threatened, and intimidated him, saying "Don't mess with the water."⁴⁸³ On June 23, 2021 in Antuco, three shots were fired in front of the home of human rights defender Diego Ovalle Valenzuela, spokesperson for the *Antuko Resiste* Socioenvironmental Movement.⁴⁸⁴ The Commission also learned of death threats against environmental defender Verónica Vilches.⁴⁸⁵

260. With respect to **the human rights of women**, the Commission welcomes the publication of the Manual for the use of inclusive, non-sexist language in the Chilean Judiciary, the purpose of which is to recommend practices to help combat discrimination in access to justice that occurs through the use of language that disadvantages women and other vulnerable groups.⁴⁸⁶ The Commission likewise welcomes the launch of the platform "*Saludablemente Mujer*" whose objective is to provide relevant information and guidance on support for women victims of violence.⁴⁸⁷ In the area of political participation, the Commission welcomes the election of 77 women delegates to the Constitutional Convention in the elections held on May 15-16, 2021.⁴⁸⁸

261. The IACHR notes with concern, however, the prevalence of different forms of gender-based violence against women. According to official figures, as of November 20, 2021, there had been 35 femicides committed and 141 attempted femicides;⁴⁸⁹ in this connection, the Commission takes note of records from organized civil society, which report 44 femicides and two femicide-related suicides during the same period.⁴⁹⁰ Likewise, according to crime statistics from the Center for Crime Studies and Analysis, as of that date in 2021, there had been 75,976 cases of domestic violence, 1,688 cases of rape, and 5,844 cases of abuse and other sexual crimes against women.⁴⁹¹

262. With respect to sexual and reproductive rights, the Commission regrets the rejection and shelving in November 2021 by the Chamber of Deputies of a bill that sought to decriminalize the voluntary termination of pregnancy within the first 14 weeks of gestation.⁴⁹²

263. Regarding the rights of **LGBTI persons**, the IACHR welcomes the passage of a law, on December 7, 2021, recognizing marriage equality and the protection of diverse families in Chile.¹⁶ According to public information, this law, in addition to recognizing marriage equality, enhances legal protections for diverse families, including guarantees for equality and non-discrimination in the areas of membership and the health care system, among others.¹⁷ In this connection, the Commission highlights the inclusion of pre- and post-natal work leave without discrimination based on sexual orientation or gender

⁴⁸³ Greenpeace, [Public statement regarding the attacks against Uriel González, candidate for the Constitutional Convention, March 22, 2021](#); Diario USACH, [Uriel González attacked for his environmental activism: "don't mess with the water" was the threat made against him](#), April 1, 2021. (Both articles in Spanish).

⁴⁸⁴ Fundación Terram, [130 environmental organizations denounce new act of intimidation against an environmental activist](#), June 25, 2021; Aracne entre todos, [Threats and deaths: the reality faced by environmental activists in Chile](#), October 29, 2021. (Both articles in Spanish).

⁴⁸⁵ El Mostrador, [Modatima leader Verónica Vilches after death threats: "We will always be in the fight for water."](#) June 9, 2021; Radio U Chile, [Verónica Vilches, Modatima leader: "To talk about water is to be a terrorist."](#) July 14, 2021. (Both articles in Spanish).

⁴⁸⁶ Judiciary of the Republic of Chile, [Manual for the use of inclusive, non-sexist language in the Judicial Branch of Chile](#), 2021.

⁴⁸⁷ Ministry of Women and Gender Equity, [Saludablemente Mujer: New space to support women](#), February 26, 2021.

⁴⁸⁸ BBC News, [Elections in Chile: "The issue of women's underrepresentation was not cultural, but rather due to caps by political parties that blocked their entry."](#) May 19, 2021; CIPER, [Constitutional Convention: parity mechanisms reduced women's representation gap to 2.9%](#), May 17, 2021; Infobae, [Surprise in Chilean elections: due to gender parity law, 11 women will have to give up seats they won for the Constitutional Assembly to men](#), December 1, 2021; CIPER. (All articles in Spanish).

⁴⁸⁹ SERNAMEG, Ministry of Women and Gender Equity, [Femicides 2021](#), as of December 1, 2021.

⁴⁹⁰ Chilean Network against Violence against Women, [Record of Femicides](#), 2021.

⁴⁹¹ CEAD, [Crime Statistics](#), as of November 2021.

⁴⁹² Chamber of Deputies, [Chamber rejected elective abortion within the first 14 weeks](#), November 30, 2021; CNN en Español, [Chile's Chamber of Deputies rejected decriminalization of abortion and the bill will be shelved](#), November 30, 2021. (Both articles in Spanish).

identity, as well as the repeal of the requirement that trans persons who exercise their right to correct public records get divorced.

264. Despite this progress, the Commission takes note of reports of an escalation in violence against trans women sex workers, including one on the attack perpetrated against Alejandra Soto, president of the Amanda Jofré Union of Trans and Transvestite Sex Workers.¹⁹ In this same vein, the Commission has received information regarding various “oversight letters” sent by two congressional deputies to different institutions, including ministries, universities, and hospitals, requesting information on programs, services, and funding for LGBTI individuals. In this connection, civil society organizations have condemned these requests as violations of the privacy and confidentiality of LGBTI persons by requiring, in the case of hospitals, information on who receives health benefits associated with gender reaffirmation.²⁰

265. With regard to **people of African descent and against racial discrimination**, the Commission notes that the plenary of the Constitutional Convention approved seven thematic committees to work on the new Constitution, one of which is the Constitutional Principles Committee, whose topics include mechanisms for popular participation by indigenous and African descent tribal peoples. Along these lines, some delegates to the Constitutional Convention proposed adding, by way of an amendment, that this Committee should address within its main topics the autonomy of Afro-descendant tribal people.⁴⁹³

266. The Commission noted with concern the death of Louis Alix Gentil, an Afro-descendant of Haitian origin, on August 31, 2021. According to available information, Carabinero officers allegedly shot him in the chest.⁴⁹⁴ In its monitoring work, the IACHR also observed that Afro-descendant organizations had filed an appeal for protection after having been left without reserved seats at the Constitutional Convention, pointing out that this situation constituted arbitrary discrimination.⁴⁹⁵

267. As to the **rights of persons with disabilities**, the IACHR highlights the early prioritization of persons with disabilities who were more susceptible to infection,⁴⁹⁶ as well as vaccine mobilization to persons with disabilities’ places of residence.⁴⁹⁷ The Commission also learned that there had been calls from civil society urging the State to take into account the challenges faced by persons with disabilities in the new Constitution, emphasizing issues in the areas of education, social inclusion, and accessibility.⁴⁹⁸

268. Regarding the **rights of older persons**, the IACHR welcomes the Judiciary’s adoption of a Protocol on Access to Justice for Older Persons,⁴⁹⁹ which contains recommendations to be used by judges in their legal work, thereby contributing to equal access to justice, guaranteeing the principle of equality and non-discrimination based on age, and the effective exercise of the rights of older persons. The Commission notes with concern, however, the increase in cases received by the National Service for the Elderly (SENAMA) related to mistreatment and/or violation of older persons’ rights nationwide in 2020,⁵⁰⁰ with 5,771 cases, which represents a 35% increase compared to 2019.

COLOMBIA

⁴⁹³ 24 horas, [Plenary votes in favor of addressing direct and participatory democracy mechanism in standing committee](#) (in Spanish), September 27, 2021

⁴⁹⁴ El Mostrador, [Court orders police officer accused of murdering Haitian citizen Louis Alix Gentil to be placed under national arrest](#) (in Spanish), September 3, 2021

⁴⁹⁵ El Mostrador, [Afro-descendants file appeal for protection for being marginalized from the Constitutional Convention](#) (in Spanish), January 14, 2021.

⁴⁹⁶ El Mostrador, [People with disabilities already have vaccination date, March 5, 2021. \(In Spanish\)](#).

⁴⁹⁷ Senadis, [Questions and answers on Covid-19 vaccination, February 5, 2021. \(In Spanish\)](#).

⁴⁹⁸ Biobiochile, [New Constitution: The rights persons with disabilities are hoping for, May 7, 2021. \(In Spanish\)](#).

⁴⁹⁹ Judiciary, [Protocol on Access to Justice for the Older Persons](#) (in Spanish), April 2021.

⁵⁰⁰ National Service for the Elderly (SENAMA), Press release: [“SENAMA launches campaign to raise awareness about neglect of older persons after increase in cases during 2020”](#) (in Spanish), June 15, 2021.

- **General considerations**

269. Regarding **progress**, the IACHR welcomes the various measures taken by the State on human rights. In particular, it highlights the progress made on implementing the Peace Agreement as far as the institutions that make up the Comprehensive Truth, Justice, Reparation, and Non-Repetition System, such as the progress made on investigating macro-cases 01, 03, and 07, as well as the holding of prior, free, and informed consultations in the different ethnic territories of the country.

270. Regarding **challenges**, the IACHR observes with concern the human rights violations verified to have taken place during the demonstrations in the country, as well as the violations of the right to protest and freedom of expression. Likewise, the Commission highlights the structural persistence of violence in the country, which has especially affected human rights defenders, social leaders, representatives of indigenous peoples, peasants, persons of African descent, women, LGTBI persons, and children and adolescents. In addition to this, the IACHR highlights the increase in the number of displaced persons and persons in confinement, as well as the overrepresentation of indigenous and Afro-descendant persons among the victims.

271. On September 8, 2021, the State submitted a response to the request for information sent to prepare this chapter.

- **Specific issues**

272. Regarding **human rights institutions**, the Commission highlights the Office of the Ombudsperson's approval of Institutional Strategic Plan 2021-2024, "Your rights unite us." This plan seeks to influence public policies aimed at protecting and defending the human rights that guarantee peaceful coexistence, reduce rights violations, and enable the enjoyment of a dignified and inclusive life for the inhabitants of the national territory and Colombians living abroad.⁵⁰¹ The IACHR also takes note of the publication of the Guidelines and Actions of the National Government Toward Respecting and Guaranteeing Human Rights in Colombia 2021-2022, which constitute progress toward developing the National Action Plan on human rights.⁵⁰² In this regard, the Commission urges the State to continue strengthening human rights institutions, highlighting the importance of drafting, implementing, monitoring, and evaluating national rights plans with broad participation from the different social sectors at each stage of the process. In particular, it expresses willingness to continue providing technical assistance in the process of preparing and monitoring these instruments.

273. The IACHR has indicated that a complementary aspect of human rights institutions is the analysis of fiscal policies and the State budget to fund human rights. In this sense, the IACHR takes note of the creation of the Future Zone for the Chocó region, one of the regions most affected by the escalation of violence. The program includes a large investment of resources aimed at strengthening the legitimacy of institutions and initiating social transformation through education, security, and environmental protection in communities to foster the transition from illegal to legal economies. The Commission recalls the importance of budget allocation from the moment of public policies are drafted, implemented, and evaluated.

274. In terms of **democratic institutions**, the State reported on the amendment of the Electoral Code, which requires the Constitutional Court to uphold its constitutionality in order to enter into force, and it highlighted equal representation of men and women candidate lists as one of its objectives.⁵⁰³

⁵⁰¹ Office of the Ombudsperson, Resolution 090, [Institutional Strategic Plan 2021-2024 "Your rights unite us"](#), January 18, 2021

⁵⁰² Presidency of the Republic, Presidential Council for Human Rights and International Affairs, [Guidelines and Actions of the National Government Toward Respecting and Guaranteeing Human Rights in Colombia 2021-2022](#), August 2021

⁵⁰³ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, pg. 2.

275. Additionally, the State underscored the importance of the elections held on December 5 for the Youth Councils,⁵⁰⁴ which, pursuant to Law 1622 of 2013, are autonomous mechanisms for participation, dialogue, and government oversight and control by young people with respect to the territorial youth agendas, before the public institutions of each territorial entity to which they belong.⁵⁰⁵

276. Additionally, the Commission took note of the expressions of concern from civil society about the functioning of democratic institutions in the country, especially surrounding violations of the right to protest, freedom of expression, and the risks faced by people who defend human rights in the country. In the framework of its working visit to Colombia on June 8, 9, and 10 of this year, the Commission received information on serious human rights violations, including: the disproportionate use of force; violence based on gender and ethnic-racial criteria in the context of protest; violence against journalists and against medical missions; violence against human rights defenders; irregularities in the use of protective transfers; reports of the disappearance of persons; and the use of the military, disciplinary powers and military criminal jurisdiction.⁵⁰⁶

277. Likewise, following the complaints made by social organizations about how the system of institutional checks and balances was operating,⁵⁰⁷ the Commission took note of the actions of the Office of the Attorney General with respect to at least 20 popularly elected authorities, including 3 members of Congress, 1 governor, 10 mayors, and 6 council members.⁵⁰⁸ Some officials informed the IACHR that they feared facing disciplinary processes that could lead to sanctions like removal from their offices or disqualification from serving in government. Similarly, information was received from mayors, governors, and even members of Congress who said their capacity to prioritize dialog during the protests had been undermined because of the possibility of facing disciplinary proceedings.⁵⁰⁹

278. The IACHR also took note of the complaints of social and union organizations⁵¹⁰ about the Office of the Ombudsperson's lack of independence from the Executive Branch during the protests that took place that year.⁵¹¹

279. The Commission has expressed its concern over the discrepancies between the statistical data presented by the Office of the Attorney General of the Nation on human rights violations in the context of the protests and the records kept by civil society organizations,⁵¹² as well as the numbers tallied by the UN Office of the High Commissioner for Human Rights (OHCHR).⁵¹³ Additionally, the IACHR received complaints from civil society organizations accusing the Office of the Public Prosecutor and members of the police of monitoring, profiling, and persecuting human rights defenders and high-profile social leaders during the protests.⁵¹⁴

⁵⁰⁴ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, pg. 3.

⁵⁰⁵ Congress of Colombia, [Statutory Law on youth citizenship and other provisions](#), April 29, 2013, art. 33

29 ⁵⁰⁶ IACHR. [IACHR Completes Working Visit to Colombia and Issues Observations and Recommendations](#), July 7, 2021, para.

⁵⁰⁷ IACHR. [Situation of human rights in Colombia](#), 178th period of sessions, December 9, 2020.

⁵⁰⁸ Procurator General of the Nation, Republic of Colombia, Report, June 7, 2021. Commission Archive.

123 ⁵⁰⁹ IACHR. [IACHR Completes Working Visit to Colombia and Issues Observations and Recommendations](#), July 7, 2021, paras.

⁵¹⁰ *La FM*, [Trabajadores de la Defensoría del Pueblo que piden la renuncia del defensor](#), May 13, 2021

⁵¹¹ *Semana*, [Paro nacional: manifestantes piden al Defensor del Pueblo su renuncia a través de un plantón](#), May 20, 2021

38-40 ⁵¹² IACHR. [IACHR Completes Working Visit to Colombia and Issues Observations and Recommendations](#), July 7, 2021, paras.

⁵¹³ United Nations Office of the High Commissioner of Human Rights (UNHCHR), [El Paro Nacional 2021: Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia](#), December 15, 2021

⁵¹⁴ Temblores. Open letter on orders allegedly issued by the Office of the Attorney General to monitor and surveil members of the Temblores NGO, December 9. Additionally, the IACHR has received confidential complaints from other civil society organizations.

280. Regarding **access to justice**, the State reported on the digitalization of justice services enabling the justice system to, among other things, operate within the framework of measures implemented to mitigate the effects of the COVID-19 pandemic. The State also noted the creation of 114 judicial offices and the creation of 824 positions with the objective of balancing and reducing congestion in the judiciary's operations in certain municipalities. Along these lines, the Superior Council of the Judiciary decided to temporarily create, for all jurisdictions and specialties, a total of 709 temporary positions to provide additional support with managing judiciary offices in the national territory.⁵¹⁵

281. In addition, the IACHR has received information regarding the operation of the Comprehensive System of Truth, Justice, Reparation, and Non-Repetition (SIVJRNR), responsible for promoting measures of memory, truth, justice, reparation, and non-repetition of serious human rights violations within the context of the internal armed conflict. The IACHR takes note of the efforts of the SIVJRNR to articulate and adopt a differential approach in its different instruments and procedures. In this regard, it underscores the rapprochement in terms of access to justice represented by the efforts by the entities comprising the SIVJRNR to carry out prior, free, and informed consultations with ethnic organizations and territories.

282. Additionally, the Commission took note of the reports from civil society decrying the high levels of impunity in the country. According to the global impunity index, 19 of the 32 departments show high and very high levels of impunity.⁵¹⁶ These levels of impunity are explained by the structural weakness of the justice system in Colombia. This classification is supported by a comparative study that, among other variables, considers the proportion of judges per 100,000 inhabitants, which in Colombia is 5.53, compared to 17.83 for the average of the 69 countries studied; the ratio of people before the courts having had formal contact with the police and the criminal justice system, 26.26 in Colombia compared to the average of 80.52 for the other countries; and the ratio of persons before the courts according to the number of prosecutors, 3.17 in Colombia compared to 106.55 for the average of the other countries.⁵¹⁷

283. Additionally, the Commission received information on the status of the judicial proceedings related to the protests of September 9 and 10 in the country, during which 14 murders were recorded, 11 of them allegedly linked to the illegal use of force by the National Police; 75 people injured by gunshot wound; 43 injured with bladed weapons; and 187 protesters and 216 police officers with other types of injuries.⁵¹⁸ According to the social organizations providing support in nine of the homicide cases and various incidents of people injured during these demonstrations, they indicated that the investigations into the murders are focused on the perpetrators, and—with the exception of the case of Javier Ordóñez—the remaining investigations into the nine murders have seen little progress with practically no progress on the investigations into the cases of people injured with firearms.⁵¹⁹ In this regard, the report of the group of independent experts on these facts concludes that, although the delays in the investigations into these cases cannot be considered unjustified, urgent measures must be taken to arrive at a comprehensive understanding of these acts of violence and of the institutional contexts in which the decisions leading to what happened were made.⁵²⁰

284. In terms of **citizen security**, the State reported on the instances of institutional coordination within the framework of the "Peace with Legality"⁵²¹ policy and the joint actions between the Ministry for Interior Affairs and the Ombudsman's Office through the Technical Secretariat of the

⁵¹⁵ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, pg. 12-17.

⁵¹⁶ Corporación Excelencia en la Justicia (CEJ), [Índice Global de Impunidad de Colombia 2019](#), May 27, 2021

⁵¹⁷ Fundación Universidad de las Américas, [Escalas de impunidad en el mundo. Índice Global de Impunidad 2020 \(IGI-2020\)](#), 2020, pg. 178

⁵¹⁸ Report on the acts of violence that took place on September 9 and 10, 2020, Mayor's Office of Bogotá, [Informe Final. Para el esclarecimiento de los hechos ocurridos los días 9 y 10 de septiembre de 2020](#), December 13, pg. 5

⁵¹⁹ IACHR archive. Information sent by civil society organizations in Colombia,

⁵²⁰ Report on the acts of violence that took place on September 9 and 10, 2020, Mayor's Office of Bogotá, [Informe Final. Para el esclarecimiento de los hechos ocurridos los días 9 y 10 de septiembre de 2020](#), December 13, pg. 8

⁵²¹ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, pg. 17-18.

Intersectoral Commission for Rapid Response to Early Warnings (CIPRAT) in territories where Development Programs with a Territorial Approach (PDET) are implemented.⁵²² Regarding the safety of community leaders who support the Comprehensive National Program for the Replacement of Illegal Crops (PNIS), the State highlighted the strategy of the Presidential Council on Stabilization and Consolidation (CPEC) and its coordination with the territorial authorities responsible for establishing and/or activating support routes for rapid and effective reaction to risks and threats, as well as defining how cases and territories are prioritized by these authorities.⁵²³ Additionally, through sessions held during 2019 and 2020, the Plan for Coordinating Security Actions for the target population of the Comprehensive National Program for the Substitution of Illegal Crops—PNIS, was prepared, under which a baseline for PNIS leadership and an impact matrix were established.⁵²⁴ The State also underscored the activation of the Commission for Support and Monitoring of Security Impacts, which was in session until July 31, 2021, and the formation of a committee to define and implement actions on gender, an ethnic and territorial approach, and security for the leaders supporting the implementation of illegal crop substitution models.⁵²⁵

285. The Inter-American Commission has expressed on several occasions and through different means its extreme concern about the levels of violence in the country. This situation manifests in the number of murders registered over the course of 2021, in the increase in clashes between non-State armed groups; and in the acts of violence against human rights defenders, social leaders, and ex-combatants, as well as in massacres.

286. During that period, the IACHR was able to observe an increase in the number of murders in the country, which, according to statistics from the Ministry of Defense, totaled 11,509 cases as of November 4. This figure represents an increase in homicides of 15.5% compared to the 9,962 homicides registered during the same period of the previous year.⁵²⁶ Additionally, the United Nations Verification Mission in Colombia has indicated that, between January and September of this year, 44 ex-combatants who signed the Peace Agreement have been murdered.⁵²⁷ Since the signing of the Peace Agreement, 292 reinserted persons have been murdered—283 men and 9 women.⁵²⁸ Likewise, the Verification Mission and OHCHR have reported on the preliminary verification of 43 massacres that occurred in 2021, while another 36 cases of massacres are pending confirmation.⁵²⁹ Through November 15, 2021, civil society organizations have documented 88 massacres, with 313 victims killed.⁵³⁰

287. The IACHR observes that there is an overrepresentation of acts of violence against human rights defenders, leaders, ex-combatants, and massacres. These incidents are concentrated in the departments of the Pacific region, particularly in the departments of Cauca, Chocó, Nariño and Valle del Cauca, as well as in Antioquía and Norte de Santander, and disproportionately affect indigenous peoples, persons of African descent, and peasants. The United Nations Verification Mission indicates that the

⁵²² Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, pg. 19-20.

⁵²³ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, pg. 20.

⁵²⁴ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, pg. 21.

⁵²⁵ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, pg. 23.

⁵²⁶ Minister of Defense. National Police of Colombia 2021 Homicide Registry, November 4, 2021

⁵²⁷ United Nations Verification Mission in Colombia, Report of the Secretary General, S/2021/824, September 24, 2021, pg. 3.

⁵²⁸ United Nations Verification Mission in Colombia, Report of the Secretary General, S/2021/824, September 24, 2021, pg. 3.

⁵²⁹ Office of the United Nations High Commissioner for Human Rights, [Massacre figures](#), October 29, 2021.

⁵³⁰ Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ), [Informe de masacres en Colombia durante 2021](#), November 15, 2021.

murders of ex-combatants, as well as of those who exercise social or community leadership and human rights defenders, continue to be concentrated in 25 municipalities, 20 of which are PDET municipalities.⁵³¹

288. Likewise, the IACHR noted that 47% of the homicides registered in Colombia are concentrated in the departments of the Pacific region and Antioquia.⁵³² These territories are characterized by, among other aspects, a limited presence of the State, which especially impacts guarantees for full enjoyment of economic, social, cultural, and environmental rights. They are also characterized by the presence of non-state armed groups in conflict over the control of the operation of illegal economies. In this regard, the Commission was informed of the upsurge in violence in the territories of ethnic communities, the occupation of these spaces by non-State armed groups, and clashes between these groups and security forces. This has resulted in murders, massacres, and threats to life and integrity, as well as the confinement and massive displacement of ethnic communities. In addition, the integration of these territories into the operations of illegal economies leads to deforestation and pollution in these areas, particularly of the waterways affected by the mercury used in mining.

289. Regarding these situations, the IACHR also received the early warnings from the Office of the Ombudsperson reporting imminent risk to the population due to the reemergence of the violence and the presence of armed actors on Colombian territory, with differentiated impact on indigenous peoples and Afro-descendants.

290. In this context, the Commission condemned the massacre in which, according to publicly-available information, young Afro-descendants Yesid Mera, Sergio Bandera, and Gustavo Zapata were murdered on August 22, 2021, in the rural area of Santander de Quilichao, Cauca. The victims were between the ages of 17 and 27.⁵³³ In addition, it took note of the information presented by the Regional Indigenous Council of Cauca (CRIC) indicating that between January and September 2021, 74 indigenous people were murdered in Cauca.⁵³⁴ In October 2021, attacks against members of the Awá⁵³⁵ and Nasa⁵³⁶ indigenous communities continued to be reported in the departments of Nariño and Cauca, including the attempted assassination of Nasa community leader Oveimar Tenorio.⁵³⁷

291. Additionally, the IACHR also repudiated the femicide of an 11-year-old Afro-descendant girl in the municipality of Guapi, Cauca, reported on January 12, 2021. According to preliminary reports, the girl was the victim of disappearance starting on January 10, 2021, and allegedly suffered torture and sexual violence.⁵³⁸ At the same time, the Commission noted with concern the murder of three Afro-descendant children, ages 17, 12, and 11, in Quibdó, Chocó, on April 20, 2021; according to available information, the children worked as recyclers and were shot with firearms after being tortured by members of an illegal group.⁵³⁹ The IACHR took note of publicly-available information indicating that 585 young people had been murdered in Chocó in the last six years as a result of the surge in violence; in June 2020 alone, 97 homicides of young people were reported in Quibdó.

⁵³¹ United Nations Verification Mission in Colombia, Report of the Secretary General, S/2021/824, September 24, 2021, pg. 2.

⁵³² Minister of Defense. National Police of Colombia [2021 Homicide Registry](#), November 4, 2021

⁵³³ IACHR [@CIDH], August 24, 2021, [[Tweet](#)], Twitter; *El Herald*, [Nueva masacre: reportan homicidio de tres jóvenes en Arauca](#), August 24, 2021.

⁵³⁴ *RCN*. [Son 74 los indígenas asesinados en lo corrido del 2021 en el Cauca](#). September 20, 2021. Between September 16 and 23 alone, there were nine murders of members of indigenous peoples in the Pacific region; *El Colombiano*. [En cinco días asesinaron a ocho indígenas en el país](#). September 23, 2021

⁵³⁵ INFOBAE. "Comunidad indígena awá encontró dos cuerpos decapitados en Tumaco, Nariño." November 10, 2021.

⁵³⁶ *El País*. "Vidas al filo en Colombia: la lucha por defender la tierra en el país más peligroso." November 1, 2021.

⁵³⁷ INFOBAE. "Denuncian atentado contra el coordinador de la guardia indígena en el norte del Cauca." October 2, 2021.

⁵³⁸ IACHR [@CIDH], January 19, 2021, [[Tweet](#)], Twitter; *El País*, [Repudio por cruel asesinato de una niña de 11 años en Guapi, Cauca](#), January 12, 2021

⁵³⁹ *Semana*, [Los detalles del aterrador asesinato de tres niños en el Chocó](#), April 24, 2021; *El Tiempo*, [Niños asesinados a machetazos habrían cruzado frontera invisible](#), April 25, 2021

292. On the other hand, the Commission observes with special concern the persistence of high rates of gender-based violence. According to information from the Attorney General's Office, 1,074 complaints of femicide were registered between January and September 2021, comprising 555 complaints of femicides and 519 attempted femicides.⁵⁴⁰ Civil society organizations have reported an increase of more than 20% in the number of femicides registered in 2021⁵⁴¹ compared to 2020.⁵⁴²

293. Likewise, according to official figures from the National Institute of Legal Medicine and Forensic Sciences, between January and August 2021, 24,492 cases of domestic violence against women, girls, adolescents, and older adults were registered; and 11,523 forensic medical examinations were carried out in connection with alleged crimes of sexual violence, an increase of 12.8% compared to 2020.⁵⁴³

294. Additionally, the IACHR takes note of the lack of official records on the situation of violence faced by Venezuelan migrant women and takes note of the complaints from civil society organizations who report 13 cases of femicide in Tibú, Norte de Santander, in the first six months of 2021. This amounts to a 400% increase over the previous year.⁵⁴⁴ Additionally, 14 women were reported missing in Cúcuta and its metropolitan area.⁵⁴⁵ The IACHR has also taken note of available public information indicating that during the first half of 2021, a total of 335 Venezuelans experienced sexual violence, highlighting that 65.9% of the victims are minors, and of them, 75% were 13 years old or younger.⁵⁴⁶ In this regard, the Commission observes with concern the enhanced risk faced by Venezuelan migrant and refugee women—especially girls and adolescents—of becoming the victims of trafficking for the purposes of sexual exploitation.

295. Additionally, the Commission has taken note of reports of violence against lesbian, gay, bisexual, trans and intersex (LGBTI) persons in Colombia. Based on the information available, the IACHR reiterates its warning regarding the situation of human rights, discrimination, and violence facing trans women in Colombia.⁵⁴⁷ The Office of the Ombudsperson indicated it had dealt with 72 cases of violence based on prejudice between January and May 2021, with a majority of the victims being trans women.⁵⁴⁸ Data collected by social organizations indicate that, as of August 2021, at least 20 trans women had been murdered in the country.⁵⁴⁹ During 2021, the Commission followed up on the investigations into the death of Juliana Giraldo Díaz, a trans woman who, in September 2020, was shot to death by a member of the Third

⁵⁴⁰ The calculation was made using the monthly reports of complaints registered. Office of the Attorney General of the Nation, [Statistics on criminal complaints](#), Accessed on November 1, 2021.

⁵⁴¹ Vivas nos queremos, [Boletín Mensual de Femicidios](#), August 2021.

⁵⁴² Vivas nos queremos, [Boletín Mensual de Femicidios](#), December 2020.

⁵⁴³ Centro de Referencia Nacional sobre Violencia-CRNV, [Boletín estadístico mensual](#), August 2021

⁵⁴⁴ Corporación Mujer Denuncia y Muévete, Border Lab – Laboratorio de Frontera, Servicio Jesuita de Refugiados Colombia, and Women's Link Worldwide. Attachment to the request for a thematic hearing for Period of Sessions 181, registration number 165046, 2021. IACHR archives; W Radio, [Nueve feminicidios en el municipio de Tibú](#), Norte de Santander, June 3, 2021; Infobae, [Alarma por aumento en un 400% de la violencia contra las mujeres en Tibú](#), Norte de Santander, July 5, 2021

⁵⁴⁵ Corporación Mujer Denuncia y Muévete, Border Lab – Laboratorio de Frontera, Servicio Jesuita de Refugiados Colombia, and Women's Link Worldwide. Attachment to the request for a thematic hearing for Period of Sessions 181, registration number 165046, 2021. IACHR archives.

⁵⁴⁶ CODHES, [Boletín Especial Número 97 Afectaciones a la vida e integridad de la población refugiada y migrante proveniente de Venezuela en Colombia](#), October 2021 pg. 8

⁵⁴⁷ The IACHR expressed its concern about the situation of vulnerability facing trans women in Colombia in its 2020 annual report: IACHR, [Annual Report 2020, Chapter V - Truth, Justice and Reparation: Sixth Report on the Human Rights Situation in Colombia](#), para. 391, 2021. Also see: IACHR, [Trans and Gender-Diverse Persons and Their ESCER](#), 2020, para. 80.

⁵⁴⁸ Office of the Ombudsperson, [Derechos Humanos de personas OSIGD-LGBTI 2020 y 2021](#), May 2021.

⁵⁴⁹ According to data compiled and analyzed by the Fundación Red Comunitaria Trans and the Observatorio PREDIVA, Prejuicios, Representaciones sociales, Estigma, Discriminación, Invisibilización, Violencias y Aniquilación hacia Personas con Experiencias de Vida Trans, from the Fundación GAAT, reported in: [El Espectador, Veinte personas trans han muerto en 2021, casi todas asesinadas](#), June 26, 2021 and [El Tiempo, 27 mujeres trans han sido asesinadas en Colombia en lo que va del año](#). Also see: August 18, 2021; Infobae, [Asesinan mujer transgénero después de marcha LGBTIQ en Medellín](#) July 5, 2021; [El Universal, "Asesina a una mujer trans en Magangué, es el primer caso en Bolívar en 2021"](#) May 24, 2021; [El Tiempo, "Reportan el asesinato de una mujer trans en Valle del Cauca"](#) March 30, 2021; [El Tiempo, "Dos mujeres trans fueron asesinadas el fin de semana en Colombia"](#) February 8, 2021. The IACHR has monitored the investigations and proceedings in the September 2020 case in which Juliana Giraldo Díaz, a trans woman, died after being shot by a member of the Third Division of the National Army in Cauca,

Division of the National Army in Cauca.⁵⁵⁰ According to publicly-available information, these investigations were conducted using a gender approach, taking into account the gender identity of the victim.⁵⁵¹

296. Additionally, civil society organizations have alleged that State information systems underreport acts of violence against LGBTI persons, making the phenomenon invisible.⁵⁵² In addition, civil society has expressed concern about failure during 2021 to implement the public policy aimed at guaranteeing the rights of LGBTI people. According to information received by the IACHR, this policy includes mechanisms such as the Urgent Cases Desk, which have the potential to contribute to the prevention of discrimination and structural violence based on prejudice.

297. The IACHR reiterates its deep concern over the magnitude of the violence in Colombia and its high cost in terms of the number of people who have lost their lives to violence in that country. Likewise, it urges the State to comply with its international obligations as a party to the American Convention on Human Rights and other international human rights instruments. Along these lines, the Commission reminds the Colombian State of its duty to protect and guarantee the lives and personal integrity of all people in a practical and effective manner. Likewise, it urges the State to redouble its efforts to investigate these facts and punish the material and intellectual authors. Additionally, the IACHR underscores the importance of clarifying these facts, both for the purpose of providing full redress to the victims and as a central measure of prevention and non-repetition.

298. As regards the **rights of indigenous peoples**, the IACHR takes note of the information provided by the State on actions aimed at strengthening and revitalizing the organizational structures that defend the lives of indigenous peoples and the spaces for consultation within the framework of the Commission on the Human Rights of Indigenous Peoples.⁵⁵³ In addition, it reported that actions have been taken to technically strengthen the National Commission of Indigenous Women and that the Office of Roma and Minority Indigenous Affairs (DAIRM), with the support of the International Organization for Migration and Border Management, hired a consulting team to prepare a preliminary diagnosis on the indigenous population on the move from the Bolivarian Republic of Venezuela.⁵⁵⁴

299. Regarding the support for the Health Subcommittee of the Permanent Roundtable for National Coordination with Indigenous Peoples and Organizations (MPC), the State reported that consultation and articulation continue to guarantee a differentiated approach in the COVID-19 vaccination plan.⁵⁵⁵ Regarding the Indigenous Intercultural Health System (SISPI), it points out that different spaces have been coordinated with the Ministry of Health for acting jointly. It likewise reported that the Directorate of Indigenous, Roma and Minority Affairs (DAIRM) provided support in July to the Colombia Pact with the Youth space to support the second phase of the Colombia Pact "Parchemos para Construir" and the technical and coordination roundtable was supported with the Delegation of Indigenous Youth (DENAJJ).⁵⁵⁶

⁵⁵⁰ RCN Radio, [Caso de Juliana Giraldo será resuelto por la justicia ordinaria](#), IACHR, IACHR condemns murder of Juliana Giraldo Díaz, September 25, 2020; Army of Colombia, press release, September 24, 2020; *France 24*, "Mujer trans muere a manos de militar en una Colombia sacudida por violencia policial, September 24, 2020."

⁵⁵¹ CNN, [Fiscalía agrega perspectiva de género a investigación por la muerte de Juliana Giraldo en Colombia](#), September 25, 2020.

⁵⁵² Information provided to the IACHR on October 29 by Caribe Afirmativo; Fundación Grupo de Acción y Apoyo a Personas Trans; Corporación Instituto Internacional Raza, Igualdad y Derechos Humanos – Raza e Igualdad, Colombia y Colombia Diversa, document available on file with the IACHR.

⁵⁵³ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para. 156.

⁵⁵⁴ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, paras. 157-158.

⁵⁵⁵ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para. 159.

⁵⁵⁶ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, paras. 160-161.

300. The IACHR learned of the concerns of the indigenous peoples with regard to the State's sustained attempts to promote initiatives to establish regulations on the right to prior consultation without discussing the contents of such initiatives or the need for them beforehand with the peoples themselves and their national consultation bodies. The Commission reiterates that the State must consult indigenous peoples and Afro-descendent communities in a prior, free, and informed manner, deploying administrative and legislative initiatives to secure their consent in order to protect their fundamental rights to their lands, territories, natural resources, and other rights.

301. Regarding the situation of **human rights defenders**, which will be addressed in greater depth in Chapter V of this report, the Commission observed that during 2021, the situation of violence against these groups continued to be of concern. In this regard, the State highlighted that it considered the situation faced by human rights defenders to be a priority. It indicated that the Presidential Council for Human Rights and International Affairs prepares a quarterly "Report on murders of social leaders and human rights defenders in Colombia" that aims to assess the phenomenon of violence against these groups.⁵⁵⁷

302. Likewise, the State indicated that, through the Timely Action Plan (PAO), it has managed to change the upward trend in the number of homicides of human rights defenders.⁵⁵⁸ It highlighted that, through Resolution 090 of January 18, 2021, of the Office of the Ombudsperson, Institutional Strategic Plan 2021-2024 "Your rights unite us" was approved, whereby the Office of the Ombudsperson seeks to influence public policies aimed at protecting and defending human rights.⁵⁵⁹

303. However, the Commission observed with concern that the acts of violence against these groups continued during 2021 and condemned on different occasions and by various means the murders of human rights defenders and social leaders.⁵⁶⁰ According to State figures, as of August 2021, 40 murders of social leaders and human rights defenders had been registered.⁵⁶¹ Between January and November 2021, the Ombudsman's Office registered, 130 murders of social leaders and human rights defenders, and highlighted that 75% of these homicides are concentrated in eight departments, including the Pacific region, Antioquia, Putumayo, and Norte del Santander.⁵⁶² Additionally, OHCHR figures indicate that as of November 31, 2021, it was aware of 191 alleged murders of human rights defenders, of which 73 were verified, 35 were in the process of verification, and 83 were inconclusive or unverifiable.⁵⁶³ Meanwhile, the Programa Somos Defensores indicated that between January and September 2021 there were 86 murders of human rights defenders.⁵⁶⁴ Other civil society organizations indicate that the murder of 135 human rights defenders was recorded through September 2021.⁵⁶⁵

304. The Commission has learned of the progress in the investigations into crimes against human rights defenders. In this regard, the State informed the Commission that, as of August 10, 2021, the Office of the Attorney General of the Nation secured the conviction of 89 perpetrators in 69 cases of

⁵⁵⁷ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para. 35-37.

⁵⁵⁸ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para. 54.

⁵⁵⁹ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para. 63.

⁵⁶⁰ IACHR, Press Release [316/21 - La CIDH reitera su preocupación por la persistencia estructural de la violencia en Colombia](#), November 25, 2021; IACHR, Press Release No. [103/21 - IACHR Condemns Violence in Cauca and Urges Colombia to Strengthen Public Policies to Address Structural Causes of Violence in the Country](#), April 27, 2021.

⁵⁶¹ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para.

⁵⁶² Office of the Ombudsperson, Twitter, [Entre enero y noviembre de 2021 en @DefensoriaCol registramos 130 asesinatos de líderes sociales y defensores de #DDHH](#), December 9, 2021

⁵⁶³ OHCHR Colombia, [Homicidios de personas defensoras de Derechos Humanos](#).

⁵⁶⁴ Programa Somos Defensores, [Boletín julio-septiembre 2021, Sistema de Información sobre agresiones contra personas defensoras de DD.HH en Colombia SIADDHH](#), November 2021.

⁵⁶⁵ Comisión Colombiana de Juristas, [Listado de violaciones al derecho a la vida de las personas defensoras de DD.HH., líderes y lideresas sociales](#), accessed on November 2, 2021.

homicides against human rights defenders and 8 social leaders, as well as the conviction of 10 masterminds in 8 homicide cases. Regarding investigations into threats, the State indicated that between January 1, 2021 and July 31, 2021, the Office of the Attorney General of the Nation investigated 961 cases of threats against human rights defenders, in which cases no convictions have yet been secured.⁵⁶⁶

305. In this regard, the Commission underscores that the most effective means for protecting human rights defenders is to effectively investigate acts of violence against them and punish those responsible in order to identify and solve the cases, and thereby prevent repetition.⁵⁶⁷

306. Regarding threats, according to available information, during the first half of 2021, threats were the most repeated aggression, with a total of 158 cases, 13.7% more than what was registered in 2020. Social leaders were the ones the most affected by these acts of violence.⁵⁶⁸ Between the months of July and September 2021, threats remained the most common form of aggression.⁵⁶⁹

307. The Commission also observed that during 2021 the violence against human rights defenders remained concentrated in the departments of Antioquia, Valle del Cauca, Cauca, Nariño, and Chocó.⁵⁷⁰ Indeed, the IACHR notes that the violence in these departments has continued since its work visit to the country in November 2018.⁵⁷¹

308. Regarding the **rights of persons of African descent and against racial discrimination**, the Inter-American Commission welcomes the progress in this area reported by the Colombian State. In this regard, the adoption by external circular No. 1640 of 2021 of Decree No. 1640 of 2020 stands out. It aims to improve and strengthen the Single National Public Registry of Community Councils, and other organizational expressions of the Black, Afro-Colombian, Raizal, and Palenquero Communities.⁵⁷² Likewise, the State reported on the implementation by the Ministry of Interior Affairs of the strategy “Afro-Colombian Women, from participation to the guarantee of rights, the power of the 3 E’s: Equity, Empowerment, and Ethnodevelopment” in order to respond to the specific needs and strategic interests from the worldview of black, Afro-Colombian, Raizal, and Palenquera Women.⁵⁷³ In this regard, the Commission welcomes the prior consultation carried out to adopt and implement a public policy on black, Afro-Colombian, Raizal and Palenquero communities in the Huila department. According to the information available, the government carried out this process with legal representatives of 11 related organizations.⁵⁷⁴

309. Additionally, the IACHR welcomes the strengthening of the Special Fund for Black Communities administered by ICETEX, which seeks to expand the availability of forgivable loans to Afro-Colombian, Raizal and Palenquero students by adding 400 more spots than the previous year. According to

⁵⁶⁶ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, para. 49 and 53.

⁵⁶⁷ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 226.

⁵⁶⁸ MOE, [Informe de violencia contra líderes políticos, sociales y Comunales: un país sin líderes no es un país, informe del primer semestre 2021](#), pg. 4.

⁵⁶⁹ Programa Somos Defensores, [Boletín julio-septiembre 2021. Sistema de Información sobre agresiones contra personas defensoras de DD.HH en Colombia SIADDHH](#), November 2021.

⁵⁷⁰ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, para. 44 and 45; Office of the Ombudsman, [Defensoría del Pueblo presenta reporte de conductas vulneratorias contra líderes sociales durante el primer semestre de 2021](#), August 25, 2021; Comisión Colombiana de Juristas, [Boletín Semestral: Violaciones a los derechos de las personas defensoras, líderes y lideresas sociales](#), August 25, 2021, pg. 4.

⁵⁷¹ IACHR, Press Release [8/19 - IACHR Completes Working Visit to Colombia to Assess Alarming Issue of Murders of Social Leaders and Human Rights Defenders](#), January 15, 2019.

⁵⁷² Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, pg. 30, para. 162

⁵⁷³ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, “Annual overview of the human rights situation by country” corresponding to 2021, pg. 31, para. 164

⁵⁷⁴ Government of Huila, [Consulta previa para la adopción e implementación de la Política Pública Afro en el Huila](#), October 12, 2021

public sources, this announcement was made by the Minister Interior, reaffirming that the aim of this program was to increase access to higher education for students from this ethnic-racial group.⁵⁷⁵ In addition, the Commission takes note of the bill filed in the House of Representatives, which aims to ensure that 20% of the most senior decision-making positions in the State are held by persons of African descent. According to this bill, positions must be filled from a list provided by the shortlist system that must include at least one person from the black, Afro-Colombian, Raizal and Palenquero communities.⁵⁷⁶ The IACHR also welcomes the decision of the Plenary Chamber of the Constitutional Court of Colombia finding that the members of the black, Afro-Colombian, Raizales, and Palenqueras communities are excluded from compulsory military service.⁵⁷⁷

310. Despite this progress, the Commission observes persistent challenges in this area. According to public information, in **Colombia, two million hectares of Afro-descendant territories are not titled. Through October of this year, in Colombia, about 5.5 hectares would have been titled to black communities, mostly in the Pacific region.**⁵⁷⁸ In this context, the Commission takes note of the social demonstrations over annulment of the collective title of the Community Council of La Boquilla pursuant to a ruling of the Administrative Court of Bolívar, which was appealed by the black community.⁵⁷⁹ Along these lines, the IACHR took note of the public declaration in the framework of the Summit of the Black, Afro-Colombian, Raizal and Palenquero People held on October 27, 2021, in which Afro-descendant organizations asked the State to act with urgency to establish the regulations for and implement Law 70 of 1993, particularly the chapters related to titling collective territories pending recognition.⁵⁸⁰ This request was supported by the Representative of the Office in Colombia of the United Nations High Commissioner for Human Rights, as well as by the Office of the Ombudsperson, entities that intervened in this space.⁵⁸¹ The Commission therefore calls on Colombia to implement special measures that recognize, guarantee, and protect the collective property territorial rights of black, Afro-Colombian, Raizal, and Palenquero communities. In particular, it urges the State to put in place the regulatory frameworks and institutional mechanisms necessary to grant titles and enable them to secure possession of their territories. In this sense, it urges the State to regulate and implement Law 70 of 1993, especially the chapters related to the titling of the collective territories of black communities pending recognition.

311. In this context, the Commission was informed that on March 26, 2021, the Ministry of the Interior submitted the draft decree on “guidelines for the exercise of the duty of prior consultation by authorities, especially as related to inter-agency coordination and relations with ethnic communities.”⁵⁸² The civil society organizations argued that the draft decree is a decisive step backwards for the fundamental rights of ethnic communities, in the sense that the talks held between government institutions and ethnic groups in the framework of the prior consultation processes would be subject to peremptory conditions amounting to a barrier to holding a reciprocal dialogue. Likewise, according to these

⁵⁷⁵ *El Tiempo*, [Error! Hyperlink reference not valid.](#), July 6, 2021.

⁵⁷⁶ *El Espectador*, [Buscan que, por ley, 20 % de cargos de nivel decisorio sean ocupados por afros](#), August 11, 2021

⁵⁷⁷ *El País*, [Comunidades negras, raizales y palenqueras no tendrán que prestar servicio militar obligatorio](#), December 10, 2021.

⁵⁷⁸ Caracol Radio, [Dos millones de hectáreas de comunidades negras no están tituladas](#), October 9, 2021

⁵⁷⁹ *El Universal*, En [La Boquilla piden que se respete su titulación colectiva](#), September 12, 2021; *El Espectador*, [Anulan título colectivo de tierras del Consejo Comunitario La Boquilla \(Cartagena\)](#), August 20, 2020

⁵⁸⁰ Document sent to the IACHR, Consejo de Nacional de Paz Afrocolombiano (CONPA), Declaración Pública de la Cumbre del Pueblo Negro, Afrocolombiano, Raizal y Palenquero, October 25, 2021. See also CONPA [[@Conpa_paz](#)], October 27, 2021, [[Tweet](#)], Twitter

⁵⁸¹ HCHR, [Intervention by the Representative of the Office in Colombia of the United Nations High Commissioner for Human Rights in the framework of the Black, Afro-Colombian, Palenquero, and Raizal Peoples Summit](#), October 21, 2021; Office of the Ombudsperson of Colombia, [Office of the Ombudsperson participates in the National Summit of the Black, Afro-Colombian, Raizal and Palenquero people](#), October 27, 2021

⁵⁸² Documents sent to the IACHR, Consejo Regional Indígena del Cauca (CRIC), Urgent Request - Pronouncement of the Inter-American Commission on Human Rights in response to repeated administrative and legislative measures of the national and local governments aimed at regulating Prior Consultation and Prior, Free, and Informed Consent that systematically violate the fundamental rights of indigenous peoples and international standards, 2021 – 03003, March 30, 2021; Organización Nacional Indígena de Colombia (ONIC), Organización Nacional de los Pueblos Indígenas de la Amazonía Colombiana (OPIAC), Autoridades Indígenas de Colombia (AICO), Comisión Nacional de Territorios Indígenas (CNTI), Open letter in defense of the fundamental right to prior consultation and prior, free, and informed consent in Colombia, April 12, 2021.

organizations, the established timeframes are not appropriate to the cultural processes of the communities, affecting the guarantees of the differential approach that should prevail in this type of process. Additionally, the organizations pointed out that, although progress had been made in consulting with ethnic organizations on this draft decree, some indigenous peoples and black communities had not participated in the prior consultations.⁵⁸³

312. The IACHR thus reminds Colombia to adopt the proper institutional policies to guarantee the full exercise of the right to free, prior and informed consultation and consent for Afro-descendant and indigenous communities in accordance with the principle of self-determination, guaranteeing their participation at all applicable stages, which entails respecting these ethnic populations' internal protocols when consulting them.

313. Regarding violence against Afro-Colombian social leaders, the IACHR took note, among the various things documented, of the murders of Danilo Torres, Afro-descendant leader of the Manos Unidas Community Council of the Patía River, Nariño, on June 27, 2021 in Magüí Payán,⁵⁸⁴ **Henry Perea Montaño**, a member of the Afromayo Community Council,⁵⁸⁵ and Edinson Valenzuela, of the Raposo Community Council, Buenaventura.⁵⁸⁶ Lastly, the Commission notes with concern the reports of the disappearance of social leaders Abencio Caicedo and Edison Valencia in the Yurumanguí river basin on November 28, 2021.⁵⁸⁷

314. Finally, with regard to the situation of Afro-descendant women, the Commission received a consolidated report from civil society organizations on the obstacles faced by groups of Afro-Colombian women in relation to collective reparation processes under Decree Law 4635 of 2011. In particular, they note that with regard to the process in 250 cases of sexual violence against black women in the context of the armed conflict, and with a favorable resolution issued in favor by the Unit for Victims in 2018, no progress has been observed toward implementing the measures of collective reparation.⁵⁸⁸ Regarding this, the Commission urges the Colombian State to adopt special measures to ensure Afro-descendant women can live a life free of violence and combat the different forms of multiple and aggravated discrimination that impact them differentially. At the same time, it is urgent for the State to guarantee effective compliance with comprehensive reparation measures for Afro-descendant women for serious human rights violations based on ethnic-racial origin and gender, particularly violations committed in the context of the armed conflict.

315. Regarding **persons in a state of human mobility**, the Commission welcomes the adoption of the Temporary Protection Statute for Venezuelans (ETPV), through which the State hopes to legalize the residency in the country of more than 1.8 million Venezuelans for 10 years.⁵⁸⁹ However, the Commission observes with concern that there is still a high number of undocumented Venezuelans in the country. In this regard, according to the most recent data from Migración Colombia through August 2021, a total of 1,842,390 million Venezuelans entered Colombia; of these, 344,688 were documented; 1,182,059

⁵⁸³ Documents sent to the IACHR, Consejo Regional Indígena del Cauca (CRIC), Urgent Request - Pronouncement of the Inter-American Commission on Human Rights in response to repeated administrative and legislative measures of the national and local governments aimed at regulating Prior Consultation and Prior, Free, and Informed Consent that systematically violate the fundamental rights of indigenous peoples and international standards, 2021 - 03003, March 30, 2021; Organización Nacional Indígena de Colombia (ONIC), Organización Nacional de los Pueblos Indígenas de la Amazonía Colombiana (OPIAC), autoridades Indígenas de Colombia (AICO), Comisión Nacional de Territorios Indígenas (CNTI), Open letter in defense of the fundamental right to prior consultation and prior, free, and informed consent in Colombia, April 12, 2021.

⁵⁸⁴ IACHR [@CIDH], July 2, 2021, [Tweet], Twitter.

⁵⁸⁵ RCN Radio, [Asesinaron a dos líderes sociales en Putumayo](#), October 1, 2021

⁵⁸⁶ Office of the Ombudsperson[@DefensoriaCol], November 3, 2021, [Tweet], Twitter

⁵⁸⁷ *El Espectador*, [Los dos líderes sociales desaparecidos que protegían a Yurumanguí de la coca](#), December 10, 2021.

⁵⁸⁸ Document sent to the IACHR, AFRODES, LA COMADRE & CODHES, COMADRE report to the Inter-American Commission on Human Rights on the situation of Afro-descendant women victims of the armed conflict, their families and the disproportionate impacts of the COVID-19 pandemic in the framework of the follow-up to judgment T-025 of 2004, January 2020.

⁵⁸⁹ Government of Colombia, Ministry of Foreign Affairs (Migration), Norms, [Whereby a Temporary Protected Statute for Venezuelan Migrants is adopted](#) - Decree 216 of March 1, 2021, April 15, 2021.

were in the process of getting their migration documents; and 315,643 were undocumented.⁵⁹⁰ In addition to this, the IACHR expresses its concern regarding the difficulties that undocumented Venezuelans face in accessing rights and integrating locally.

316. Additionally, the Commission has observed a significant increase in transit migration through the Necoclí region—mainly of Haitians—and the consequent worsening of the conditions faced by this population. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), between January and August 2021, more than 45,000 migrants passed through the region.⁵⁹¹ It added that these persons had needs related to food security, shelter, and access to services such as water, sanitation and hygiene. Likewise, information available to the Commission indicates that these persons seek to enter Colombia through unauthorized and dangerous routes in order to reach the United States and are subsequently stranded in Necoclí.⁵⁹²

317. Additionally, the Commission welcomes the progress made in reducing cases of **statelessness** for the children of Venezuelans born in Colombia. In this context, the IACHR observes that the National Registry Office and the Ministry of Foreign Affairs extended the “Children First” measure for a period of two years, through Resolution 8617 of August 19, 2021.⁵⁹³ According to data from the Registry, from January 2015 to March 31, 2021, a total of 52,693 children born in Colombia benefited.⁵⁹⁴ Also, the most recent figures from the UNHCR indicate that through August 12, 2021, the implementation and extension of the measure benefited more than 63,186 children.⁵⁹⁵

318. Regarding **forced internal displacement**, in a press release dated September 30, 2021, the IACHR expressed concern about the notable increase in this phenomenon in the country. In particular, the IACHR highlighted: i) the significant increase in the number of displaced persons in Colombia and; ii) the disproportionate impact of these incidents on indigenous and Afro-descendant ethnic communities, as well as on the peasant population; iii) the relationship between this phenomenon and the lack of progress on implementing the Peace Agreement, especially the components intended to mitigate the structural causes of violence by substituting illegal crops (PNIS) and providing economic development with a territorial approach (PDET); iv) the practical and effective implementation of the Ethnic Chapter and; v) related to this, the reorganization and expansion of non-state armed groups that threaten and expel the local population from their territories.⁵⁹⁶

319. Lastly, with regard to incidents of confinement, the IACHR observes that a high number of confinement situations and incidents of mobility restriction continue to take place in Colombia. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), between January and September 2021, at least 50,900 people were subject to confinement in Colombia, of which 96% belonged to ethnic groups.⁵⁹⁷ Of special concern is the situation in Chocó, which, according to OCHA data, accounted for more than 63% of confined persons in 2021.⁵⁹⁸

⁵⁹⁰ Government of Colombia, Ministry of Foreign Affairs (Migration), [Distribution of Venezuelans in Colombia - as of August 31, 2021](#), October 26, 2021.

⁵⁹¹ OCHA, [Colombia: Impacto y tendencias humanitarias entre enero y agosto de 2021](#), September 22, 2021.

⁵⁹² OCHA, [Colombia: Impacto y tendencias humanitarias entre enero y agosto de 2021](#), September 22, 2021; Office of the Ombudsperson of Colombia, [Se intensifica en Necoclí el represamiento de migrantes en tránsito hacia Panamá](#), September 22, 2021; International Federation of the Red Cross, [La IFRC aumenta su asistencia humanitaria ante número récord de migrantes cruzando el peligroso tapón del Darién](#), September 20, 2021.

⁵⁹³ Foreign Ministry, Colombia, [Colombia comprometida con la prevención de la apatridia de niñas y niños nacidos en Colombia](#), August 30, 2021.

⁵⁹⁴ Foreign Ministry, Colombia, [Colombia comprometida con la prevención de la apatridia de niñas y niños nacidos en Colombia](#), August 30, 2021.

⁵⁹⁵ UNHCR, [UNHCR Colombia context and response August 2021](#), October 11, 2021.

⁵⁹⁶ IACHR, Press Release 258/21- [IACHR Expresses Concern Over the Notable Increase in Forced Internal Displacement in Colombia](#), September 30, 2021.

⁵⁹⁷ OCHA, [Colombia: Impacto y tendencias humanitarias entre enero y septiembre de 2021](#), October 26, 2021.

⁵⁹⁸ OCHA, [Colombia: Impacto y tendencias humanitarias entre enero y septiembre de 2021](#), October 26, 2021.

320. The Commission has noted that the main causes of situations of confinement are closely related to the facts that give rise to forced displacement. Additionally, it observes that situations of confinement are linked to the planting of antipersonnel mines (MAP) and the devastating effects this has, especially on the daily activities of indigenous and Afro-descendant communities.⁵⁹⁹

321. Regarding this issue, the Commission was informed of the death of María Lina Pedroza from an antipersonnel mine on October 15 while she was on her way to tend her subsistence crops, in Pueblo Embera La Divisa, Alto Baudó, Chocó. The planting of anti-personnel mines in this municipality had been reported by the Office of the Ombudsperson through warnings 041/19,⁶⁰⁰ 016-21,⁶⁰¹ and 020-21⁶⁰² issued recently on areas contiguous to it, as well as in a press release on the humanitarian crisis in Chocó.⁶⁰³ The United Nations Office for the Coordination of Humanitarian Affairs (OCHA)⁶⁰⁴ also issued an alert on April 29, 2021, regarding the planting of antipersonnel mines in indigenous and Afro-Colombian community territories in this region.

322. Regarding **human trafficking**, the Commission observes that the Ministry of the Interior, with the support of the Group to Combat Human Trafficking, trained immigration officials working on human trafficking issues throughout the country. At that time, the New National Strategy for the Fight against Human Trafficking 2020-2024 was disseminated and the National Prevention Plan was presented, which seeks to: i) reduce the crime of human trafficking; and, ii) decentralize the #CeroComplicidadConLaTrata prevention campaign.⁶⁰⁵ Additionally, the Situation Report presented by the Ministry of the Interior and the United Nations Office on Drugs and Crime (UNODC) on the relationship between human trafficking and mixed migratory flows indicates that the percentage of women victims of human trafficking in Colombia is, at 83%, higher than the global average, which stands at 65%. It added that the risks vary by area and migratory movement at the borders.⁶⁰⁶

323. Regarding the **rights of children and adolescents**, the Commission welcomes the passage of Law 2089 of May 14, 2021, prohibiting physical punishment, cruel, humiliating or degrading treatment, and any type of violence as methods of correction for children and adolescents. It also establishes the National Pedagogical and Prevention Strategy for the elimination of physical punishment and cruel, humiliating, or degrading treatment of this population group.⁶⁰⁷

324. Regarding forced recruitment, the State reported that the Subcommittee on Prevention, Protection, and Guarantees of Non-Repetition approved the proposal for the systemic harmonization of routes for preventing recruitment, exploitation, and sexual violence against children and adolescents.⁶⁰⁸ It also noted that during 2021 the sixth edition of the "Mambrú, strengthening of protective environments for children, adolescents and young people" program would be implemented. Its aim is to strengthen collective initiatives that promote protective environments for the early prevention of recruitment and use

⁵⁹⁹ OCHA, [Colombia: Impacto y tendencias humanitarias entre enero y septiembre de 2021](#), October 26, 2021.

⁶⁰⁰ Office of the Ombudsperson, [Early warning 041/19](#) September 29, 2019

⁶⁰¹ Office of the Ombudsperson, [Early warning N° 016-21](#), August 3, 2021

⁶⁰² Office of the Ombudsperson, [Early warning N° 020-21](#), August 19, 2021

⁶⁰³ Office of the Ombudsperson, [Emergencia humanitaria en Chocó requiere intervención urgente](#) September 16, 2021

⁶⁰⁴ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), [Alerta por situación humanitaria. Confinamiento de 6 comunidades indígenas y una comunidad afrodescendiente en el Alto Baudó \(Chocó\)](#), April 29, 2021.

⁶⁰⁵ Ministry for Interior Affairs, [Asistencia técnica a los funcionarios de Migración Colombia sobre la nueva Estrategia Nacional y el Plan Nacional de Prevención](#), May 5, 2021.

⁶⁰⁶ UNODC, [UNODC Presentó Informe Situacional de Trata de Personas](#), July 30, 2021.

⁶⁰⁷ Congress of Colombia, Colombia, [Law 2089 of May 14, 2021 "Whereby the use of physical punishment, cruel, humiliating or degrading treatment, and any type of violence as a method of correction for children and adolescents is prohibited and other provisions are established"](#), May 14, 2021.

⁶⁰⁸ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, September 8, 2021, para. 95.

of NNA by organized criminal groups and armed groups operating outside the law.⁶⁰⁹ Additionally, within the framework of the "Súmate por mí" strategy that began implementation in 2020, the Manual on Territorial Establishment of Routes to Prevent the Recruitment of Children and Adolescents was prepared, which contains instructions for territorial entities to build and activate recruitment prevention routes.⁶¹⁰

325. However, in a press release dated March 18, 2021, the IACHR expressed concern over the forced recruitment of children and adolescents in Colombia by illegal armed groups and condemned the death of at least one adolescent during a military operation on March 2 in the department of Guaviare. It also noted with concern public information about the possible death and injuries of other children and adolescents during this operation. The IACHR notes with concern the lack of public information on these incidents and urges the State, in accordance with its international obligations and the early warnings of the Office of the Ombudsperson, to redouble its efforts to adopt measures to prevent the forced recruitment of children and adolescents.⁶¹¹

326. In the same sense, the Office of the Ombudsperson indicated that the situation in Guaviare demonstrated the seriousness of the forced recruitment of children and adolescents in the areas subject to territorial control and combat by armed groups. The institution also noted that since the approval of the Early Warning System Regulations in December 2017, a total of 200 alerts have been issued. Of them, at least 156 warned of the risk of forced recruitment, exploitation, and deployment of children and adolescents.⁶¹² Likewise, the IACHR took note of the public complaints issued by social leaders in the department of Chocó about the 113% increase in forced recruitment during the COVID-19 pandemic.⁶¹³ Similarly, the most recent figures from the Observatorio de Niñez y Conflicto Armado indicate that between January and June 2021, a total of 126 armed conflict incidents were documented that directly affected approximately 14,321 children and adolescents.⁶¹⁴

327. With regard to **memory, truth, and justice**, although it will, along with other aspects, be analyzed in Chapter V of this report, the Commission makes a special acknowledgment of the important steps that have been taken towards establishing the truth about the facts in the framework of macro-cases 01⁶¹⁵ and 03⁶¹⁶ that, using different strategies, have made progress toward determining the identities of victims; identifying and measuring the scope, type, and impact of victimization during the armed conflict; the policies and patterns providing the framework for the violence; and institutional and individual

⁶⁰⁹ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, September 8, 2021, paras. 99 and 100.

⁶¹⁰ Presidential Council for Human Rights and International Affairs, Colombia, "[Gobierno lanza Manual de Instalación de las Rutas de Prevención de Reclutamiento de Niños, Niñas y Adolescentes](#)", September 30, 2021. Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, September 8, 2021, para. 97. IACHR. Annual Report, [Chapter VI.A "Human Rights Developments in the Region](#)," 2020, para. 269.

⁶¹¹ IACHR, Press Release 64/21- [IACHR Expresses Concern Over Death of Adolescent Girl During Military Operation in Guaviare and Over Vulnerability of Children and Adolescents to Forced Recruitment in Colombia](#). Washington DC, March 18, 2021.

⁶¹² Office of the Ombudsperson of Colombia, [Twitter:@DefensoriaCol]. March 10, 2021. 1/5 "[Expresamos nuestra preocupación por las informaciones que reportan la muerte de un menor de edad en enfrentamientos armados en Guaviare. Solicitaremos a @MinDefensa @MedLegalColombi y autoridades territoriales aclarar lo acontecido y suministrar detalles](#)", Defensor Camargo.

⁶¹³ El Espectador, [Líderes de Quibdó \(Chocó\) denuncian que no cesa el reclutamiento de jóvenes](#), 20 de enero de 2021; El Colombiano, [Alerta: 585 jóvenes han sido asesinados en Chocó en seis años](#), October 29, 2021

⁶¹⁴ Observatorio de Niñez y Conflicto Armado de la COALICO – ONCA, [Boletín de monitoreo N° 25: Niñez y conflicto armado en Colombia](#), June 2021.

⁶¹⁵ JEP, Chamber for the Recognition of Truth, Responsibility and Determination of Facts and Conduct, Order No. 19 of 2021, February 26, 2021; *El Espectador*, [¿Por qué es histórica la imputación a las Farc por secuestro?](#), January 30, 2021; Colombian Commission of Jurists, Bulletin #31 of the Observatory on the JEP, April 15, 2021; Colombian Commission of Jurists, Bulletin #32 of the Observatory on the JEP, April 22, 2021; Colombian Commission of Jurists, Bulletin #33 of the Observatory on the JEP, April 22, 2021; Colombian Commission of Jurists, Bulletin #34 of the Observatory on the JEP, May 07, 2021.

⁶¹⁶ JEP, Chamber for the Recognition of Truth, Responsibility and Determination of Facts and Conduct, Order No. 33 of 2021, February 12, 2021; JEP, [Comunicado 071 De 2021. Jep Imputa Crímenes De Guerra Y De Lesa Humanidad A Un General, 6 Oficiales Y 3 Suboficiales Del Ejército. Y A Un Tercero Civil. Por 'Falsos Positivos' En Catatumbo](#), July 6, 2021; JEP, [Comunicado 077 de 2021. JEP imputa crímenes de guerra y de lesa humanidad a otros 15 miembros del Ejército por 'falsos positivos' en la Costa Caribe: dos coroneles, seis oficiales, cuatro suboficiales y tres soldados del batallón La Popa](#), July 15, 2021.

responsibility for the facts, among other aspects. Likewise, it takes note that macro-case 07⁶¹⁷ has preliminarily established how many children and adolescents were the victims of illicit recruitment and use in the armed conflict by the former FARC-EP, and the internal prioritization strategy for this case has been disseminated. Notwithstanding the foregoing, the IACHR takes note of the demands and recommendations issued by different actors regarding the opening of macro-cases that specifically address sexual violence; forced disappearance; forced displacement; and the use of illicit methods of warfare.⁶¹⁸ The Commission also expresses its concern regarding legislative proposals that seek to make changes to the functions of the Special Jurisdiction for Peace (JEP), which would have the effect of weakening it or limiting its operation, and calls on the State to refrain from promoting reforms that hinder the fight against impunity.⁶¹⁹

328. The IACHR welcomes Judgment C-337/21 of the Constitutional Court, which considers the effects of the pandemic on the work of the Commission for Clarifying the Truth, Coexistence, and Non-Repetition and orders the adoption of the measures necessary to ensure its effective operation until June 27, 2022, as well as the dissemination of the report on August 27.⁶²⁰ On the other hand, it has learned of concerning facts in relation to the National Center for Historical Memory, including the alleged censorship of materials from the exhibition “SaNaciones, diálogos de la memoria” in a failure to recognize the victims of eight indigenous peoples who had participated in the process of putting it together.⁶²¹ In this regard, the IACHR observes that, on March 26, 2021, the JEP adopted, *ex officio*, precautionary measures addressing the possible alteration of the aforementioned exhibit. Likewise, in February 2021, the JEP ratified precautionary measures to preserve and conserve the integrity of another exhibition—“Voces para Transformar Colombia”—as handed down by the court upon finding that the collection in question had been changed without the participation of the victims.⁶²²

329. Additionally, the Commission has learned of acts of violence against victims, representatives of groups of victims of the internal armed conflict, and workers for and collaborators with the institutions responsible for promoting truth, justice, and reparation.⁶²³ The Commission repudiates such incidents and urges the State to carry out a prompt, diligent, and effective investigation, in which the work in defense of human rights and the search for truth, justice, and reparation for the facts of the internal armed conflict is considered the central hypothesis. Likewise, it recalls that the State has a special obligation to adopt the measures necessary to guarantee that judicial officers, prosecutors, investigators, and other justice officials have an adequate security and protection system that takes into account the circumstances of the cases for which they are responsible and the locations where they work, enabling them to carry out their duties with due diligence while also protecting witnesses, victims, and their family members.⁶²⁴ The IACHR also emphasizes that it must be ensured that State officials and any other person

⁶¹⁷ JEP, Chamber for the Recognition of Truth, Responsibility and Determination of Facts and Conduct, [Order No. 159 de 2021](#), August 4, 2021; JEP, [Comunicado 086. JEP establece que al menos 18.677 niños y niñas fueron reclutados por las FARC-EP](#), August 10, 2021.

⁶¹⁸ Office of the Attorney General of the Nation, [Procuraduría solicitó a la JEP abrir cuatro nuevos macrocasos por desaparición y desplazamiento forzado, violencia sexual y métodos de guerra ilícitos](#), August 12, 2021; *W Radio*, [ONU recomendó a la JEP abrir caso sobre desaparición forzada en el conflicto](#), May 11, 2021; *Semana*, [Defensoría del Pueblo reiteró el llamado a la JEP a que abra macro caso sobre violencia sexual en el conflicto](#), August 27, 2021.

⁶¹⁹ *El Nuevo Siglo*, [Congresistas piden retirar proyectos que modificarían la JEP](#), October 29, 2021; *El Tiempo*, [Reformas a la JEP, con pocas posibilidades](#), November 8, 2021.

⁶²⁰ Constitutional Court of Colombia, [Judgment C-337 of 2021, File: D-14.338](#), October 1, 2021.

⁶²¹ *El Espectador*, [SaNaciones: la otra exposición que habría sido censurada en el Centro Nacional de Memoria](#), March 9, 2021; JEP, First Instance Section on Cases of Failure to Recognize Truth and Responsibility, MC 01–CNMH–SANACIONES. ORDER AT 041 of 2021, March 26, 2021.

⁶²² JEP, [Communication 018 of 2021, La JEP deja en firme medida cautelar que protege la colección 'Voces para transformar a Colombia' del CNMH](#), February 7, 2021; *El Espectador*, [JEP inspeccionará los computadores del Centro Nacional de Memoria Histórica](#) March 10, 2021.

⁶²³ *El Espectador*, [Unidad de Restitución de Tierras confirma asesinato de comisión desaparecida](#), July 9, 2021; UBPD, [Open Letter](#), September 1, 2021; JEP, Communication 080 of 2021, [JEP rechaza atentado contra Ricardo Rojas, miembro de la Federación Colombiana de Víctimas de las FARC \(FEVCOL\)](#), July 21, 2021; *El Tiempo*, [Condenan asesinato de líder social en Caquetá, Willington Hernández](#), November 10, 2021.

⁶²⁴ Inter-American Court, *Case of Contreras et al. v. El Salvador*, Judgment of August 31, 2011, Merits, Reparations, and Costs, Series C No. 232, para. 186(d).

involved in or supporting search, exhumation, and identification work have, where applicable, proper security guarantees, and the necessary investigations must be launched in response to any situation, threat, or aggression against such persons.⁶²⁵ In this sense, it joins the recommendations of the Committee on Enforced Disappearances of the United Nations regarding protection and investigation of acts of this nature, as well as strengthening the work of these organizations.⁶²⁶

330. Regarding the rights of **LGBTI persons**, the IACHR welcomes the decision of the Constitutional Court of Colombia in which it recalled the obligations of prison authorities regarding the treatment of persons with diverse sexual orientation or gender identity, including the obligation to have the means to prevent other inmates, as well as prison staff, from threatening the inmate's life or dignity.⁶²⁷ Likewise, the Commission highlights progress in the design, approval or implementation of public policies on the rights of LGBTI persons in different parts of the territory.⁶²⁸ Along these lines, the Commission welcomes the order issued by the Office of the Attorney General of the Nation to continue prioritizing the investigations into cases with LGBTI victims in areas with the highest concentration of cases, including Cali, Medellín, Bogotá, Barranquilla, Antioquia, Santander, Magdalena, and Arauca.⁶²⁹ In addition, the IACHR took note of progress in investigations with a diversity perspective during 2021, including the arrest of the alleged perpetrator of two homicides, allegedly motivated by the sexual orientation of the victims,⁶³⁰ and recognizes the efforts of the Prosecutor's Office to train prosecutorial staff to guarantee criminal investigations are carried out from a perspective of diversity.⁶³¹

331. Despite these advances, the Commission has taken note of reports of violence against LGBTI persons in Colombia. The IACHR has noted with concern the human rights situation of discrimination and violence against trans women in Colombia.⁶³² The Office of the Ombudsperson indicated it had dealt with 72 cases of violence based on prejudice between January and May 2021, with a majority of the victims being trans women.⁶³³ Likewise, the Office of the Ombudsperson indicated that as of December 20, 2021, 35 trans women had been murdered in 2021, including Cristina Cantillo, defender of the human rights of LGBTI persons.⁶³⁴ Also, the data collected by civil society organizations indicate that, as of August 2021, at least 20 trans women had been murdered in the country.⁶³⁵ Additionally, the

⁶²⁵ Inter-American Court, *Case of the Río Negro Massacres v. Guatemala*, Judgment of September 4, 2012, Series C No. 250, para. 268, c.

⁶²⁶ UN Committee on Enforced Disappearances, [Concluding observations on the additional information submitted by Colombia under article 29\(4\) of the Convention. CED/C/COL/OAI/1](#), June 2, 2021, para. 24.

⁶²⁷ Constitutional Court of Colombia, [Judgment T-481/20](#), November 18, 2020.

⁶²⁸ *El Tiempo*, "[Aprueban política pública LGBTI 2021-2031 en Sincelejo](#)," April 20, 2021; Government of Tolima, "[Avanza la construcción de Política Pública para la poblaciones vulnerables](#)," September 28, 2021; *W Radio*, "[Gobernación del Tolima anunció creación de política pública para comunidad LGBTIQ](#)," July 12, 2021; Capital District of Bogotá, "[Bogotá eligió al nuevo Consejo Consultivo Distrital LGBT 2021-2023](#)," November 10, 2021.

⁶²⁹ Office of the Attorney General of the Nation, [Fiscalía General de la Nación, firme en la lucha contra la discriminación basada en identidad de género u orientación sexual](#), May 17, 2021.

⁶³⁰ Office of the Attorney General, [A la cárcel presunto responsable de homicidio de dos hombres en Antioquia, al parecer por su orientación sexual](#), May 14, 2021.

⁶³¹ Office of the Attorney General of the Nation, [Fiscalía General de la Nación, firme en la lucha contra la discriminación basada en identidad de género u orientación sexual](#), May 17, 2021.

⁶³² The IACHR expressed its concern about the situation of vulnerability facing trans women in Colombia in its 2020 annual report: IACHR, [Annual Report 2020, Chapter V - Truth, Justice and Reparation: Sixth Report on the Human Rights Situation in Colombia](#), para. 391, 2021. Also see: IACHR, [Trans and Gender-Diverse Persons and Their ESCER](#), 2020, para. 80.

⁶³³ Office of the Ombudsperson, [Derechos Humanos de personas OSIGD-LGBTI 2020 y 2021](#), May 2021.

⁶³⁴ Office of the Ombudsperson, "[En lo corrido de 2021 han sido asesinadas 25 mujeres transgénero](#)," December 20, 2021.

⁶³⁵ According to data compiled and analyzed by the Fundación Red Comunitaria Trans and the Observatorio PREDIVA, Prejuicios, Representaciones sociales, Estigma, Discriminación, Invisibilización, Violencias y Aniquilación hacia Personas con Experiencias de Vida Trans, from the Fundación GAAT, reported in: *El Espectador*, [Veinte personas trans han muerto en 2021, casi todas asesinadas](#), June 26, 2021 and *El Tiempo*, [27 mujeres trans han sido asesinadas en Colombia en lo que va del año](#). Also see: August 18, 2021; Infobae, "[Asesinan mujer transgénero después de marcha LGBTIQ en Medellín](#)" July 5, 2021; *El Universal*, "[Asesina a una mujer trans en Magangué, es el primer caso en Bolívar en 2021](#)" May 24, 2021; *El Tiempo*, "[Reportan el asesinato de una mujer trans en Valle del Cauca](#)" March 30, 2021; *El Tiempo*, "[Dos mujeres trans fueron asesinadas el fin de semana en Colombia](#)" February 8, 2021.

Commission observes that civil society organizations have alleged that State information systems underreport acts of violence against LGBTI persons, making the phenomenon invisible.⁶³⁶

332. In addition, during its visit, the IACHR received information about acts by security forces agents indicating they use gender-based violence as a mechanism of repression against women, girls, and LGBTI persons.⁶³⁷ In this regard, the Commission learned of the arrest of three men who, during an alleged arbitrary detention, suffered physical and sexual violence while being held at the Metropolitan Rapid Response Center of Barranquilla. According to the complaint, one of the men was also insulted for his sexual orientation. In this regard, the IACHR took note that the Metropolitan Police of Barranquilla had expressed their intention to investigate the facts; however, according to information from civil society, to date, no progress has been reported in determining the responsibility of police officers for actions or omissions related to these incidents.⁶³⁸

333. Regarding the **rights of persons with disabilities**, the IACHR took note of the bills put forward at the national level to protect the dignity of persons with disabilities, such as the passage of Law 2096 of 2021, promoting the use of inclusive facemasks and/or masks with transparent elements in order to ensure and guarantee communication.⁶³⁹ It also highlights the draft decree regulating the provision of the service of support validation that public and private entities must undertake pursuant to Law 1996 of 2019, establishing the regime for persons with disabilities of the age of majority to exercise their legal capacity.⁶⁴⁰ In this regard, it learned that the Constitutional Court declared the law constitutional, finding that it should not be processed as a statutory law.⁶⁴¹ Additionally, the IACHR takes note of the appointment of Jairo Clopatofsky, a public official with a disability, as ambassador to Jamaica⁶⁴² and underscores the importance of including persons with disabilities in public and government work.

334. Regarding challenges, the Commission expresses concern at allegations from the students of the Universidad de Antioquia that although sign language is part of the university, accessing it is impossible.⁶⁴³ It also expresses concern at the bill on caregivers of persons with disabilities, since its content is a departure from international standards on the matter in that it describes persons with disabilities as "objects of care," failing to center their autonomy.⁶⁴⁴

335. Regarding **persons deprived of liberty**, the Commission welcomes the adoption of the National Criminal Policy Plan 2021-2025, which seeks to: i) reduce the use of deprivation of liberty and pretrial detention by encouraging alternative measures; ii) guarantee humane treatment and decent detention conditions; iii) develop social reintegration strategies to prevent recidivism; and, v) establish social reintegration routes for people who have served prison sentences.⁶⁴⁵ Likewise, the Commission took

⁶³⁶ Information provided to the IACHR on October 29 by Caribe Afirmativo; Fundación Grupo de Acción y Apoyo a Personas Trans; Corporación Instituto Internacional Raza, Igualdad y Derechos Humanos – Raza e Igualdad, Colombia y Colombia Diversa, document available on file with the IACHR.

⁶³⁷ IACHR, [Observations and recommendations of the working visit of the IACHR to Colombia on June 8-10, 2021](#), 2021, para. 65.

⁶³⁸ El Heraldo, [Investigan presunto abuso sexual contra detenidos en estación de Soledad 2000](#), May 29, 2021.

⁶³⁹ Congress of Colombia, [Law 2096, whereby the use of inclusive masks and/or other transparent elements is promoted and other provisions are issued](#), July 02, 2021.

⁶⁴⁰ Presidency of the Republic, [Draft Decree establishing the regulations for providing the service of support validation that public and private entities must undertake pursuant to Law 1996 of 2019](#)

⁶⁴¹ Constitutional Court, [JUDGMENT C-022/21](#), February 04, 2021

⁶⁴² Foreign Ministry of Colombia, [New Ambassador of Colombia to Jamaica takes office](#), September 3, 2021

⁶⁴³ *El Tiempo*, [La rebelión de la comunidad sorda en la Universidad de Antioquia](#), March 10, 2021

⁶⁴⁴ Congress of Colombia, [Aprobado en primer debate proyecto de ley a favor de los cuidadores de personas con discapacidad](#), March 18, 2021

⁶⁴⁵ Superior Council of Criminal Policy, Colombia, [National Criminal Policy Plan 2021-2025](#), 2021.

note of the reduction in the overcrowding rate in penitentiary centers⁶⁴⁶ and the implementation of a pilot project to promote alternatives to prison.⁶⁴⁷

336. Additionally, the Commission was informed of the deplorable detention conditions faced by persons deprived of liberty in penitentiary and police jails, which are contrary to the standards in this area.⁶⁴⁸ The IACHR takes note that the Office of the Ombudsperson has identified overcrowding as the most serious problem in prison and police detention centers and that it has also highlighted the need to combat violence against women and LGBTI persons in detention centers and deficient medical care for persons deprived of liberty.⁶⁴⁹ The Commission has also been informed that the health protocols for addressing the COVID-19 pandemic in prisons are imprecise, and the State has restricted the civil society organization access to prisons in the context of the pandemic, thus preventing monitoring of the human rights situation of persons deprived of liberty.⁶⁵⁰ The IACHR also expresses concern about reports of violent searches,⁶⁵¹ inadequate food,⁶⁵² and the suspension of conjugal visits.⁶⁵³

Violations of the right to protest and human rights violations in the context of demonstrations

337. During 2021, the Inter-American Commission followed closely the human rights situation related to the right to freedom of expression and protest. In this context, it observed that the protests, which began on April 28, are linked to structural and historical demands of Colombian society, and that the State's response, in certain circumstances, was characterized by the excessive use of force. Likewise, it was able to establish that these demonstrations are closely related to the protests that took place in 2019 and 2020, as well as to discussions held within the framework of approval of the Political Constitution of 1991 and the Peace Agreements of 2016.

338. The Commission also verified a broad consensus among representatives of the State and civil society on the causes leading to these protests, associated with profound wealth inequality, poverty, extreme poverty, and access to economic, social, and cultural rights—in particular, education, work, and health. All of the above takes place in a context of high rates of violence and impunity, as well as patterns of ethnic-racial, gender, and age discrimination. These historical and structural challenges have been exacerbated by the measures necessary to contain and respond to the COVID-19 pandemic.

339. Additionally, the IACHR verified the existence of a climate of social polarization that makes it difficult to use dialogue as a mechanism for overcoming the aforementioned historical and structural problems. In the Commission's view, this polarization is directly related to structural ethnic, racial, gender, and socioeconomic discrimination, as well as political factors. This phenomenon is present across social

⁶⁴⁶ National Penitentiary and Prison Institute, Colombia, [No. 9 Statistical Report on the Population Deprived of Liberty – INPEC – September 2021](#), October 21, 2021, pg. 24.

⁶⁴⁷ Ministry of Justice, Colombia, [Ministerio de Justicia y la Embajada de Estados Unidos ponen en marcha proyecto piloto de alternativa penal](#), March 31, 2021.

⁶⁴⁸ Office of the Attorney General of the Nation, Colombia, [Procuraduría pidió garantizar los derechos de 492 personas privadas de la libertad en estaciones de Policía y URI de Barranquilla y su área metropolitana](#), August 28, 2021; Office of the Attorney General of the Nation, Colombia, [Por tutela de la Procuraduría, juez ordenó trasladar a las personas privadas de la libertad que se encuentran hacinadas en el Centro Transitorio de Detención en San Andrés](#), August 28, 2021.

⁶⁴⁹ Office of the Ombudsperson, [Defensor del Pueblo denuncia que le impidieron tomar evidencias sobre la situación de DDHH de reclusos en cárcel el Bosque de Barranquilla](#), September 17, 2021. Office of the Ombudsperson, [Cali, Valledupar y Bogotá son los centros transitorios más inhumanos del país](#), December 14, 2021. Office of the Ombudsperson, [La Defensoría ha recibido 87 reportes de Violencia Basada en Género a Mujeres y personas OSIGD durante la Protesta Social](#), May 14, 2021.

⁶⁵⁰ IACHR, 181st Period of Sessions, [AU 19\) RE: Human Rights Situation of Persons Deprived of Liberty in the Americas](#), October 28, 2021.

⁶⁵¹ Fundación Comité de Solidaridad con los Presos Políticos, [Open letter](#), February 17, 2021.

⁶⁵² Fundación Comité de Solidaridad con los Presos Políticos, [Denunciamos retención de alimentos en la cárcel de Acacias, Meta](#), September 6, 2021. Infobae, [Por intoxicación masiva, ordenan cerrar nuevamente el servicio de alimentos de la cárcel El Pedregal de Medellín](#), September 16, 2021. *La Opinión*, [Mala alimentación en las cárceles, una bomba de tiempo](#), August 21, 2021.

⁶⁵³ Fundación Comité de Solidaridad con los Presos Políticos, [Solicitamos garantizar la visita íntima para las mujeres privadas de la libertad](#), March 30, 2021. *La Opinión*, [Ordenan garantizar visitas íntimas en cárceles de Cúcuta y resto del país](#), December 21, 2021.

sectors and manifests itself in the form of stigmatizing speech that has accelerated the deterioration of the public discourse. The Inter-American Commission finds it especially worrying when such speech comes from authorities.

340. Likewise, the Commission took note that the logic of the armed conflict had been extended to interpretation and response to the demonstrations. In this sense, the IACHR emphasizes that, in a democratic society, the rights to freedom of expression and protest are essential for the functioning of democratic institutions and the State has the duty to guarantee them. The Commission reiterates that the disagreements arise from persons requiring protection, not enemies that must be fought.⁶⁵⁴

341. In this way, the Commission notes that the social polarization observed, the stigmatization, the violence and the persistence use of the logic of war hinder any effort at dialogue as a mechanism to reach solutions to the structural problems underlying the current conflict.

342. The IACHR took note of the information presented by the State on the spaces for dialogue established at the national and regional levels, as well as through the National Roundtable for Evaluating Guarantees and the Unified Command Posts.⁶⁵⁵ Similarly, it has received complaints from civil society of a lack of willingness to reach consensus, as well as breaches of the agreements reached.

343. In light of this, the IACHR reiterates its call to the State, civil society, and the various social and political actors to engage in broad, deep, and inclusive dialog that takes a territorial approach and involves young people, human rights defenders, indigenous and Afro-descendant people, women, LGBTI persons, persons living in poverty, the elderly, persons with disabilities, persons in situations of human mobility, and victims of violations of human rights. It is essential to build bridges between the State and the various social groups in order to seek alternatives and opportunities that can draw up a work agenda that addresses historical violations of human rights in Colombia.

344. Hereinafter, the IACHR will address a series of aspects of concern deriving from the State's response to the demonstrations that took place in the country and their differentiated impacts on groups that face the historical and structural violation of their rights.

Principle human rights violations in the context of the protests

Disproportionate use of force

345. The Inter-American Commission has verified multiple human rights violations in the State's response to the demonstrations that took place starting on April 28 of this year in different regions throughout the country.

346. In its monitoring work, the Inter-American Commission was informed that, in compliance with decision STC 7641-2020 of the Supreme Court of Justice, the Colombian State issued Decree 003 of 2021, entitled "Statute of reaction, use, and verification of legitimate force by the State and protection of the right to peaceful citizen protest." This regulation establishes guidelines for the actions of the police "in its functions of guaranteeing fundamental rights and safeguarding citizen coexistence and public order in the framework of public and peaceful demonstrations." In particular, article 2 of this decree establishes the primacy of dialogue and mediation in protests, "even when peaceful means of intervention are considered exhausted and force is used under the terms of this protocol."⁶⁵⁶

347. Likewise, the Colombian State informed the IACHR that, through Directive 05 of March 1, 2021, the National Police established the "institutional parameters for activating the public demonstration

⁶⁵⁴ IACHR, Report on Citizen Security and Human Rights, pg. 44, para. 105.

⁶⁵⁵ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 10-24.

⁶⁵⁶ Supreme Court of Justice of Colombia, Decree 003, "Rules for reaction, use, and verification of legitimate force of the State and protection of the right to peaceful citizen protest," January 5, 2021.

and riot control anticipation and response system.”⁶⁵⁷ In addition, Temporary Operational Directive No. 018 on “Strengthening the police service to guarantee the peaceful public demonstrations held since April 21, 2021” was issued on May 7, 2021.⁶⁵⁸

348. Additionally, the State indicated that pursuant to the protocols of the National Police, there are two different mechanisms used during demonstrations—one to provide support and protection and to guarantee the right to demonstrate, and another of surveillance using police patrols, aimed at ensuring citizen security and coexistence, where carrying weapons is authorized.

349. Despite existing regulations and protocols, the IACHR has been able to verify that, in the context of the protests, in different circumstances and regions throughout the country, the State’s response was characterized by excessive and disproportionate use of force that, in many cases, included the use of deadly force. This can be cross-verified using information received in the form of audio recordings, videos, and photographs, as well as from meetings with social organizations and individual and collective testimonies collected in the framework of the visit, as well as the progress of the judicial investigations into several of these incidents.

350. It is the Commission’s view that the proper application of the protocols on the use of security forces should be governed by the criteria of legality, necessity, and proportionality. Faced with complex scenarios, the actions of authorities must not be indiscriminate. Rather, they must identify the violent actors and distinguish them from those exercising their legitimate right to protest.

351. Nevertheless, the Commission received multiple reports indicating that, from the start of the social protests, a considerable portion of the actions of security forces were aimed at discouraging participation in them. This also impacted those who were not participating in the protests, which contributed to escalating tensions. In this regard, reports were received of excessive use of force with less lethal weapons—for example, the indiscriminate use of expired irritant gases, or the use of Venom grenade launchers, the use of which was prohibited by an administrative judge in Popayán on June 2⁶⁵⁹—and the use of these gases in residential areas in a way that affected, among others, older persons.

352. The IACHR also received serious allegations of the indiscriminate use of firearms against demonstrators and persons who were not participating in the protests, especially in Cali and the different municipalities of Valle del Cauca, as well as in Pereira, Risaralda department. The reports received describe the use of these types of weapons allegedly by some members of the security forces, some of whom are not fully identified. The Commission also received extremely concerning information on the possible involvement of armed persons dressed as civilians, some of whom apparently operated with the acquiescence of the police. According to publicly-available information, this took place on multiple dates and in multiple locations, culminating on May 28 in the city of Cali, when 13 people were killed and 36 injured.⁶⁶⁰

353. The IACHR also received reports indicating that in some departments—such as Valle del Cauca—the armed civilians traveled on motorcycles and in SUVs with the license plates covered as they intimidated, attacked, and harassed demonstrators or people fleeing the clashes. For example, the Commission took note of publicly-available information on a group of civilians carrying firearms who traveled in a truck allegedly registered as the property of the National Police of Colombia.⁶⁶¹ Regarding this, State authorities indicated that the Office of the Attorney General had been asked to conduct the corresponding investigations.

⁶⁵⁷ National Police of Colombia, Defense Sector Report, Garantías a la Manifestación Pacífica y Control de Acciones Violentas. Covering April 28 to June 4, 2021. Transitory Operating Directive 005, March 1, 2021, pg. 23.

⁶⁵⁸ National Police of Colombia, Defense Sector Report, Garantías a la Manifestación Pacífica y Control de Acciones Violentas. Covering April 28 to June 4, 2021. Transitory Operating Directive 005, March 1, 2021, pg. 23.

⁶⁵⁹ Tenth Mixed Administrative and Oral Court of the Popayán Circuit, Judgment No. 065 of 2021, June 2.

⁶⁶⁰ *El País*, news item: [Balance preliminar del 28 de mayo en Cali: 13 muertes violentas y 36 heridos](#), May 28, 2021.

⁶⁶¹ *El Espectador*, “Paro Nacional: Policía admite que camión con hombres vestidos de civil es suyo,” May 6, 2021.

354. It should be noted that the IACHR has received reports that consistently describe the disproportionate use of force by agents of the Mobile Anti-riot Squads of the National Police (ESMAD). According to these accounts, ESMAD officers broke up different demonstrations, points of resistance, and other peaceful gatherings using physical, sexual, and verbal aggression. Likewise, the testimony received described the use of marbles and rubber bullets or munitions, as well as the indiscriminate and nonstop deployment of teargas, sometimes fired directly at the heads and chests of demonstrators. This caused a high number of injuries, including eye injuries and deaths. Specifically, the Commission received the testimony of at least a dozen persons who suffered eye injuries of varying severity.

355. The IACHR also received consistent reports that, in some cases, the teargas was fired directly into spaces where demonstrators were seeking refuge and shelter; improvised medical posts; and even into residences, disproportionately impacting older adults, children, and adolescents who were not participating the protests.

356. Considering that the impacts of the use of force can be irreversible, the IACHR views it as a last resort that, limited qualitatively and quantitatively, is intended to prevent events of greater gravity than what would be caused by the State's reaction. Within this framework of exceptionality, both the Commission and the Inter-American Court have agreed that in order for the use of force to be justified, it must effectively satisfy the principles of legality, absolute necessity, and proportionality.⁶⁶² This generally means that it must be provided for by law and pursue a legitimate aim; that an evaluation must be conducted to verify the existence and availability of less harmful measures; and that the degree of force used must be in accordance with the real risk posed to persons and the level of resistance, meaning a balance must be struck between the situation faced by the official and their response, considering the potential damage that could be caused.

357. Likewise, in accordance with the principle of exceptionality, States must, where possible, use nonviolent measures prior to employing force and firearms. This restriction on the use of force does not apply solely to lethal weapons. Measures considered "nonlethal" or "less lethal" must also be among the measures whose use is controlled. This category can include different types of rubber bullets, tear gas, rubber projectiles, plastic bullets, sound devices, etc.

358. Regarding this, the IACHR takes note of the information provided by the State on the institutional reform to strengthen the civilian nature of the police force, guaranteeing the exercise of public liberties and citizen coexistence with a focus on human rights.⁶⁶³ The State recently reported that the process to comprehensively transform the police consists of three central elements: An advisory panel made up of seven experts who will guide their work around eight thematic areas; a process of dialogue with civil society; and devising a Comprehensive Plan for Police Innovation, Transparency, and Effectiveness,

⁶⁶² Case of *Nadege Dorzema et al. v. Dominican Republic*. Merits, reparations and costs. Judgment of October 24, 2012, Series C No. 251, para. 85

⁶⁶³ According to the response from the State dated June 30, 2021: "This reform proposes: (i) establishing a Vice Ministry of Defense and Citizen Security Policies, which will work with political and administrative authorities to articulate the purposes and mechanisms for effectively consolidating citizen security public policy; (ii) rename the Ministry of National Defense the Ministry of National Defense and Citizen Security; (iii) issue a decree to modernize the organic structure of the National Police with a view to strengthening human rights policy and the standards for service provision; (iv) submitted a bill to the Congress of the Republic creating the Police Disciplinary Rules, which will be harmonized with the human rights pronouncements of the Inter-American system, the UN, and the Constitutional Court, prioritizing disciplinary investigations in cases related to human rights violations, without prejudice to the precedents of the Office of the Attorney General of the Nation and the conduct that must be investigated criminally; (v) in the framework of harmonic collaboration between the branches of government, ask the members of Congress presenting and co-authoring the bill to prioritize the processing of Police Career and Professionalization Act, given that the professionalization of our police forces is one of the fundamental pillars of transforming the working culture of the National Police; (vi) as regards the use of force, submit a bill to establish a legal framework for the use and sale of less lethal weapons in Colombia and issue a decree regulating guns that shoot rubber bullets (*armas traumáticas*); (vii) to strengthen the procedures of the Anti-Riot Squad (ESMAD), call on partner countries for recommendations from international experts on protocols for mediation, use of force, and intervention, as well as other international good practices that will contribute to the ongoing professionalization of the ESMAD; (viii) adopt a blue uniform for the National Police of Colombia to align it with international standards on policing and law enforcement in the world, reinforcing its civilian nature; (ix) create a Commission for the Comprehensive Transformation of the National Police of Colombia to evaluate the contributions of citizens, academia, and civil society."

which seeks to strengthen training, professionalize security forces, update disciplinary regulations, transforming the organic structure, and build institutional identity.⁶⁶⁴

359. Additionally, it has taken note of the progress made in the investigations, resulting in 160 charges filed, 643 crime reports, and 49 precautionary measures. Likewise, it was reported that 278 cases of persons appearing as victims of abuse of authority and personal injury are under investigation.⁶⁶⁵ In order to investigate the various incidents that took place in the context of the demonstrations, the State reported that the Office of the Attorney General of the Nation set up a team with more than 3,000 people.⁶⁶⁶

360. Additionally, the State informed the IACHR of the status of the disciplinary and criminal investigations into the security forces officials allegedly responsible for illegal acts during the protests. Between April 28 and July 20, 231 disciplinary investigations were launched at the national level by the National Police; 94 of these processes were archived because it was established that the conduct was in accordance with the law; 149 have been closed, 45 of them due to the Office of the Attorney General's exercise of prosecutorial discretion; 73 cases are at the preliminary inquiry stage; 6 are at the public hearing stage; 2 cases have met with rulings to dismiss; 2 cases have been suspended; and one fine, one written reprimand, and four acquittals have been handed down.⁶⁶⁷ In addition, the Attorney General's Office has 472 records of disciplinary actions against National Police officers related to incidents that took place during the protests. Of these records, 306 are under preliminary investigation, 94 were archived, 52 were transferred to the Office of Internal Disciplinary Control, an investigation was opened in 18, and charges were filed in 2.⁶⁶⁸

361. Lastly, the IACHR condemns the high number of human rights violations reported in the context of social protest and urges the Colombian authorities to investigate with due diligence, identify and punish those responsible, and duly report the results to citizens, providing reparations to victims and their families.

Reports of persons killed, disappeared, injured, and victims of gender-based violence

362. The Inter-American Commission received information on grave human rights violations and a number of obstacles to guaranteeing social protest that emerged over the course of 2021. The central concerns identified were the following: the disproportionate use of force; gender-based violence during protests; ethnic-racial violence during protests; violence against journalists and volunteer medics; violence against human rights defenders; irregularities during protective transfers; and reports of disappearances. Also concerning was the use of military support, military disciplinary authority, and military criminal jurisdiction.

363. According to the information provided by the State, during the National Strike from April 28 to August 26, approximately, 8,577 rallies, 2,670 marches, 735 demonstrations, and 52 assemblies were held in 860 municipalities across 32 departments.⁶⁶⁹

364. According to the information provided by the State, in the context of the demonstrations that began on April 28 in the country, 57 people died. Of these deaths, 29 are connected to the demonstrations, with the remaining cases having taken place during the days of the national strike but with

⁶⁶⁴ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 25-41.

⁶⁶⁵ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para. 139

⁶⁶⁶ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para. 137

⁶⁶⁷ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 42-43.

⁶⁶⁸ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 43-44.

⁶⁶⁹ Government of Colombia, Contributions from Colombia for preparing the Annual Report of the IACHR—Chapter IV, Section A, "Annual overview of the human rights situation by country" corresponding to 2021, para. 130

no a direct connection to the protests.⁶⁷⁰ The Office of the Attorney General indicates that in 17 of these cases, progress has been made toward solving them.⁶⁷¹ Regarding the victims, the State reported that they were all men, 25 were civilians—including an indigenous person and a minor—and the remaining 4 victims were members of security forces.⁶⁷²

365. The Presidential Council for Human Rights and International Affairs reported that, between April 28 and September 10, 1,140 civilians and 1,754 members of security forces were injured.⁶⁷³ Of these cases, the Office of the Ombudsperson documented 18 persons with eye injuries.⁶⁷⁴ The State reported that there were 72 victims of eye injuries in the context of the protests.⁶⁷⁵

366. For its part, the Office of the Ombudsperson also reported receiving 783 missing persons reports. The Office of the Attorney General reported that as of June 15, the Urgent Search Mechanism (MBU) remained active in 84 cases and on September 14, it indicated that, of these 84 cases, 52 remained active before the MBU and the remaining 32 cases were inactive.⁶⁷⁶ In the framework of the hearing entitled "Follow-up of the observations and recommendations of the working visit to Colombia," held during the 181st period of sessions of the IACHR, the State indicated that the Urgent Search Mechanism had registered 627 missing persons reports related to the protests, with 276 located and the mechanism still active for 27 persons, while the remaining cases were declared inadmissible or duplicates. In addition, the Office of the Public Prosecutor reported six cases of forced disappearance, one of which has been solved.⁶⁷⁷

367. Additionally, the Office of the Ombudsperson indicated 113 acts of gender-based violence had been reported, of which 112 cases were allegedly perpetrated by members of security forces, 99 of them against women and 13 against LGBTI persons. The complaints include 27 cases of sexual violence, 5 incidents of rape, and 22 incidents of groping. Additionally, a case was reported of sexual violence experienced by a woman police officer during the demonstrations.

368. In an update to the information sent to the IACHR by the State, it notes that 17 cases of gender-based violence were registered in the context of the demonstrations, of which 6 were archived due to a lack of the minimum objective elements necessary to investigate the criminal offense in question. The remaining 11 cases involve 4 cases of sexual acts, 3 of rape, 2 of personal injury, 1 of torture and 1 of violence against a public servant.⁶⁷⁸

369. Additionally, the IACHR received information from the civil society organization Temblores indicating that 73 people died during the demonstrations, of which 44 were allegedly related to the actions of the security forces and the remaining 29 cases are in undergoing the verification

⁶⁷⁰ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 50.

⁶⁷¹ According to the Office of the Attorney General of the Nation, "Criminal complaints in which there was at least one arrest, indictment, conviction, or death of the accused are deemed to have been solved," Office of the Attorney General of the Nation, *La Fiscalía de la Gente. Serie Documentos 34*, pg. 25.

⁶⁷² Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 50.

⁶⁷³ Presidential Council for Human Rights and International Affairs, *Bulletin 52: Human Rights in the Framework of the 2021 National Strike*, pg. 1.

⁶⁷⁴ Office of the Ombudsperson, Report of the Ombudsperson for the IACHR Visit, Social Protest in Colombia April-June 2021, Archive of the Commission, pg. 33.

⁶⁷⁵ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 56.

⁶⁷⁶ Foreign Ministry of Colombia. Response of the Colombian State to IACHR questionnaire on complaints of disappearances in the context of the protests, September 14.

⁶⁷⁷ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 53.

⁶⁷⁸ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 54-55.

process.⁶⁷⁹ The Campaña Defender la Libertad Asunto de Todas reported that 84 persons had died in the context of the demonstrations, with evidence in 28 cases indicating the involvement of members of security forces as possible perpetrators; another 7 incidents attributable to unidentified civilians; and the attacker unidentified in the remaining cases.⁶⁸⁰

370. The IACHR took note of the information from civil society reporting eight murders of social leaders and human rights defenders related to occurring directly within the framework of the national strike.⁶⁸¹ The organizations also reported attacks on 298 human rights defenders in the framework of the demonstrations that took place in the country, a good portion of which took place in the framework of their work supporting the protests or as members of Civil Society Verification and Intervention Committees.⁶⁸²

371. Regarding injured persons, the organizations comprising the Campaña Defender la Libertad documented 1,790 persons injured, of which 84 experienced eye injuries and 114 had gunshot wounds. They also reported attacks on 298 human rights defenders during the protests.⁶⁸³

372. For its part, Temblores counted 1,617 victims of physical violence and provided a list of 82 people with ocular trauma. Additionally, it reported on 2,005 arbitrary detentions that took place in the framework of the protests and 4,687 cases of police violence.⁶⁸⁴ With regard to incidents of sexual violence, the organization reported 25 cases allegedly committed by security forces agents, 18 against female victims and 9 against male victims.⁶⁸⁵

373. Additionally, the Commission took note of the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the protests taking place in the country. The OHCHR indicated that between April 28 and July 31, they received information on 63 people who died in the context of the protests, of which they verified 46 cases; 4 cases remain in the verification process; and in 13 cases, not enough information is available to reach a conclusion. Of the verified cases, 44 were civilians and 2 were members of the police. According to the information provided by the OHCHR, of the 46 people who died, in 28 cases, the alleged perpetrators were members of security forces; in 10 cases they were non-State actors; and in 8 cases, the Office was not able to obtain enough information to identify to the alleged perpetrator.⁶⁸⁶

374. Regarding the socio-demographic profile of the victims who died during the protests, the OHCHR indicates that the majority were young people between the ages of 17 and 26 who lived in poor and outlying neighborhoods. They were the children of peasant, indigenous and Afro-descendant parents, and displaced by violence, and they did informal work or were engaged as artists, athletes, students, or not in school.⁶⁸⁷

375. Additionally, OHCHR received 60 allegations of sexual violence, of which it was able to verify 16 acts allegedly committed by members of the National Police. Likewise, the OHCHR highlighted the

⁶⁷⁹ Temblores Org, Comunicado a la opinión pública y a la comunidad internacional por los hechos de violencia cometidos por la Fuerza Pública de Colombia en el marco de las movilizaciones del Paro Nacional, June 2021.

⁶⁸⁰ Campaña Defender la Libertad, Boletín informativo No.20: #ParoNacional, June 2021.

⁶⁸¹ PCDHDD, Lecciones del Aprendiz. Autoritarismo y Desigualdad. Balance del tercer año de Gobierno de Iván Duque Márquez, September 2021, pg. 94.

⁶⁸² Campaña Defender la Libertad, Boletín informativo No.20: #ParoNacional, June 2021.

⁶⁸³ Campaña Defender la Libertad, Boletín informativo No.20: #ParoNacional, June 2021.

⁶⁸⁴ Temblores Org, Comunicado a la opinión pública y a la comunidad internacional por los hechos de violencia cometidos por la Fuerza Pública de Colombia en el marco de las movilizaciones del Paro Nacional, June 2021.

⁶⁸⁵ Temblores Org, Record delivered to the IACHR in the framework of the working visit made to Colombia, IACHR archive, June 2021.

⁶⁸⁶ United Nations Office of the High Commissioner of Human Rights (UNHCHR), El Paro Nacional 2021: Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia, December 15, 2021, pg. 3.

⁶⁸⁷ United Nations Office of the High Commissioner of Human Rights (UNHCHR), El Paro Nacional 2021: Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia, December 15, 2021, para. 96.

number of people injured was significantly underreported, a result of the fear these persons have of being prosecuted when they go to health centers.⁶⁸⁸

376. The IACHR reiterates its concern about the differences in the number of victims registered by the State and the number documented by civil society. Its view is that these inconsistencies could lead citizens to lose trust in the authorities. The State must therefore maintain a registry with consistent, up-to-date, and public information, the design and implementation of which include the participation of civil society. The State also must be transparent as to the criteria it uses in the investigations and their respective progress. The right to access to public information means that States have a duty—among other duties—to provide reliable and disaggregated information. In the same way, States are required to preserve and facilitate access to State archives on human rights violations, not only to preserve the investigations but to ensure such violations are not repeated.

377. The IACHR also notes that the handling of the records and widely disparate hypotheses regarding—for example—the persons dead and injured during the protests is an obstacle to access to justice for the persons who allege having been the victims of human rights violations. Whatever the case may be, the high numbers of the different reports are extremely concerning to the Commission, and it therefore reiterates its emphatic condemnation of them and issues once again a call for the State to diligently investigate all the incidents reported and punish the perpetrators of and masterminds behind all human rights violations. The Commission recalls that impunity contributes to the repetition of such acts.

Gender-based violence during protests

378. In the framework of its visit, the IACHR received testimony on the different types of gender-based violence. Based on the information gathered, the Commission noted multiple reports of acts committed by security forces agents, indicating the use of gender-based violence as a mechanism of repression against women, girls, and LGBTI persons. Such violence was used against both persons found in the protest and against persons located in areas away from the protest.

379. In this regard, the IACHR received information on the grave case of an adolescent who was sexually assaulted by several security forces agents in the city of Popayán and who later committed suicide on May 12.⁶⁸⁹ The Commission takes note of the progress in investigating these facts and of the charges filed by the Office of the Attorney General against three members of the ESMAD and two members of the GOES, with regard to the alleged illegal holding of the adolescent and the excessive use of force.⁶⁹⁰ These charges do not address the alleged acts of sexual violence, and therefore the Commission will continue monitoring to ensure that the investigations are carried out in accordance with inter-American standards on violence against women.

380. Additionally, there was information on other acts of violence against women allegedly committed by police forces in the framework of the National Strike. In this regard, the Commission takes note of a case of sexual violence in the demonstrations of July 20, 2021,⁶⁹¹ and a case of assault with a taser on the genitals during an eviction procedure on August 3, 2021.⁶⁹² Likewise, the IACHR was informed of the case of a woman beaten and exposed to nudity, allegedly by ESMAD agents on July 14 when they intervened in an occupation where a community soup kitchen was being held; a case of harassment of a member of the Autonomous Health Brigade allegedly by two agents of the National Police who prevented

⁶⁸⁸ United Nations Office of the High Commissioner of Human Rights (UNHCHR), [El Paro Nacional 2021: Lecciones aprendidas para el ejercicio del derecho de reunión pacífica en Colombia](#), December 15, 2021, pg. 2-3.

⁶⁸⁹ *El País*, news item: “La fiscalía de Colombia investiga el caso de una menor que se suicidó tras ser retenida por la policía,” May 2021.

⁶⁹⁰ Office of the Attorney General of the Nation. [Boletín no. 674](#), October 21, 2021

⁶⁹¹ Corporación Humanas, Raza e Igualdad, and other organizations. Attachment to the request for a thematic hearing for Period of Sessions 181, Registry 165135, August 5, 2021. On file with the IACHR; *Contagio Radio*. “Organizaciones de DDHH documentaron 128 agresiones de la policía este 20 de Julio.” July 22, 2021.

⁶⁹² Corporación Humanas, Raza e Igualdad, and other organizations. Attachment to the request for a thematic hearing for Period of Sessions 181, Registry 165135, August 5, 2021. IACHR archives; Twitter. *Caracol Radio*. Bucaramanga. August 3, 2021. Available at: <https://twitter.com/CaracolBga/status/1422521305136566272>

her from leaving a bathroom on July 17; and flashing of genitals by an individual presumed to be a member of the National Police at women who were recording violations of the human rights of young people during a demonstration.⁶⁹³

381. The Commission also notes with extreme concern the cases of grave gender-based violence alleged, including sexual violence against indigenous women who report having been abused and stigmatized for their cultural expressions and ancestral symbolism during the demonstrations. In this context, the testimony of an indigenous woman was received in Puerto Madera, Cali, who was stopped by two police officers traveling by motorcycle. They then proceeded to physically and sexually abuse her.

382. Likewise, the IACHR received testimony from women who recounted having been groped during their detentions, threatened with rape and sexual abuse, and subjected to stigmatization by police officers who called them "vandals" or "guerrillas" for having been at the demonstrations. Other women interviewed by the IACHR reported having been shot at point-blank range in their genitals, causing serious injuries.

383. Additionally, the Commission learned of the occurrence of 15 cases of gender-based violence against women of African descent in the framework of the national strike. The IACHR recalls the specific risks to which women of African descent and indigenous women are exposed due to historical patterns of racial and structural discrimination.

384. Lastly, the Commission received repeated complaints of acts of gender-based violence committed by security forces agents as mechanisms of repression against women, adolescents, girls and LGTBI persons.⁶⁹⁴ Likewise, in the context of the national strike in Colombia, the IACHR received consistent complaints about the effects of tear gas on children and adolescents who were not participating in the protests.⁶⁹⁵

385. The Commission learned of the arrest of three men who, during an alleged arbitrary detention in the context of the strike, suffered physical and sexual violence while being held at the Metropolitan Rapid Response Center of Barranquilla. According to the complaint, one of the men was physically and sexually assaulted, as well as insulted for his sexual orientation. The IACHR took note that the Metropolitan Police of Barranquilla had expressed their intention to investigate the facts; however, according to information from civil society, to date, no progress has been reported in determining the responsibility of police officers for actions or omissions related to these incidents.⁶⁹⁶

386. Similarly, the Commission received complaints of sexual assaults on trans women in Tunja, Boyacá, and Pasto.

387. Likewise, the IACHR reaffirms its condemnation of the sexual violence suffered by a female security forces officer when a police station was vandalized in Cali on April 29.⁶⁹⁷

388. Lastly, civil society organizations pointed to the persistent challenges in access to information and transparency. In this regard, the organizations state that on September 24, 2021, a request for information was submitted on the measures adopted by the authorities to guarantee access to justice

⁶⁹³ Casa de la Mujer; Campaña Defender la libertad. Asunto de Todas; Comunitar - Corporación de Mujeres Ecofeministas; Corporación Humanas; Corporación Jurídica Libertad; Corporación Sisma Mujer; Corporación Vamos Mujer; Fundación Comité de Solidaridad con los Presos Políticos; Ilex Acción Jurídica; Instituto Internacional sobre Raza, Igualdad y Derechos Humanos; Proceso Social de Garantías para la Labor de los Líderes y Lideresas Sociales Comunes, Defensores y Defensoras de Derechos Humanos de Antioquia; Ruta Pacífica de Mujeres; and Women's Link Worldwide. Proposals to complement the Report on "Observations and recommendations of the working visit of the IACHR to Colombia carried out from June 8 to 10, 2021" and recommendations to the Follow-up Mechanism from the differential gender and ethnic-racial approaches, October 2021. pg. 3. IACHR archives.

⁶⁹⁴IACHR, Observations and Recommendations Working visit to Colombia, para. 65.

⁶⁹⁵IACHR, Observations and Recommendations Working visit to Colombia, para. 52.

⁶⁹⁶ *El Heraldo*, [Investigan presunto abuso sexual contra detenidos en estación de Soledad 2000](#), May 29, 2021.

⁶⁹⁷ *Semana*, news item: [El desgarrador relato de una patrullera que fue abusada sexualmente por vándalos en un CAI](#), May 5, 2021.

for women victims of gender-based violence. However, according to the organizations, the response provided is incomplete, does not provide disaggregated data by type of crime, and is limited to reporting its referral to other State agencies without reporting any type of follow-up.⁶⁹⁸

389. The Commission received information from the State indicating that between April 28 and July 30, 2021, the Office of the Attorney General of the Nation and the Presidential Council for Women's Equality reported 37 disciplinary actions related to acts of alleged violence based on sex and gender. Of them, 34 are in the preliminary inquiry stage and 3 are undergoing the process to determine which body has priority to handle them. They include 14 acts of physical violence, 6 of sexual violence, and 2 of psychological violence, along with 13 cases of abuse of authority and 2 of irregular detentions. In 35 of the cases, the victims are women, and in 7 of the cases the victims are adolescents.⁶⁹⁹

390. With regard to reports of gender-based violence, the Commission reminds the State of its obligation to investigate these acts, taking into account the principle of enhanced due diligence and in line with its duty to protect and prevent violence against women and ensure the investigation is carried out from an intersectional gender approach that incorporates other factors of discrimination. It is also reminded to make the necessary mechanisms available to ensure that victims receive effective access to justice and reparations.

391. The IACHR reiterates the State's duty to adopt the measures to strengthen mechanisms of access to justice for LGBTI victims of gender-based violence in the context of social protest, including mechanisms for reporting, addressing, investigating, and providing reparations from an approach that is differentiated, proximate, and provided by specialized personnel. The Commission reiterates that States must guarantee that their justice systems have the capacity to thoroughly and effectively investigate all instances of police abuse and all cases of torture or cruel, inhuman, and degrading treatment. Consequently, States must adopt protocols and guidelines aimed at law enforcement agents, as well as training and awareness-raising on human rights, sexual orientations, gender identities, and diverse sex characteristics, and, in general, the rights of LGBTI people.

392. Lastly, it warns that violations of the rights of indigenous and Afro descendent women and girls not only impact them individually but also negatively affect their peoples of origin, causing grave damage to the social fabric and increasing the sense of defenselessness and impunity. In the specific case of indigenous women and women of African descent, the State must consider all risk factors that they may encounter due to their ethnic-racial origin and age, pursuant to the provisions of articles 6 and 9 of the Inter-American Convention on the Prevention, Punishment, and Eradication Of Violence against Women. The IACHR recalls that impunity for such crimes sends the message that this violence is tolerated, fostering their commission.

Ethnic-racial discrimination-based violence during protests: Indigenous Peoples, People of African Descent, and Tribal Communities

393. The Commission has indicated that historical ethnic-racial discrimination lays the groundwork for structural inequality in the present.⁷⁰⁰ In this regard, the IACHR observes that the historical accumulation of violations of the rights of indigenous peoples, persons of African descent, and tribal communities impacts the enjoyment of their economic, social, cultural, and environmental rights, as stated

⁶⁹⁸ Casa de la Mujer; Campaña Defender la libertad. Asunto de Todas; Comunitar - Corporación de Mujeres Ecofeministas; Corporación Humanas; Corporación Jurídica Libertad; Corporación Sisma Mujer; Corporación Vamos Mujer; Fundación Comité de Solidaridad con los Presos Políticos; Ilex Acción Jurídica; Instituto Internacional sobre Raza, Igualdad y Derechos Humanos; Proceso Social de Garantías para la Labor de los Líderes y Lideresas Sociales Comunes, Defensores y Defensoras de Derechos Humanos de Antioquia; Ruta Pacífica de Mujeres; and Women's Link Worldwide. Proposals to complement the Report on "Observations and recommendations of the working visit of the IACHR to Colombia carried out from June 8 to 10, 2021" and recommendations to the Follow-up Mechanism from the differential gender and ethnic-racial approaches, October 2021. pg. 6. IACHR archives.

⁶⁹⁹ Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 47.

⁷⁰⁰ IACHR Country Report: Situation of human rights in Brazil, February 12, 2021, pg. 20.

in the background section, but it also impacts their right to protest and to political participation, and therefore their right to free self-determination.

394. Likewise, the Commission notes that ethnic-racial discrimination also impacts how institutions respond to the different demands of indigenous peoples, persons of African descent, and tribal communities. In this framework, the IACHR has indicated that members of ethnic communities, as well as residents of geographic areas inhabited by people living in poverty, are more exposed to racial profiling⁷⁰¹ by State security forces and the system of justice. Consequently, they are more exposed to abuse and arbitrary actions.⁷⁰²

395. In this regard, the IACHR received a consolidated report by different civil society organizations denouncing the militarization of and excessive use of force by the national police and ESMAD in areas with large populations of persons of African descent.⁷⁰³ According to the information received, cities such as Cali and regions with the most cases of excessive use of force—including lethal force—by security forces are also areas populated predominantly by persons of African descent and where a high percentage of residents live in poverty, with their basic needs unmet. Additionally, these areas of Cali are also recipients of a large portion of the displaced population from the Pacific region.⁷⁰⁴

396. According to reports provided by ethnic organizations to the IACHR, in the context of the protests, there have been 50 documented cases of attacks against members of the National, Social, Popular, and Community Minga since the demonstrations started on April 28, 2021. Specifically with regard to indigenous peoples, reports have indicated 2 deaths, 3 physical assaults, 159 incidents of harassment, and 21 alleged victims attended to in the framework of social protest.⁷⁰⁵

397. The IACHR received with concern testimony from members of indigenous communities in the department of Valle del Cauca on the grave impact on their communities of both deaths of their traditional authorities or leaders and aggressions against them. The IACHR also received information on attacks, acts of intimidation, harassment, and stigmatization committed by civilians who associated these peoples with the demonstrations in Cali. The Commission also noted with extreme concern cases of grave gender-based violence, including sexual violence against indigenous women who were abused and stigmatized for their cultural expressions and ancestral symbolism during the demonstrations.⁷⁰⁶

398. The Commission reiterates its concern at public statements that stigmatize demonstrators from ethnic peoples, and in that regard, it reminds the State of its duty to prevent and combat direct and indirect racial discrimination, as well as provide comprehensive reparations to the victims.

399. The Commission also urges the State to adopt urgent measures to investigate, prosecute, and punish those responsible for incidents of ethnic-racial violence, as well as grant comprehensive individual and collective reparations with an ethnic-racial focus to victims and their family members.

⁷⁰¹ Regarding the expression “racial profiling” in the inter-American human rights system, see IACHR, Report No. 33/04, Merits, Jailton Néri da Fonseca, approved on March 11, 2004; IACHR, Report No. 66/06, Merits, Simone André Diniz, approved on October 21, 2006.

⁷⁰² IACHR Country Report: Situation of human rights in Brazil, February 12, 2021, pg. 19-40.

⁷⁰³ Document sent to the IACHR, Proceso de Comunidades Negras (PCN), Asociación Nacional de Afrocolombianos Desplazados (AFRODES), Asociación Casa Cultural El Chontaduro, Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), Ilex Acción Jurídica, Corporación Internacional Raza, Igualdad y Derechos Humanos, Raza e Igualdad, Forest People Programme, ACONC, Asociación de Mujeres Afrodescendientes del Norte del Cauca (ASON), Palenque El Congal-Buenaventura, Colectivo Justicia Racial, Asociación Lila Mujer, Report on impacts on the black Afro-descendant population in Colombia in the framework of the National Strike, June 9, 2021, pg. 2

⁷⁰⁴ CODHES. Análisis étnico-racial del uso excesivo de fuerza por parte de los agentes del Estado en Cali, May 21, 2021.

⁷⁰⁵ Organización Nacional Indígena de Colombia, “Informe Ejecutivo sobre el contexto y las afectaciones a los derechos de los Pueblos Indígenas dentro del Paro y Minga Nacional en Colombia,” pg. 12.

⁷⁰⁶ In this context, the testimony of an indigenous woman was received in Puerto Madera, Cali, who was stopped by two police officers traveling by motorcycle. They then proceeded to physically and sexually abuse her. IACHR. 167/21 - IACHR Completes Working Visit to Colombia and Issues Observations and Recommendations. Washington, D.C., July 7, 2021.

400. The IACHR emphasizes the urgency of adopting comprehensive citizen security policies to prevent and combat the use of discriminatory criteria in police actions in order to eradicate racial profiling and the excessive use of force, in line with principles of equal protection and nondiscrimination. The IACHR urges the State to combat ethnic-racial and structural discrimination that mainly affects persons living in poverty.

Violence against journalists in the context of the protests

401. The Commission received various testimonies and information from civil society organizations reporting violence against journalists who were carrying out their work in the context of the demonstrations. According to the information provided, there were at least 300 attacks and 342 victims between the start of the protests on April 28 and July 19. These attacks included physical violence, threats, and theft, as well as the seizure and erasure of audiovisual files, harassment, obstruction of journalism work, illegal detentions, attacks on the media, and other incidents. According to the Foundation for Freedom of the Press, 60% of all reported attacks are attributable to security forces, 26% to individuals, and for the rest, the perpetrators are unknown.⁷⁰⁷

402. Also, on August 28, the IACHR granted precautionary measures to journalists José Alberto Tejada Echeverri and Jhonatan Buitrago, journalist and cameraman, respectively, of *Canal 2* of Cali, who had been subjected to harassment and threats over their coverage of the protests and acts of violence within the framework of the protests that took place in Colombia.⁷⁰⁸ Among other incidents reported to the IACHR and its Office of the Special Rapporteur, on June 4, 2021, in the context of the demonstrations, ESMAD agents reportedly shot at the reporters, even when they identified themselves as members of the media.⁷⁰⁹ They were also subjected to surveillance, photographing of the channel's headquarters, and threatening messages by people presumed associated with the police, one of the reasons leading to the forced displacement of Jhonatan Buitrago and his family.⁷¹⁰ The journalists also denounced an alleged assassination plot in which 30 million pesos were offered for the life of journalist Alberto Tejada.⁷¹¹

403. In turn, the IACHR learned of a case of sexual violence against a journalist in the city of Cali and about the fear among women journalists of sexual violence when reporting. Likewise, according to the testimonies received from more than 40 reporters from Bogotá, Cali, Popayán, and Suba, the harassment of the media has come both from security forces agents and from demonstrators and armed civilians. The State has reported the launching of at least eight disciplinary investigations for attacks against journalists, and complaints were also received indicating that most of these attacks had not been diligently addressed by the authorities.⁷¹²

404. Additionally, the IACHR observes with concern the reports of attacks on media offices by some protesters and harassment—mainly of female journalists—on social media. For example, the offices

⁷⁰⁷ FLIP. *Cifra de agresiones a periodistas*, August 17, 2021

⁷⁰⁸ IACHR. August 31, 2021. Press Release 227/21. *IACHR Grants Precautionary Measures in Favor of Two Journalists from Channel 2 in Cali, Colombia*.

⁷⁰⁹ IACHR. August 28, 2021. Resolution 69/2021. *Precautionary Measure No. 512-21*. José Alberto Tejada Echeverri and Jhonatan Buitrago regarding Colombia ("Journalists from *Canal 2* of Cali"); FLIP. June 4, 2021. *FLIP alerta riesgo contra periodistas de Canal 2*.

⁷¹⁰ IACHR. August 28, 2021. Resolution 69/2021. *Precautionary Measure No. 512-21*. José Alberto Tejada Echeverri and Jhonatan Buitrago regarding Colombia ("Journalists from *Canal 2* of Cali"); Comisión Intereclesial de Justicia y Paz. June 11, 2021. *Amenazas de muerte a equipo de Canal 2 Cali*; Pulzo. June 5, 2021. *Periodista del Canal 2 en Cali dice que policía lo amenazó de muerte*.

⁷¹¹ *Infobae*. July 8, 2021. *Denuncian recolecta de \$30 millones para asesinar al periodista José Alberto Tejada en Cali*; Contagio Radio. July 8, 2021. *Revelan plan de atentado contra Alberto Tejada de canal 2*.

⁷¹² Archive of the Office of the Special Rapporteur for Freedom of Expression. Testimony and information received in the framework of the IACHR working visit; IACHR. *Observations and recommendations. Work visit to Colombia*. July 7, 2021. Para. 89; Voces del Sur. June 9, 2021. *Fiscalía colombiana ordena el archivo de la investigación de la agresión del ESMAD a periodistas*.

of RCN and the magazine *Semana* were reportedly subjected to attacks, putting in jeopardy the physical integrity of journalists and the news service operations, according to reports.⁷¹³

405. According to the information received, these situations took place in a context of stigmatization of journalists and some media outlets by the authorities, as well as by political and social leaders. According to the complaints received by the IACHR, the acts of violence against the media, coupled with the weak institutional response to them, have produced a general climate of silencing and self-censorship over fear of retaliation.

406. The IACHR deems it essential that plural, alternative, and diverse views be respected on matters that concern everyone as citizens and recalls that nothing fosters the repetition of violence against the media more than the absence of a decisive institutional response to it.⁷¹⁴

407. Violence against the media affects the right to freedom of expression not only in its individual dimension but also in its social and collective dimension, as it limits opportunities for society to stay informed on matters of public interest.⁷¹⁵ In this regard, the IACHR views positively the adoption of Directive 011 of 2021 of the Office of the Procurator General of the Nation, urging members of the national government, mayors' offices, governors' offices, security forces, and all public servants in general to serve as guarantors of the rights to freedom of expression and information. According to the Office of the Procurator, this is especially important given the circumstances the country has been facing since April 28 with citizens exercising their right to demonstrate peacefully, "which should be respected and protected the same as the expressions of those who are not in agreement and have staked out a different position."⁷¹⁶

408. The Commission urges the State to publicly condemn all acts of violence against the media and reminds it of its obligation to investigate, prosecute, and punish the perpetrators of such attacks. At the same time, the Commission invites the Colombian media to follow the highest standards in order to provide the highest quality journalism possible, ensuring the trustworthiness of the facts and information. The strengthening of democratic institutions requires journalism that follows a methodology and takes work, which in turn contributes to providing society with diverse, balanced, and well-sourced points of view on the facts of public interest being covered.

Violence against medical missions

409. Additionally, the IACHR and its REDESCA received information indicating attacks on medical missions and obstruction of the passage of ambulances, by both security forces and demonstrators during the 2021 protests.

410. Additionally, reports were received from the State and medical personnel about the existence of threats and harassment of medical units and health personnel, especially those who would be providing support to people on the front line, as well as students who had organized to support the demonstrations. Information was also received on alleged moves by security forces—especially the ESMAD—to prevent injured demonstrators from receiving timely care. These persons were also afraid to go to health centers due to the risk of being prosecuted.

⁷¹³ RCN news. April 28, 2021. *Comunicado de Noticias RCN y NTN24 sobre ataque a instalaciones del Canal RCN; Revista Semana*. April 29, 2021. *Paro Nacional | Vándalos atacaron instalaciones de SEMANA y RCN Televisión; El Espectador*. June 11, 2021. *Paro Nacional: En el día 44 de protestas reportaron actos vandálicos en el norte de Bogotá*.

⁷¹⁴ IACHR. Office of the Special Rapporteur for Freedom of Expression. November 11, 2020. Press Release R271/20. Office of the Special Rapporteur Expresses Extreme Concern about Violence against Journalists in Mexico and Calls on the State to Strengthen Protection Mechanisms and Measures to Combat Impunity.

⁷¹⁵ IACHR. Office of the Special Rapporteur for Freedom of Expression. Violence against journalists and media workers: Inter-American Standards and National Practices on Prevention, Protection and Prosecution of Perpetrators. OEA/SER.L/V/II. CIDH/RELE/INF. 12/13, December 31, 2013, para. 1; Inter-American Court. Case of Vélez Restrepo and Family v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 3, 2012. Series C No. 248, para. 142-149.

⁷¹⁶ Procurator General of the Nation, Directive 011 of 2021, Guarantee of freedom of expression and freedom of information for individuals and the media, June 8, 2021.

411. The Commission also received information that State agents had allegedly told medical and nursing staff to refuse care to persons injured during the demonstrations. It was also alleged that healthcare personnel were pressured and threatened to not say anything about the protests, as well as to turn over the medical records of persons injured during the demonstrations on threat of punishment and in violation of their obligation to maintain professional confidentiality. The IACHR reminds the State of its obligation to investigate, prosecute, and punish the perpetrators of these aggressions.

Abuse of protective transfers

412. According to information from the Presidential Council for Human Rights and International Affairs, in the context of the protests, more than 7,020 people were arrested through the legal figure called “protective transfer,” regulated in article 155 of the National Police Code. The declared purpose of such detentions is to protect the lives and safety of persons or third parties when they are at risk or in danger and only if the transfer is the sole available means of doing so. As reported by the State in its response, the transfer for protection does not constitute a sanction, and the transferred person must be provided with all the necessary guarantees.

413. In this regard, the Commission learned that the Constitutional Court of Colombia found in Judgment C-281/17 of 2017 that this form of detention as regulated in article 155 “does not offer sufficient prior or subsequent due process guarantees.” In this regard, the court found it was constitutional, but on the condition that certain guarantees be observed, confirmed by Supreme Court of Justice judgment STC 7641-202068, cited as background.

414. The IACHR also learned that the police and the Office of the Procurator General of the Nation developed the “Citizen mobilization guidelines: Scope of Public Ministry intervention,” which reiterated that these “transfers” are exceptional in nature and shall not be used to take people to places intended for deprivation of liberty. The protocol also requires the preparation of a report indicating the circumstances of the detention and identifying the police officer who carried it out.⁷¹⁷

415. However, in view of the supposed exceptional nature of the measure, the high number of protective transfers reported by the State stands out to the Commission. The IACHR received reports indicating that the objective parameters used by the police to make these detentions are unknown. Additionally, it was also learned that protective transfers were used to detain persons in order to intimidate protesters, as well as to avoid the requirements to prove flagrancy or have a court order for an arrest for the alleged commission of criminal acts.

416. Likewise, civil society, the Office of the Ombudsperson,⁷¹⁸ and the Office of the Procurator General repeatedly described difficulties accessing information on the detentions and the deficiencies in the intake and release records for detained persons, something that could have led to the high number of reports of disappeared persons. In this regard, the civil society organizations pointed out that the detentions were not logged at intake—as required by the regulations—but upon release. According to the organizations, this meant persons could be held for longer than the 12 hours permitted under the law; that persons could be held detained incommunicado for longer than provided for by law; and that they could be held in unauthorized locations.

417. The IACHR also received complaints of situations of violence and even of cruel, inhuman, and degrading treatment that could amount to torture and that took place during the protective transfers. Specifically, the persons interviewed informed the IACHR that the victims were constantly beaten and abused during the transfers. In some cases, they were threatened with being disappeared for participating in the protests.

⁷¹⁷ Office of the Procurator General of the Nation - Office of the Ombudsperson, Citizen Mobilization Guidelines: Scope of Public Ministry intervention, October 2020.

⁷¹⁸ Office of the Ombudsperson, Report of the Ombudsperson for the IACHR Visit, Social Protest in Colombia April-June 2021, Archive of the Commission, pg. 49.

418. A number of statements also indicated that the options to turn detained persons over to their families are not used, nor was transparent information available on the places where detained persons were being transferred. In addition, civil society organizations informed the IACHR that people were held in vehicles for more than 24 hours and in other unauthorized settings, several of them with inhumane conditions, as well as in overcrowded places, with convicted prisoners, without access to water or food, and with no access to a bathroom. Additionally, theft during the detention of cell phones and the information they contained was reported.

419. The testimonies collected in the framework of the visit carried out by the IACHR were consistent in pointing out that transfers for protection are being applied in several cases for purposes of a punitive nature, or as a means of dissuading protest. In the Commission's view, it is especially grave that these transfers, as designed, lack judicial oversight, meaning they amount to a restriction on liberty that depends solely on the judgments of the police officer implementing it.

420. The IACHR consequently urges the State to avoid depriving persons of liberty through the arbitrary use of protective transfers. In the case of *Fernández Prieto and Tumbeiro v. Argentina*, the Inter-American Court establish that in the event of a condition making it possible to carry out a detention without a court order or a crime in progress, in addition to complying with the requirements of legitimate aim, suitability, and proportionality, it "must require the existence of objective elements, such that it is not merely police intuition or subjective unverifiable standards that lead to a detention." As the Inter-American Court found in this case, "these types of regulations must also follow the principle of equal protection and nondiscrimination, so as to avoid hostility against social groups [...]." ⁷¹⁹

Reports of missing persons

421. The IACHR received allegations of persons reported as disappeared in the framework of the protest. According to information provided by the Office of the Attorney General of the Nation, as of June 15, the Urgent Search Mechanism (MBU) was still active with respect to 84 cases.⁷²⁰ In the information update provided by the State on September 14, of these 84 cases, 32 were inactive and in the remaining 52, the MBU remained active.⁷²¹ In the public hearing held during the 181st session of the IACHR, the State indicated that the MBU continues to be active in 27 cases and reported on 6 cases of forced disappearance in the context of the protests.⁷²²

422. Additionally, the Commission received with extreme concern reports that some persons initially reported as disappeared have been found dead. According to civil society organizations, these are the cases of Brahian Gabriel Rojas López, who was found dead on May 9, in Risaralda; leader Cristian Torres, found dead on May 16 in Nariño; Andrés Córdoba Tamaniza, 17 years old, a member of the Embera Chami community in the Totumal indigenous reserve in Belalcazar, Caldas, whose body was found on May 29 in the Cauca River; Daniel Stiven Sanchez, whose burned body was found on June 2 in a commercial establishment in Siloé, to the southwest of Cali, after being reported detained, presumably by members of the ESMAD; Shirley Osnas Orozco and José David Díaz Hormiga from the indigenous reservation of Tacueyó, Toribío, were found dead on June 8 in Caloto, Cauca; Hernán David Ramírez, whose body was found in the Tuluá River on June 23; Santiago Ochoa, whose head was found in the district of Aguaclara, Tuluá, on June 20; Alquímedes Santana, whose body was found on July 11 after he was reported missing on May 27.

423. Additionally, the organizations reported to the IACHR that the persons reported missing in Bogotá have a distinct sociodemographic profile: mostly young people between the ages of 17 and 32,

⁷¹⁹ Inter-American Court. *Case of Fernández Prieto y Tumbeiro v. Argentina*. Merits and Reparations. Judgment of September 1, 2020. Series C No. 411, para. 90.

⁷²⁰ Office of the Attorney General of the Nation, Press Release, "Office of the Prosecutor locates 335 people and keeps the Urgent Search Mechanism active in 84 more cases," June 2021.

⁷²¹ Responses of the Colombian State to the IACHR questionnaire "reports of disappearances in the context of social protests," pg. 2

⁷²² Government of Colombia, Follow-up report of the State of Colombia of the hearing "Follow-up on the observations and recommendations of the working visit to Colombia" of the 181st Period of Sessions of the IACHR, November 12, 2021. pg. 53.

belonging to families that have been the victims of forced displacement and are living in poverty, working informally or unemployed.

424. The Commission welcomes the existence of the Urgent Search Mechanism, created by Law 971 of July 15, 2005,⁷²³ which can be activated by anyone before a judge or prosecutor and whose main objective is for judicial authorities to be able to immediately order all procedures necessary for locating disappeared persons. However, the IACHR observes with great concern the complaints raised by civil society as to the functioning of the mechanism, especially regarding the delay of several days in appointing Prosecutor responsible for carrying out the search, the lack of urgent actions on the ground, the exclusion of families and social organizations from the search process and the designing of the search plan; and little or no communication between the judicial police and the families. Additionally, they pointed to the impact of the statements made by authorities describing these situations as "persons not located" when launching the *ex officio* investigations.

425. In this regard, the Inter-American Commission reiterates that, whenever there is reason to suspect the disappearance of a person, a serious, impartial, and effective investigation must be launched *ex officio* and without delay, aimed at determining the truth. The Commission has also emphasized that States must undertake a rigorous search by the pertinent judicial and administrative route. It must do so systematically, by establishing specialized units or commissions and providing adequate and suitable human, technical, and scientific resources for locating and identifying the disappeared victims. This procedure must have clear and specific search strategies and mechanisms for coordinating the different State bodies and institutions. States have a fundamental obligation in this matter to guarantee the participation of family members throughout the search process.

COSTA RICA

- **General considerations**

426. In terms of **progress**, the IACHR highlights the implementation of a mechanism to ensure the availability of vaccines against COVID-19 for all persons in a human mobility context. Likewise, the IACHR welcomes the signing of Law No. 10001 "Affirmative Actions in favor of Afro-descendants", which establishes that all public institutions may allocate at least 7% of vacant jobs per year to be filled by Afro-descendants.

427. As regards **challenges**, the Commission notes with concern the complaints received about measures that could affect the independence of the Judiciary, the persistence of acts of violence committed against members of the Teribe and Bribri indigenous peoples in the province of Punta Arenas, and the prevalence of different forms of violence against women in the country.

428. The State replied to the request for information sent for the preparation of this chapter.⁷²⁴

- **Specific issues**

429. Regarding the robustness of **democratic institutions**, during 2021, the Inter-American Commission received information on various acts of high-level corruption that could have an impact on democratic institutionalism. The IACHR was informed, inter alia, of investigations, searches, and the arrest of six mayors of the country's main cities for the alleged payment of gifts and bribes in connection with bidding procedures relating to the construction of public works, including a project financed by the Inter-American Development Bank (IDB).⁷²⁵ According to the information available, these cases point to the

⁷²³ Colombian Congress, Regulations of the Urgent Search Mechanism, Law 971 of July 14, 2005.

⁷²⁴ Republic of Costa Rica, Ministry of Foreign Affairs and Worship, Report of Costa Rica Requested by the Inter-American Commission on Human Rights - Chapter IV A - IACHR Annual Report 2021, CROEA-AA-1186-21, September 25, 2021. In the IACHR's archives.

⁷²⁵ DW News, "[Corruption rocks Costa Rica](#)", December 9, 2021; DW News, "[Six mayors accused of corruption arrested](#)", November 16, 2021.

increasingly alarming presence of corruption as a phenomenon that impacts every area of Costa Rican society.⁷²⁶

430. On the other hand, the IACHR takes note of the creation of the Economic and Social Advisory Council (CCES), made up of 54 representatives of social, business, trade union, religious, academic, civil society and institutional sectors, which will function as an advisory body to the Executive Branch on actions, programs and public policies.⁷²⁷

431. In a report sent to the IACHR, the Costa Rican State indicated that Article 9 of the Constitution establishes that the Government of the Republic is popular, representative, alternative, and responsible. It is comprised of three distinct and independent branches: Legislative, Executive and Judicial. There is also a Supreme Electoral Tribunal, which in accordance with Article 99 of the Constitution is in sole -- and independent -- charge of the organization, direction, and supervision of all suffrage-related acts. The other electoral bodies answer to the Tribunal.⁷²⁸

432. Regarding the cross-cutting issue of **human rights institutions**, the Commission highlights the participation of the Ombudsperson in the meeting held in August 2021 among the Ombudspersons of Colombia, Panama, Ecuador, and Costa Rica, convened to agree on joint work to address the extra-continental and Caribbean migration crisis.⁷²⁹

433. The Costa Rican State highlighted the work of the Inter-agency Commission for the Follow-up and Implementation of International Human Rights Obligations and its various sub-commissions.⁷³⁰ The State indicated, inter alia, that it is working on the presentation of the next national compliance report to the Committee on the Elimination of Racial Discrimination (CERD). To that end, on August 20, 2021, it held the first session of the Subcommittee in which a roadmap and a timetable were approved for working on and submitting the compliance report. It also indicated that, on May 26, 2021, a Costa Rican delegation met with the Working Group for the Analysis of the National Reports envisaged in the Protocol of San Salvador (GTPSS) and the Secretariat for Access to Rights and Equity (SADyE) of the Organization of American States, in order to analyze the main conclusions, observations, and recommendations that the Working Group made in response to the First, Second, and Third Consolidated National Report of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador), in the area of Economic, Social and Cultural Rights (Protocol of San Salvador).⁷³¹

434. In relation to **access to justice and judicial independence**, although the Costa Rican State highlighted the functions and the work being done by the Commission for Access to Justice, as the

⁷²⁶ Citizen Corruption Observatory, "[Costa Rica Report, Follow-up to the Lima Commitment](#)", 2021. p. 9.

⁷²⁷ Office of the President of the Government of Costa Rica, [Outcome of the 2020 multisectoral dialogue: Economic and Social Advisory Council Installed](#), August 27, 2021.

⁷²⁸ Republic of Costa Rica, Ministry of Foreign Affairs and Worship, Report of Costa Rica Requested by the Inter-American Commission on Human Rights - Chapter IV A - IACHR Annual Report 2021, CROEA-AA-1186-21, September 25, 2021. In the IACHR's archives.

⁷²⁹ Semana. [Ombudspersons of Colombia, Panama, Ecuador, and Costa Rica to work together to address migration crisis](#), August 4, 2021.

⁷³⁰ The Inter-Agency Commission (CIIDHH) is constituted as a permanent advisory body of the Executive Branch, attached to the Ministry of Foreign Affairs and Worship, for the purpose of <https://www.elmundo.cr/costa-rica/ccpdh-preocupado-ante-ataques-contra-defensora-de-los-habitantes/> coordinating the implementation at the national level of international human rights obligations, by means of consensus-building with central government institutions, the three branches of government, and civil society organizations. This commission meets every 2 months. It is made up of 31 institutions (ministries and autonomous institutions) and representatives of the Judiciary, the Supreme Electoral Tribunal, the Ombudsperson's Office, and the Legislative Assembly, as observers, with a duty to provide information. Ministry of Foreign Affairs and Worship of Costa Rica. Note No. CROEA-OG-1157-20, October 2, 2020, p. 3.

⁷³¹ Republic of Costa Rica, Ministry of Foreign Affairs and Worship, Report of Costa Rica Requested by the Inter-American Commission on Human Rights - Chapter IV A - IACHR Annual Report 2021, CROEA-AA-1186-21, September 25, 2021. In the IACHR's archives, pp. 3 to 7.

institutional governing body for access to justice for vulnerable populations, as well as the existence of various Subcommissions, the IACHR did not receive updated information on this matter.⁷³²

435. At the same time, the IACHR highlights the concerns expressed by the United Nations Special Rapporteur on the independence of judges and lawyers, Diego García Sayán, regarding legal amendments, bills, and acts by the State that could affect judicial independence in Costa Rica, due to interference from other branches of government. In particular, the IACHR took cognizance of a number of communications addressed to the State, in which the United Nations Rapporteur highlighted information on the reduction of salaries and regression in the employment status of Judicial Branch officials; the modification of their retirement regime; as well as the weakening of guarantees against external pressures and of those safeguarding the selection and appointment of senior judicial magistrates, which may not conform to current international standards on judicial independence.⁷³³ In this context, on May 24, 2021, Costa Rican civil society organizations expressed their rejection of the decision of the Plenary of the Supreme Court of Justice to hold a virtual meeting scheduled with the United Nations Special Rapporteur, among other reasons, because the judges of the Court considered it was not a priority and, in addition, the Rapporteur had allegedly expressed his views on issues that were being considered by the Constitutional Chamber.⁷³⁴

436. Regarding **persons in human mobility**, the Commission appreciates the announcement made by the Ministry of Foreign Affairs and the Ministry of Health, on July 27, 2021, on implementation of a mechanism to ensure the availability of vaccines against COVID-19 for all persons in a human mobility context; in particular, those without regular documented migratory status in the country.⁷³⁵ In this context, the IACHR notes that the Government reportedly announced that the Costa Rican Social Security Fund (CCSS), in conjunction with the Ministry of Health and the United Nations system, have begun implementing the immunization strategy for all migrants - regardless of their migratory status in the country - asylum seekers, and refugees. According to official information, people lacking regular documentary status in the country must prove to the health authorities that they reside in the country and indicate their place of residence.⁷³⁶

437. With regard to **statelessness**, the IACHR notes that the Inter-Agency Liaison Commission on **Statelessness** began operating on August 18, 2021. According to official information, the Commission aims to coordinate actions among its member institutions to i) detect and resolve existing situations of statelessness; ii) prevent the emergence of new cases; and iii) protect stateless persons or those at risk of statelessness by seeking and adopting durable solutions.⁷³⁷

438. In relation to **human trafficking**, the Commission notes that the National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT) presented the National Policy against Trafficking in Persons 2020-2030. This policy would constitute a roadmap of objectives and actions to prevent and combat the crimes of trafficking in persons, smuggling of migrants and other related activities. In addition, it would strengthen and optimize strategies for the prosecution and punishment of

⁷³²Republic of Costa Rica, Ministry of Foreign Affairs and Worship, Report of Costa Rica Requested by the Inter-American Commission on Human Rights - Chapter IV A - IACHR Annual Report 2021, CROEA-AA-1186-21, September 25, 2021. In the IACHR's archives, pp. 13-15.

⁷³³ UN, Special Rapporteur on the Independence of Judges and Lawyers, communication [OL CRI 3/2020](#), October 27, 2020; United Nations Special Rapporteur on the Independence of Judges and Lawyers, submission [OL CRI 3/2019](#), July 12, 2019.

⁷³⁴ International Institute for Social Responsibility and Human Rights, [Supreme Court of Justice of Costa Rica refuses to hold a virtual meeting with the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán](#), May 24, 2021.

⁷³⁵ IACHR, Request for Information to the State of Costa Rica, Note 425/21/IACHR/SE/MPCT-Art.41, IACHR Archive, August 25, 2021. IACHR [@CIDH]. (August 2, 2021) *IACHR welcomes the Government's decision to initiate steps to ensure the availability of COVID19 vaccines for Migrants* [Tweet]. Twitter: <https://twitter.com/CIDH/status/1422305449890693125?s=20>

⁷³⁶ Office of the President of the Republic, Costa Rica, ["Costa Rica vaccinates regular, irregular and refugee migrant population residing in the country that meets the requirements established in the current vaccination manual."](#), September 17, 2021.

⁷³⁷ Ministry of Foreign Affairs and Worship, Costa Rica, ["Costa Rica advances in its efforts to eradicate statelessness and adopt a comprehensive approach to it."](#), August 18, 2021. Costa Rican Legal Information System, Costa Rica, [Creates an Institutional Liaison Commission on Statelessness: Decree No. 42794-RE](#), December 10, 2020.

offenders, for prevention, and for the care and protection of victims of human trafficking.⁷³⁸ On the other hand, the IACHR notes with concern the statements made by the Deputy Prosecutor's Office against Trafficking in Persons regarding the increased vulnerability to human trafficking in the country, as a result of the containment measures adopted in response to the COVID-19 pandemic.⁷³⁹

439. Regarding the rights of **LGBTI persons**, the State reported that it has striven to guarantee this population's access to social care programs during the pandemic. In addition, it indicated that it has reinforced food assistance for transvestites and transgender people in the context of the pandemic, in coordination with civil society.⁷⁴⁰

440. In 2021, the Commission also [welcomed](#) resolution 749-21 of the Third Chamber of the Supreme Court of Justice which, in an analysis of the provisions related to sentencing, recognized that the term "woman" in the Penal Code must include trans women.⁷⁴¹ Likewise, the Commission highlights the ruling of the Constitutional Chamber that ordered the General Directorate of Migration and Aliens to issue a passport that adequately reflects the gender identity of a trans woman, based on Inter-American standards.⁷⁴² The Commission also followed up on the legislative process of the draft Public Employment Framework Law (Bill No. 21.336), which includes a clause that would allow public sector workers to be exempted from training programs based on religious, ethical, and moral grounds.⁷⁴³ The IACHR took note that the former Presidential Commissioner for LGBTIQ Affairs and civil society organizations rejected the inclusion of such a clause because of its impact on the human rights situation of persons in situations of vulnerability and exclusion, including LGBTI persons.⁷⁴⁴ In this regard, the Commission recalls that it has recommended that States prohibit the illegitimate use of conscientious objections by public officials, particularly when it may have discriminatory effects on the provision of public services.⁷⁴⁵

441. Regarding the **rights of indigenous peoples**, in 2021, the IACHR continued to follow up on Precautionary Measure 321-12 and the actions taken by the Costa Rican State to guarantee the life and personal integrity of the members of the Teribe and Bribri indigenous peoples in the province of Punta Arenas. In this regard, the IACHR is concerned about the ongoing violence against members of those communities. According to the information received by the Commission, the 24 indigenous territories in Costa Rica are inhabited by eight different peoples; however, their rights to territory and self-determination remain unrecognized, despite the fact that the State has adopted the United Nations Declaration on the Rights of Indigenous Peoples and ratified Convention 169 of the International Labor Organization (ILO).⁷⁴⁶

442. In relation to the **rights of children and adolescents**, the Commission welcomes the passing of Law No. 9.941, which reactivates and strengthens the National Child Care and Development Network. In this regard, the IACHR notes that the purpose of the Network is reportedly to establish a system of childcare and development with public, universal access and solidarity-based financing, based on various kinds of public and private funding aimed at strengthening and expanding comprehensive childcare

⁷³⁸ Ministry of the Interior, [Costa Rica presents the National Policy against Trafficking in Persons](#), August 17, 2021.

⁷³⁹ Public Prosecutors' Office, [Deputy Prosecutor's Office: "Pandemic Increased Vulnerability to Human Trafficking."](#), July 21, 2021.

⁷⁴⁰ Report submitted by the State of Costa Rica for preparation of the 2021 annual report.

⁷⁴¹ Supreme Court of Justice of Costa Rica, Third Chamber, [Resolution N° 00749 - 2021](#), July 14, 2021.

⁷⁴² Supreme Court of Justice of Costa Rica, Fourth Chamber, [Resolution 2021016542](#), July 30, 2021.

⁷⁴³ Legislative Assembly of the Republic of Costa Rica, [Final Draft of the Public Employment Framework Law, File No. 21.336](#), June 26, 2021; Semanario Universidad, ["Twelve Equal Marriage organizations sign letter of 'repudiation' against President Alvarado for conscientious objection"](#), April 12, 2021.

⁷⁴⁴ La República, ["LGBTIQ Commissioner Resigns Because Government 'Violates Human Rights'"](#), April 12, 2021 and Semanario Universidad, ["Twelve Equal Marriage organizations sign letter of 'repudiation' against President Alvarado for conscientious objection"](#), April 12, 2021

⁷⁴⁵ IACHR, [Trans and gender-diverse persons and their Economic, Social, Cultural, and Environmental Rights](#), recommendation 18.

⁷⁴⁶ IWGIA. [El Mundo Indígena 2021: Costa Rica](#). March 2021

options. In addition, it would extend its services to cover children and adolescents with disabilities.⁷⁴⁷ In addition, the IACHR notes that according to the most recent figures of the National Children's Trust (PANI), as of June 2021, this Network had reportedly provided comprehensive care to 57,543 children between the ages of 0 and 12.⁷⁴⁸

443. In addition, the IACHR also notes that PANI, the General Directorate of Migration and Alien Affairs (DGME) and the United Nations Children's Fund (UNICEF) have installed 14 safe spaces for the protection of approximately 16,408 children and adolescents in situations of violence and discrimination, and for enhancing their educational opportunities.⁷⁴⁹

444. At the same time, the IACHR welcomes the passing of Law No. 10.020, which creates the Inter-Agency Commission for the Protection of Children and Adolescents against Sexual Crimes Committed by Electronic or Virtual Means. The Commission also notes that the law also amends the Penal Code with respect to increasing the penalties for the commission of the aforementioned crimes.⁷⁵⁰

445. Regarding the rights of **people of African descent and against racial discrimination**, the Commission welcomes significant progress in this area. In particular, according to information provided by the State, the Subcommission on Access to Justice for the Afro-descendant Population has been strengthened through the provision of translators in cases in which there is a need for mother tongues other than Spanish. This Subcommission also promotes studies on access to justice for people of African descent, their particular needs, as well as the causes and manifestations of racial discrimination and intolerance. This Subcommission also makes efforts to include the Afro-descendant variable in all judicial data collection systems or registries; and conducts training for judicial personnel on these issues.⁷⁵¹

446. At the same time, the State reported on the cross-cutting approaches to gender, diversity and interculturality, and their impact on the Afro-descendant population. As an example, it cites the participation of Afro-descendant women in the consultations aimed at establishing the axes of the National Policy for Effective Equality (PIEG) 2018-2030 and the National Plan for the Care and Prevention of Domestic Violence (PLANONI) 2017-2032; as well as the consideration of socio-cultural aspects of the Afro-descendant community in the local Emergency Committees to prevent the spread of the COVID-19 virus.⁷⁵²

447. On the other hand, in its monitoring work, the IACHR identified other advances such as the passing of Law No. 10001 "Affirmative Actions in favor of Afro-descendants", signed by President Carlos Alvarado, which establishes that all public institutions may allocate at least 7% of vacant jobs per year to be filled by people of African descent, and that the National Learning Institute (INA), which provides technical education, will reserve 7% of its vacancies, in each of its courses, for this population.⁷⁵³ The IACHR also welcomed the presentation by the United Nations of the "Costa Rica Plan" against hate speech and discrimination. This is a joint effort by the United Nations System in Costa Rica, various state entities, academia, and civil society. Its objectives include the creation, under an agreement with the University of

⁷⁴⁷ Legislative Assembly, Costa Rica, [Reactivation and strengthening of the national child care and development network](#), February 15, 2021. Patronato Nacional de la Infancia (National Children's Trust), Costa Rica, ["Red de Cuido would expand services to 20,000 children and adolescents with disabilities"](#), March 2, 2021.

⁷⁴⁸ Patronato Nacional de la Infancia, Costa Rica, ["PANI assumes National Child Care and Development Network"](#), October 7, 2021.

⁷⁴⁹ Patronato Nacional de la Infancia, Costa Rica, ["More than 16 thousand girls and boys will have a safe space where they can protect themselves from violence."](#), September 9, 2021.

⁷⁵⁰ Office of the President, Costa Rica, [Law for the prevention of harassment of minors by electronic means](#), September 10, 2021. Legislative Assembly, Costa Rica, [Law for the prevention of harassment of minors by electronic or virtual means \(grooming\) and reform of Penal Code No. 10020. September 9, 2021](#), September 9, 2021.

⁷⁵¹ Republic of Costa Rica, Ministry of Foreign Affairs and Worship, Report of Costa Rica Requested by the Inter-American Commission on Human Rights - Chapter IV A - IACHR Annual Report 2021, pp. 20 and 21, CROEA-AA-1186-21, September 25, 2021, Document submitted to the IACHR

⁷⁵² Republic of Costa Rica, Ministry of Foreign Affairs and Worship, Report of Costa Rica Requested by the Inter-American Commission on Human Rights - Chapter IV A - Annual Report of the IACHR 2021, pp. 34-37, CROEA-AA-1186-21, September 25, 2021, Document submitted to the IACHR

⁷⁵³ Office of the President of the Republic, Government of Costa Rica, education, August 10, 2021

Costa Rica, of an Observatory against hate speech and discrimination; the dissemination of a study; and the launching of awareness and educational campaigns.⁷⁵⁴ The IACHR encourages the State of Costa Rica to continue moving forward with the adoption of special measures to guarantee the rights of Afro-descendants and eradicate racial discrimination.

448. With respect to **women's** human rights, the IACHR observes the measures adopted to enhance care, prevention, and protection against gender-based violence. In particular, it welcomes the publication in May 2021 of Law No. 9975 amending the Law on the Penalization of Violence against Women, which broadens the scope of punishment for femicide and violence in the context of intimate partner relationships or ties to also include those between fiancés, cohabitation, non-cohabitation, casual or other similar relationships, even when there is a divorce, separation, or breakup.⁷⁵⁵ It also takes note of the launch in May 2021 by the National Women's Institute (INAMU) of a toll-free telephone line to provide information and guidance to women in situations of violence.⁷⁵⁶ It also welcomes the adoption in April 2021 of a standardized joint protocol for the investigation of missing and unaccounted-for women of legal age, which defines the basic actions to be taken to search for and locate them, and establishes the importance of incorporating a gender perspective in investigations.⁷⁵⁷

449. Regarding women's right to equality and non-discrimination, the IACHR appreciates the issuance in May 2021 of the Guide for the implementation of non-sexist inclusive language targeting police and administrative civil servants of the Ministry of Public Security, to provide guidance on the proper use of inclusive language and advance towards effective equality between men and women.⁷⁵⁸ It also welcomes the Costa Rican Social Security Fund's expansion of emergency contraception to all women of childbearing age who need it.⁷⁵⁹ It also takes note of the presentation of Bill 22.490, which seeks to amend Law No. 8901 by incorporating the principle of gender parity and promoting equal participation in politics in the cooperative sector.⁷⁶⁰

450. As regards challenges, the IACHR notes the prevalence of various forms of violence against women. According to official data, as of October 15, 2021, 50 violent deaths of women had been recorded, 10 of which were classified as femicides and 33 remained to be classified⁷⁶¹; likewise, according to information in the public domain, rapes increased by 11% in the first six months of 2021 compared to the same period of the previous year.⁷⁶²

451. With respect to the **rights of persons with disabilities**, the IACHR welcomes the training provided to the police on the rights of persons with disabilities, and the distribution and approval of the documents "The Concept of Disability from a Social Perspective"⁷⁶³ and the "Protocol to guarantee accessibility to files for blind persons in the Ombudsperson's Office."⁷⁶⁴ Also noteworthy are the "Promotion of Inclusive Education for the visually impaired in the NLI/INA" project of the National

⁷⁵⁴ United Nations Costa Rica, [Costa Rica launches plan to educate, raise awareness, and combat hate speech](#), July 6, 2021

⁷⁵⁵ La Gaceta Diario Oficial. [No.103](#), Monday, May 31, 2021

⁷⁵⁶ INAMU. [women](#), May 10, 2021

⁷⁵⁷ Public Prosecutors' Office, Judicial Investigation Agency. [Standardized joint protocol for the investigation of missing and unaccounted-for women of legal age with a gender-differentiated approach](#). April 2021

⁷⁵⁸ Ministry of Public Security. [Guide for the implementation of non-sexist inclusive language](#), May 14, 2021

⁷⁵⁹ CCSS. [CCSS offers emergency contraception for all women who require it](#), May 5, 2021; Instituto Nacional de las Mujeres [National Women's Institute]. [Country makes progress on women's health and sexual and reproductive rights issues](#), May 5, 2021

⁷⁶⁰ Legislative Assembly of the Republic of Costa Rica. [Bill](#), addition of two new articles to Law No. 8901, "minimum percentage of women on the boards of directors of associations, trade unions, and solidarity-based associations," of November 18, 2010 and its amendments, File No. 22.490; INAMU, [Boletín institucional](#), May 2021 Issue V.

⁷⁶¹ Observatory of Gender-based Violence against Women and Access to Justice of the Judiciary of the Republic of Costa Rica, [Femicides 2021](#)

⁷⁶² InfoSegura with UNDP. Costa Rica's multidimensional analysis of citizen security. [First half of 2021](#), October 7

⁷⁶³ Ombudsperson's Office, [Monthly newsletter specializing in the approach to disability from a human rights perspective](#), January 2021.

⁷⁶⁴ Ombudsperson's Office, [Monthly newsletter specializing in the approach to disability from a human rights perspective](#), April 2021.

Learning Institute, which promotes training and exchanges of educational experiences,⁷⁶⁵ and the efforts to vaccinate people with disabilities against Covid-19.⁷⁶⁶

452. In addition, the Commission took note of the report "Sexual and Reproductive Health and Gender-based Violence against Women with Disabilities", which describes cases of sexual and economic violence, humiliation, and disqualifications of women with disabilities,⁷⁶⁷ and of the investigation by the Ombudsperson's Office on the existence of rules restricting the access of students with disabilities to the General (regular) Education System, and other challenges in this area.⁷⁶⁸ Likewise, the IACHR has registered complaints of non-compliance with Law No. 7600, due to the lack of ramps on buses and the establishment of elevator-type seats, which force persons with disabilities to transfer out of their wheelchairs.⁷⁶⁹

453. Regarding the **rights of older adults**, the Commission highlights the information provided by the State in relation to the norms, provisions, and institutional policy of the Judiciary to contribute to access to justice for the elderly, which includes, inter alia, preferential attention, respect for the decisions made by older adults, adequate physical space to ensure access for the elderly, and the preparation and dissemination of information on policies to prevent violence.⁷⁷⁰

454. Regarding **persons deprived of liberty**, the Commission welcomes the adoption of the "Social and Labor Insertion Model for the Prison Population", which seeks to promote the social reintegration of persons deprived of liberty. In particular, this strategy contemplates: i) providing formal education and skills development; ii) consolidating job offers; and iii) implementing modernization processes by including technology in training and education.⁷⁷¹

DOMINICA

- **Overview**

455. With regard to **progress**, the IACHR highlights the steps taken to promote transparency in the approval of the national budget, as well as efforts to further the electoral reform process. The Commission also notes the decline in the country's incarceration rate. In addition, it underscores the efforts made to analyze national policies and systems for addressing human displacements caused by climatic and environmental factors. The Commission also takes note of the plans for the incorporation of women into the police force.

456. Among the **challenges detected**, the Commission notes the failure to establish a national human rights institution. The IACHR is also concerned about the lack of progress with repealing laws that permit corporal punishment of children and adolescents. It further notes the State's delay in authorizing the resumption of prison visits, which were suspended at the onset of the pandemic. Additionally, it notes

⁷⁶⁵ Red Internacional de Educación para el Trabajo [International Education for Work Network -RIET], Instituto Nacional de Aprendizaje (INA) and Fundación Once América Latina (FOAL), [Promotion of Inclusive Education for the Visually Impaired at the INA](#), September 24, 2021.

⁷⁶⁶ Ombudsperson's Office, [Monthly newsletter specializing in the approach to disability from a human rights perspective](#), June 2021

⁷⁶⁷ United Nations Population Fund (Unfpa), [Sexual and reproductive health and gender-based violence towards women with disabilities in light of the National Survey on Disability \(ENADIS 2018\)](#), September 2021.

⁷⁶⁸ Ombudsperson's Office, [Monthly newsletter specializing in the approach to disability from a human rights perspective](#), February 2021.

⁷⁶⁹ Ombudsperson's Office, [Monthly newsletter specializing in the approach to disability from a Human Rights perspective](#), February 2021.

⁷⁷⁰ Republic of Costa Rica, Ministry of Foreign Affairs and Worship, Report of Costa Rica Requested by the Inter-American Commission on Human Rights - Chapter IV A - IACHR Annual Report 2021, CROEA-AA-1186-21, September 25, 2021. In the IACHR's archives.

⁷⁷¹ Office of the President, Costa Rica, [New insertion model will enhance job and training opportunities for persons deprived of liberty](#), August 23, 2021.

that no progress has been made toward eliminating the death penalty from the country's laws. Finally, the Commission regrets the continued criminalization of consensual same-sex sexual relations.

457. The State did not respond to the request for information for the preparation of this chapter.

- **Specific issues**

458. In relation to the **institutional framework for human rights**, the Commission regrets the failure to establish a national human rights institution in line with the Paris Principles. In this regard, the IACHR has underscored the importance of having an independent body for the promotion and protection of human rights at the national level, and it offers its technical cooperation mechanism for institutional strengthening in this area.

459. Similarly, the IACHR has pointed out that one complementary aspect of the institutional framework for human rights is the analysis of fiscal policies and the State's budget for funding human rights. In this regard, the Committee takes note of the measures taken and the information published by the Ministry of Finance and Investment to promote transparency in budget forecasting.⁷⁷² In connection with this, the IACHR recalls the importance that the approach of human rights principles, which apply to the entire public policy formulation cycle, should also be applied to budgetary matters.⁷⁷³

460. With regard to targeted programs for vulnerable groups, the IACHR takes note of the efforts made by the Dominican parliament to promote the protection of the rights of children and adolescents. Those efforts took shape, in particular, through the discussion of a series of proposed legislative instruments, including the Justice Bill, the Adoption and Child Care Bill, the Domestic Violence Bill, the Status of Children Bill and testing procedures and regulations.⁷⁷⁴ The IACHR reiterates the importance of incorporating a human rights approach into these initiatives; in addition, they must promote compliance with the obligations of the State in accordance with international standards.⁷⁷⁵ It likewise recalls the need for an adequate budget to guarantee their operation.

461. In the area of **democratic institutional**ity, the IACHR continued to monitor the electoral reform process in Dominica.⁷⁷⁶ In this regard, the IACHR notes that the Electoral Reform Commissioner was appointed by the State to conduct a review of the relevant legislation, systems, and processes, and to make recommendations based on consultations with all stakeholders.⁷⁷⁷ The Commission also notes that the Electoral Commission of Dominica urged the public to participate widely through written submissions, surveys, and oral consultations.⁷⁷⁸ It also called on the government to implement the recommendations in time for the next general election.⁷⁷⁹ In addition, during the course of his consultations with the electorate, the Electoral Reform Commissioner emphasized the need to modernize the regulatory framework for

⁷⁷²Ministry of Finance and Investment, [Budget Information](#), 2021.

⁷⁷³IACHR, [Public Policy with a Human Rights Approach](#), OEA/Ser.L/V/II. Doc. 191, September 15, 2018.

⁷⁷⁴Government Information Service, [40 Participate In Child Abuse Forensic Interviewing Training](#), January 31, 2021; [Draft OECS Maintenance Bill Under Review](#), January 27, 2021, Government To Enact Law For Juvenile Justice Reform.

⁷⁷⁵IACHR, [Compendium on the Obligation of States to Adapt Their Domestic Legislation to the Inter-American Standards of Human Rights](#), OEA/Ser.L/V/II. Doc. 11, January 25, 2021.

⁷⁷⁶IACHR, [Annual Report Chapter IV.A. "Dominica", 2020](#), para. 310; and Government Information Service, [Sir Dennis Byron appointed Commissioner for the advancement of electoral reform](#), August 31, 2020.

⁷⁷⁷Electoral Office, [Notice: Electoral Reform](#), April 22, 2021.

⁷⁷⁸*Dominica Vibes*, [Over 35 organizations are being invited to make written submissions on the electoral reform process in Dominica](#), February 1, 2021; Electoral Office, [Notice: Electoral Reform](#), April 22, 2021; and Dominica Electoral Office, [Electoral Legislation Review Consultation with the Dominica Business Forum](#), June 15, 2021.

⁷⁷⁹*Dominica News Online*, [Electoral Commission member calls for reform recommendations to be implemented before next general election](#), June 25, 2021.

general elections, in order to ensure equal voting rights. He further stated that political parties and candidates should have equal opportunities.⁷⁸⁰

462. The Commission further notes that several OAS Electoral Observation Missions have recommended that the State establish a voter identification system; however, this has still not been implemented.⁷⁸¹ In this regard, the IACHR emphasizes that representative democracy is a principle affirmed by the American States in the OAS Charter, which is a basic instrument within the inter-American system of which the Convention is a part.⁷⁸²

463. In relation to the **rights of children and adolescents**, the Commission takes note of the State's efforts to respond to sexual abuse complaints, and it expresses its concern that corporal punishment continues to be practiced. Regarding the sexual abuse allegations, in a December 2020 interview, the Child Abuse Prevention Unit reported that the number of cases of sexual abuse against children and adolescents was estimated at between 100 and 160 per year.⁷⁸³ In response, the State has adopted measures to address the challenges detected, including: (i) the restructuring of the Welfare Division, (ii) increasing the number of child protection officers, and (iii) recruiting a clinical psychologist and a counselor by the Child Abuse Prevention Unit. This is intended to help curb reported cases of abuse.⁷⁸⁴ The Commission welcomes the measures adopted, and it reminds the State of the binding obligation to adopt specific and special measures for children and adolescents, as well as to incorporate a holistic, multisectoral, and comprehensive approach that addresses the structural and endemic causes of violence, particularly violence of a sexual nature.⁷⁸⁵

464. The IACHR reiterates its concern over the lack of progress made by the State on the issue of corporal punishment. According to civil society organizations, Dominica has no clear commitment to removing corporal punishment from its statute books: punishments of this kind are still legally permissible in juvenile detention facilities, in the home, at school, and in all institutions responsible for providing children with alternative care, with the exception of facilities for early childhood education.⁷⁸⁶ In addition, the IACHR notes that it is not possible to determine progress with the implementation of the good practice of the Child Friendly Schools Initiative during 2021, since classes have mainly been delivered online since the onset of the COVID-19 pandemic in March 2020.⁷⁸⁷

465. Regarding **persons deprived of liberty**, the Commission notes a drop in the country's incarceration rate. According to public information, Stockfarm Prison—the country's only such facility—had a total of 189 inmates at the end of 2021, compared to 222 at the close of 2020.⁷⁸⁸ These figures indicate a 15% reduction in the total prison population during 2021.⁷⁸⁹ At the same time, the IACHR notes that prison visits have been suspended indefinitely since March 2020 to prevent the spread of the COVID-19

⁷⁸⁰*Dominica News Online*, '[Dominica's electoral process is old and needs modernization](#)' – Sir Dennis Byron, June 21, 2021.

⁷⁸¹OAS, [Final Report of the OAS Electoral Observation Mission to the General Elections in the Commonwealth of Dominica, December 18, 2009](#), OEA/Ser.G CP/doc.4474/10, March 8, 2010, p.15; OAS, [Preliminary Report of the OAS Electoral Observation Mission In Dominica](#), December 9, 2014; and OAS, [Preliminary Report of the Electoral Observation Mission of the OAS in the Commonwealth of Dominica for the December 6 General Elections](#), December 7, 2019.

⁷⁸²I/A Court H.R., [Yatama v. Nicaragua. Preliminary Objections, Merits, Reparations, and Costs](#), Judgment of June 23, 2005, Series C No. 127, para. 192.

⁷⁸³*Dominica News Online*, [Child sexual abuse continues to top list of reported offences against children](#), December 1, 2020.

⁷⁸⁴Government Information Service, [Budget Address 2021–2022: Providing a Safe Environment for Our Vulnerable](#), July 28, 2021.

⁷⁸⁵IACHR, [Report 233/19. Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean](#), November 14, 2019, paras. 239 and 240.

⁷⁸⁶Child Fund Alliance, [Prohibiting all corporal punishment against children: laying the foundations for non-violent childhoods](#), April 2021, p. 22.

⁷⁸⁷IACHR, [Annual Report, Chapter IV.A. "Dominica", 2020](#), para. 313; *Dominica News Online*, [Online classes may have to continue for rest of term says PM Skerrett](#), October 28, 2021; and *Dominica News Online*, [Reopening of schools in Dominica postponed due to COVID-19 surge](#), August 24, 2021.

⁷⁸⁸*The Sun*, [Dominica prison population: Male prisoners outnumber females by 99%](#), December 29, 2020.

⁷⁸⁹*The Sun*, [Dominica prison population: Male prisoners outnumber females by 99%](#), December 29, 2020.

virus.⁷⁹⁰ Moreover, the Commission notes that at the time of this report's drafting, there had been no update regarding the resumption of prison visits. The IACHR stresses that restricting visits can have serious consequences for the mental health of persons deprived of liberty, and it urges the State to ensure that all measures to limit contacts, communications, or visits are taken with great care after a strict review of their proportionality. In addition, in view of the restrictions on face-to-face visits, it calls on the State to adopt other measures, such as videoconferencing, increased telephone usage, and electronic communications.⁷⁹¹

466. The Commission is concerned that the death penalty remains on the statute books, even though no prisoners are currently on death row and no executions have been carried out since 1986. The IACHR repeats its call for the State to take steps to abolish capital punishment.⁷⁹²

467. As regards the rights of **LGBTI persons**, the Commission notes with concern that Dominica is among the countries of the region that continue to criminalize sexual relations between adults of the same sex, which is punishable by prison sentences of up to ten years and possible internment in psychiatric institutions for persons sentenced to treatment.⁷⁹³ This contravenes the State's international obligations regarding the right to equality and nondiscrimination.⁷⁹⁴ The IACHR again highlights that maintaining these laws generates a culture of violence, hostility, discrimination, and serious violations against LGBTI persons.⁷⁹⁵ The Commission reiterates that provisions that penalize a particular group of persons for engaging in a consensual sexual act or practice with other persons of the same gender are impermissible, as they are in direct opposition to the prohibition of discrimination on the basis of sexual orientation.⁷⁹⁶ Furthermore, the IACHR reiterates that such laws reinforce preexisting social prejudices and significantly heighten the negative effects that those prejudices have on the lives of LGBTI persons.⁷⁹⁷

468. With respect to **persons in situations of human mobility**, the Commission notes that Dominica, together with the other members of the Organization of Eastern Caribbean States (OECS), is working with the International Organization for Migration (IOM) to analyze national policies and systems for the management and presentation of information relating to the forced displacement of persons by climatic and environmental factors.⁷⁹⁸

469. Regarding **the human rights of women**, the IACHR takes note of the actions of the Commonwealth of Dominica Police Force to promote and incorporate women into the police force.⁷⁹⁹ In this regard, the IACHR again stresses the importance of training police forces at all levels in gender awareness and human rights.

DOMINICAN REPUBLIC

- **General considerations**

470. In terms of **progress**, the Commission welcomes the initiative to strengthen and transform the National Police. Likewise, it welcomes the elimination of child marriage, as well as the articulation of a state policy to combat violence against women, adolescents and girls. In addition, the

⁷⁹⁰UNDP, [Digital Mapping Findings Report March 2021, COVID-19: Justice and Deprivation of Liberty in Latin America and the Caribbean](#), March 2021, p. 11.

⁷⁹¹IACHR, Press Release 212/20, [IACHR concerned about specific risks faced by Persons Deprived of Liberty in the Americas during the COVID-19 pandemic](#), Washington D.C., September 9, 2020.

⁷⁹²World Coalition Against the Death Penalty, [Dominica](#), August 30, 2021.

⁷⁹³[Sexual Offences Act 1998](#), Section 15 (Buggery).

⁷⁹⁴IACHR, [Recognition of the Rights of LGBTI Persons](#), OEA/Ser.L/V/II.170, Doc. 184, December 7, 2018, paras. 240 to 242.

⁷⁹⁵IACHR, [Recognition of the Rights of LGBTI Persons](#), OEA/Ser.L/V/II.170, Doc. 184, December 7, 2018, paras. 240 to 242.

⁷⁹⁶IACHR, Report No. 81/13, Case 12.743. Merits. Homero Flor Freire. Ecuador. November 4, 2013, para. 114.

⁷⁹⁷IACHR, [Violence against lesbian, gay, bisexual, trans, and intersex people in the Americas](#), OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 56, 74, and 75.

⁷⁹⁸IOM, ["IOM hosts Successful Workshop on Human Mobility & Climate Change in the OECS"](#), February 2, 2021.

⁷⁹⁹[Dominica News Online](#), [Dominica police force to recruit more female officers](#), November 25, 2021.

IACHR highlights the State's openness for it to conduct a virtual visit to promote the eradication of violence against girls and women, as well as the information provided by top government officials. Finally, the Commission welcomes the initiative of the Dominican State with respect to measures aimed at regularizing the migratory situation of Venezuelan nationals.

471. Among the **challenges**, the IACHR expresses its concern at the increase in homicides and femicides in the country. It also takes note of the legislative process involving the draft Criminal Code. In particular, the IACHR notes the failure to incorporate the State's international obligations in the areas of sexual and reproductive health, gender-based violence, sexual orientation and gender identity, and protection of children and adolescents against physical violence. It also notes the situation of violence and discrimination against people of Haitian descent, especially the deportation of pregnant Haitian women. In addition, it notes with concern the difficulties faced by persons with irregular migratory status in obtaining access to vaccines against COVID-19 under the National Vaccination Plan, as well as the overcrowding in prisons.

472. On November 23, 2021, the State submitted a response to the request for information sent for the preparation of this chapter

- **Specific Topics**

473. With respect to **human rights institutions**, the IACHR notes that the State has had an Ombudsperson's Office since 2003, and that it is a member of the Ibero-American Federation of Ombudspersons.⁸⁰⁰ In this regard, the Commission takes note of the appointment of the new Ombudsperson in November 2021.⁸⁰¹ It also noted the launch of the Ombudsperson's Office management model, said to be based on the principles of transparency, accessibility, independence and efficiency. In addition, it notes the initiative to launch the Cátedra de Derechos Ciudadanos, or citizen rights lecture series.⁸⁰²

474. The State reported that it continues to provide training courses to state officials on issues related to domestic and gender-based violence, rights of persons with disabilities, electoral matters, and discrimination⁸⁰³.

475. With regard to **democratic institutions**, the Commission welcomes the initiative of the Ministries of Public Administration (MAP) and Economy, Planning and Development (MEPYD), the Office of the Comptroller General of the Republic (CGR), the General Directorate of Budget (DIGEPRES) and the Legal Consultancy of the Executive Branch (CJPE) to establish a technical roundtable to work on the design of a new civil service performance evaluation system.⁸⁰⁴ The IACHR also takes note of the implementation of the Common Assessment Framework (CAF) model of excellence in management in the public sector, which has led to progress in the modernization and innovation of the civil service.⁸⁰⁵

476. Regarding **citizen security**, the State reported on the implementation of measures to transform the National Police. In particular, it highlighted (i) the creation of a specialized commission to formulate recommendations related to the financial and administrative restructuring of its budget; (ii) the enactment of the implementing regulations for the Organic Law of the Police; and (iii) the restructuring of

⁸⁰⁰ Federación Iberoamericana del Ombudsman, "[Miembros y Regiones Ombudsman Nacionales](#)," undated.

⁸⁰¹ Office of the Ombudsperson, Dominican Republic, "[La nueva directiva del Defensor del Pueblo, asume su periodo de seis años](#)," November 12, 2021.

⁸⁰² Office of the Ombudsperson, Dominican Republic, "[Defensor del Pueblo lanza modelo de gestión](#)," July 13, 2021. Office of the Ombudsperson, Dominican Republic, "[Defensor del Pueblo crea Cátedra de Derechos Ciudadanos](#)," September 9, 2021.

⁸⁰³ Ministry of Foreign Affairs, Dominican Republic, *Aportes al Informe Anual 2021 de la Comisión Interamericana de Derechos Humanos (CIDH) en República Dominicana* (Contributions to the 2021 Annual Report of the Inter-American Commission on Human Rights (IACHR) in the Dominican Republic), November 18, 2021, pp. 11, 13, 14, 15, 16, 20.

⁸⁰⁴ Public Administration, Dominican Republic, "[Gobierno diseñará Sistema de Evaluación del Desempeño del sector público](#)," October 8, 2021.

⁸⁰⁵ Public Administration, Dominican Republic, "[MAP inaugura XIII Semana de la Calidad](#)," November 10, 2021.

the Instituto Policial de Educación (Police Training Institute).⁸⁰⁶ In addition, the IACHR takes note of the agreement signed by the Government and private universities to offer higher education to police and military personnel.⁸⁰⁷ In line with the above, the Human Rights Observatory for Vulnerable Groups announced that it would provide human rights education to National Police personnel.⁸⁰⁸ For its part, the National Human Rights Commission (CNDH) reported that bad practices persisted within the institution despite the aforementioned reforms. It added that between December 2020 and December 2021, a total of 70 people were reportedly executed by members of the National Police. The CNDH also said that it receives daily complaints alleging mistreatment, torture, illegal raids, and arrests for the purpose of extortion by the police.⁸⁰⁹

477. As part of a comprehensive citizen security strategy, the President of the Republic launched the pilot project Mi País Seguro (My Safe Country) and its extension on June 4. According to official information, the plan centers on measures to prevent, punish and eradicate crime in the country. Its objectives include, among others, (i) recovering public spaces; (ii) registering motorcycles without license plates or documentation; and (iii) collecting and destroying illegal weapons.⁸¹⁰

478. The Commission notes an increase in the country's homicide rate. According to the latest figures from the Citizen Security Observatory of the Dominican Republic (OSCRD), the rate in first quarter of 2021 was 10.9 homicides per 100,000 inhabitants, compared to 9.2 in 2020. The OSCRD also noted a 30% increase in homicides during that period. It added that the provinces with the highest incidence of homicides were Santo Domingo, Santiago, the National District, San Cristóbal and Duarte Province.⁸¹¹

479. As regards **access to justice**, the State informed the IACHR that the judicial branch was working on the development of (i) an equality and nondiscrimination policy; (ii) a proposed law on rules governing consensus in criminal proceedings involving domestic and gender-based violence; (iii) a draft protocol on prevention and handling of sexual and workplace harassment for the Dominican judiciary; (iv) a guide on decent treatment in access to justice, which is in the final stages of its development with a view to its adoption and implementation in the judicial branch; and (v) the project on physical access to the judiciary and preparation of a good practice guide for reducing barriers to access to physical environments for persons with disabilities.⁸¹²

480. The State expressed the Dominican courts' Virtual Judicial Service operated without interruption in 2021.⁸¹³ It added that thanks to the implementation of the Supreme Court's judicial backlog eradication plan, by October 2021, there was a total of 4,223 cases awaiting decision; that figure reportedly represents a 44% decline from the number of pending cases at the time of the Plan's adoption.⁸¹⁴

⁸⁰⁶ Ministry of Foreign Affairs, Dominican Republic, *Aportes al Informe Anual 2021 de la Comisión Interamericana de Derechos Humanos (CIDH) en República Dominicana*, November 18, 2021, p. 17.

⁸⁰⁷ Office of the President of the Dominican Republic, "[Gobierno firma convenio con universidades privadas para ofrecer estudios superiores a policías y militares.](#)" February 23, 2021.

⁸⁰⁸ Office of the President of the Dominican Republic, "[Observatorio de Derechos Humanos capacitará agentes de la Policía Nacional.](#)" October 27, 2021.

⁸⁰⁹ CNDH-RD, *Informe Anual, Situación de los Derechos Humanos en la República Dominicana* (Situation of Human Rights in the Dominican Republic), 2021, p. 17. IACHR Archive.

⁸¹⁰ Office of the President of the Dominican Republic, "[Presidente Abinader inicia proyecto piloto "Mi País Seguro", la estrategia de seguridad más ambiciosa, grande y organizada del país.](#)" June 4, 2021. Office of the President of the Dominican Republic, "[Presidente Abinader anuncia extensión de "Mi País Seguro" a tres barrios de la capital y SFM.](#)" August 9, 2021. Office of the President of the Dominican Republic, "[Gobierno destruye 803 armas ilegales recuperadas a través de "Mi País Seguro."](#)" August 20, 2021.

⁸¹¹ Observatorio de Seguridad Ciudadana de la República Dominicana, Dominican Republic, [Boletín Estadístico Enero-Marzo](#), July 2021, pp. 5 and 6.

⁸¹² Ministry of Foreign Affairs, Dominican Republic, *Aportes al Informe Anual 2021 de la Comisión Interamericana de Derechos Humanos (CIDH) en República Dominicana*, November 18, 2021, pp. 11, 13, 14, 15, 16, 20.

⁸¹³ Ministry of Foreign Affairs, Dominican Republic, *Aportes al Informe Anual 2021 de la Comisión Interamericana de Derechos Humanos (CIDH) en República Dominicana*, November 18, 2021, p. 4.

⁸¹⁴ Ministry of Foreign Affairs, Dominican Republic, *Aportes al Informe Anual 2021 de la Comisión Interamericana de Derechos Humanos (CIDH) en República Dominicana*, November 18, 2021, p. 5.

481. Regarding **human rights of women**, the IACHR welcomes the enactment of Decree 1-21, creating the Cabinet for Women, Adolescents and Girls, within the sphere of the Ministry for Women. According to official information, its purpose is to ensure the effective application and design of comprehensive policies to prevent, address, prosecute, punish, redress and eradicate violence against women, pre-teen and teenage girls in all its different forms and spheres.⁸¹⁵ The IACHR also welcomes the efforts to improve and increase services at the shelters run by the *Casas de Acogida y Refugio*, which operate as spaces providing temporary accommodation and comprehensive care for women and children under 14 years of age who are victims of gender-based violence⁸¹⁶.

482. In addition, the IACHR has monitored the parliamentary progress of the proposed new Criminal Code of the Dominican Republic. In this regard, the Commission notes that it reflects both advances and challenges as regards prevention and protection for women, pre-teen and teenage girls against gender-based violence. Specifically, it welcomes the inclusion of the crime of femicide, which punishes anyone who causes the death of a woman by reason of her gender, regardless of age, relationship or place where it occurs.⁸¹⁷ However, it notes with extreme concern that the bill in question proposes to eliminate the categories of sexual orientation and gender as grounds in the crime of discrimination, and decriminalizes refusal to provide services on the basis on conscientious, religious, or moral objection or of institutional requirements.⁸¹⁸ It also regrets that the bill maintains the provision that the only exemption from liability in cases of termination of pregnancy is if is practiced to save the life of the pregnant person and the fetus in danger, provided that all available scientific and technical means have been exhausted. It also regrets the criminalization of health professionals and midwives who assist in the terminations of pregnancy.⁸¹⁹ In that regard, the IACHR would remind the State that criminalizing the termination of pregnancy in cases of rape or incest imposes a disproportionate burden on the exercise of women's human rights.

483. In addition, in the framework of its virtual promotional working visit to the Dominican Republic in July 2021, the IACHR received information indicating that 7 out of 10 adolescents did not receive information on comprehensive sexual education. It was also informed that pilot programs to include comprehensive sex education in educational curricula had been blocked by anti-rights movements and by the National Education Council.⁸²⁰

484. With respect to the **rights of children and adolescents**, the Commission welcomes the enactment of Law No. 1-21, which expressly prohibits child marriage.⁸²¹ The IACHR recalls that States in the Hemisphere have an obligation to prevent and eradicate child marriage or de facto unions as practices in which girls and teenagers are subject to multiple different forms of violence and discrimination based on their age and gender.⁸²² It also highlights the steps taken by the Cabinet for Children and Adolescents to prioritize the coordination of institutional efforts to reduce teenage pregnancy and underage unions.⁸²³

⁸¹⁵ President of the Dominican Republic, [Decree 1-21](#) January 5, 2021.

⁸¹⁶ Ministry for Women, [Ministerio de la Mujer trabaja en la mejora de los servicios en las Casas de Acogida y en dar una respuesta integral a las víctimas de violencia](#), February 25, 2021; Office of the President of the Dominican Republic, [Presidente Abinader pone en funcionamiento doce casas de acogida para víctimas de violencia de género](#), May 4, 2021.

⁸¹⁷ [Criminal Code of the Dominican Republic](#), version on Senate website, August 16, 2021, Article 98; Senate of the Dominican Republic, [El Senado de la República aprueba en segunda lectura el Código Penal](#), November 23, 2021.

⁸¹⁸ [Criminal Code of the Dominican Republic](#), version on Senate website, August 16, 2021, Article 187.

⁸¹⁹ [Criminal Code of the Dominican Republic](#), version on Senate website, August 16, 2021, Articles 110–112.

⁸²⁰ IACHR, Notes on the virtual promotional working visit to the Dominican Republic, July 13 to 15, 2021. In IACHR archive.

⁸²¹ Office of the President of the Dominican Republic, ["Poder Ejecutivo elimina el matrimonio infantil con la Ley 1-21 y garantizan derechos -fundamentales de mujeres, adolescentes y niñas."](#) January 6, 2021. Plan International, [República Dominicana elimina el matrimonio infantil](#), January 8, 2021. National Congress, Dominican Republic, [Law No. 1-21 amending and repealing several provisions in the Civil Code and in Law No. 659 of 1944, on Civil Status Acts](#), January 12, 2021.

⁸²² IACHR, [Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean](#), OAS/Ser.L/V/II., Doc. 233, November 14, 2019, par. 223.

⁸²³ Office of the President of the Dominican Republic, ["Gabinete de Niñez y Adolescencia avanza en definición de políticas contra uniones tempranas y embarazo adolescente."](#) January 14, 2021.

485. With regard to **persons in human mobility situations**, the Commission welcomes the promulgation of Decree 297-21, which grants Dominican nationality, through regular naturalization, to the 50 individuals identified in the decree in question⁸²⁴. Additionally, the IACHR takes note of the publication of Resolution 119-2021 of January 19, 2021, which creates a non-resident migrant category for Venezuelan nationals who entered the country regularly between January 2014 and March 2020, as well as their minor children, whether or not born in the Dominican Republic, who are not constitutionally entitled to Dominican nationality.⁸²⁵ According to the United Nations, the plan in question has progressed in three stages: application for extension of stay, visa, and residence. The UN added that in the first stage of the plan, a total of 42,952 people sought an extension of stay.⁸²⁶ In this regard, the IACHR recalls that, in the area of nationality, States must adopt administrative, legislative, and judicial measures to eradicate statelessness, including measures of prevention, identification, protection, and reduction.⁸²⁷

486. Likewise, in a press release of December 1, 2021,⁸²⁸ the Commission expressed concern about the expulsion of pregnant women from the Dominican Republic. In that context, the IACHR said that it was extremely concerned by reports from civil society organizations claiming that migration authorities were carrying out migration control operations at hospitals that reported large influxes of pregnant migrant women, mainly of Haitian origin or descent. The aim of those operations was to expel the women in question from the Dominican Republic, without taking into account their need for humanitarian protection, bearing in mind the institutional crisis, structural violence, and human rights violations in Haiti. The Commission added that those actions were part of a broader institutional context: specifically, (i) the adoption of an interpretation of the Dominican Republic's immigration regulations that prevents the entry of any foreign person that entails an unreasonable burden on public finances, including women found to be in a state of proven pregnancy of six months or more by the National Immigration Council,⁸²⁹ and (ii) the performance of a new audit of a total of 220,000 people regularized under the National Regularization Plan.⁸³⁰

487. For its part, the State reported that between January and September 2021, the country's public hospitals registered a total of 24,376 births to Haitian mothers. It added that this figure accounted for 30% of the total number of deliveries attended at public facilities. It also said that the General Directorate of Migration (DGM) had a protocol for the care of vulnerable migrants, such as pregnant women, which guaranteed the safety, well-being, and health of those persons. It also stated that there was a 24-hour ambulance service for the transfer of pregnant women to a hospital if a special budget was needed to pay for the required emergency expenses. It said that deportation was only carried out when it was safe for both the mother and her child.⁸³¹

488. In line with the above, the CNDH noted that in 2021 more than 31,000 people were reportedly deported from the Dominican Republic to Haiti; of those, more than 12,000 had been deported in the previous three months. The Commission also notes with concern that, according to the CNDH, the State engages in racial profiling when it comes to deportation. In addition, State authorities were reportedly

⁸²⁴ President of the Dominican Republic, [Decree No. 297-21 which grants Dominican naturalization to various foreign nationals, G.O. No. 11018](#), April 20, 2021.

⁸²⁵ Ministry of Foreign Affairs, Dominican Republic, [Resolution that normalizes within the non-resident category the irregular migratory situation of Venezuelan nationals in Dominican territory: No. 119-2021](#), January 19, 2021. Immigration, Dominican Republic, ["Normalización de venezolanos en la República Dominicana."](#) April 9, 2021.

⁸²⁶ UN, ["Se abre una puerta a nuevas oportunidades para los venezolanos en República Dominicana."](#) July 1, 2021.

⁸²⁷ IACHR, [Resolution 04/19, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking](#), December 7, 2019.

⁸²⁸ IACHR, Press Release 320/21 - [IACHR Expresses Concern Over Pregnant Women Expelled from the Dominican Republic and Calls on State to Guarantee Access to Protection Mechanisms and Reproductive Health Services](#), Washington, D.C., December 1, 2021.

⁸²⁹ Office of the President of the Dominican Republic, ["Gobierno anuncia acciones para hacer cumplir las normas migratorias a las empresas que contratan ciudadanos extranjeros ilegales."](#) September 28, 2021.

⁸³⁰ Interior and Police, Dominican Republic, [Consejo Nacional de Migración auditará extranjeros que fueron regularizados en plan migratorio](#), November 2, 2021.

⁸³¹ Ministry of Foreign Affairs, Dominican Republic, [MIREX presenta posición del Gobierno dominicano en relación a comunicado de la CIDH](#), December 1, 2021.

detaining (i) Haitian nationals who had entered the Dominican Republic irregularly; (ii) Haitian nationals whose Dominican work permits had expired; and (iii) those born in the Dominican Republic to Haitian parents who had been denied citizenship. It also reported that black Dominicans —of Dominican descent— were being persecuted and mistaken for Haitians by the authorities.⁸³²

489. Additionally, according to information from the State, the Governments of the Dominican Republic and Haiti had reportedly adopted a joint declaration in which they agreed, *inter alia*, (i) to work on the process of identification and civil registration of all Haitians in Dominican territory; (ii) to deploy state-of-the-art technologies that facilitate the elimination of irregular migration flows, human smuggling and trafficking, the flow of arms, drug trafficking and cattle theft, among others; and (iii) to work together to strengthen border security and surveillance in the event of the construction of physical or technological controls along the entire land border.⁸³³

490. The Commission notes that under the COVID-19 vaccination plan, the Ministry of Public Health said that they hoped for solidarity and support from other countries for the vaccination of persons with irregular migratory status, since the Dominican Republic was unable to shoulder the entire burden in that regard.⁸³⁴ The Commission recalls that according to its Resolution 1/21, States must ensure the distribution of vaccines and their equitable and universal access, and refrain from discriminatory treatment that could lead to this practice, as well as create conditions of real equality for groups whose rights have been historically violated, or who are at greater risk of suffering discrimination.⁸³⁵

491. Regarding **persons deprived of liberty**, the CNDH reported that the Dominican Republic's penitentiary system was on the verge of collapse due to a failure to carry out prison reforms. It added that during 2021 there was no improvement in conditions of detention and that overcrowding, at a level of 48%, persisted. Likewise, the CNDH reported that, according to the Supreme Court of Justice, there are around 2,000 people who could be free because they have served their sentences or reached different agreements; however, their cases are paralyzed due to the backlog in the courts.⁸³⁶

492. Regarding the rights of **LGBTI persons**, the State indicated that the Human Rights Department of the Public Prosecution Service was working on the development of a guideline for prosecutors that incorporates policies governing proceedings in cases involving LGBTI persons, whether as defendants or as victims. This, in order to avoid violations of their human rights, marginalization, stigmatization or prejudice based on their sexual orientation and gender identity —whether real or perceived— or their sexual characteristics during their dealings with the justice system.⁸³⁷

493. For its part, the CNDH pointed out that the LGBTI community suffers from a high rate of discrimination and rejection in the Dominican Republic and that they find it difficult to access work because of their sexual preference. It also noted that low-income transgender women continue to suffer discrimination in access formal employment and that, generally speaking, sex work is their main source of income.⁸³⁸

⁸³² CNDH-RD, Informe Anual, Situación de los Derechos Humanos en la República Dominicana, 2021, pp. 7 and 9. IACHR Archive.

⁸³³ Office of the President of the Dominican Republic, "[Declaración conjunta de la reunión entre el Presidente de República Dominicana, Luis Abinader y el Presidente de la República de Haití, Jovenel Moïse.](#)" January 13, 2021.

⁸³⁴ Salud Pública RD [@SaludPublicaRD]. (15 de febrero de 2021) *En el proceso de vacunación, se priorizará a los dominicanos* [Tweet]. Twitter. <https://twitter.com/SaludPublicaRD/status/1361330663794888709>. Dominican Republic, [National Vaccination Plan](#), undated.

⁸³⁵ IACHR, [Resolution No. 1/2021, COVID-19 vaccines and inter-American human rights obligations](#), April 6, 2021, recommendations 1 and 4.

⁸³⁶ CNDH-RD, Informe Anual, Situación de los Derechos Humanos en la República Dominicana, 2021, pp. 7 and 9. IACHR Archive.

⁸³⁷ Ministry of Foreign Affairs, Dominican Republic, Aportes al Informe Anual 2021 de la Comisión Interamericana de Derechos Humanos (CIDH) en República Dominicana, November 18, 2021, p. 20.

⁸³⁸ CNDH-RD, Informe Anual, Situación de los Derechos Humanos en la República Dominicana, 2021, pp. 5 and 15. IACHR Archive.

494. The Commission also takes note of the processing of the draft Criminal Code, which would recognize the crime of discrimination for the first time. In particular, the Commission welcomes the expressed inclusion of sexual orientation as a category protected against discrimination in the version approved by the Senate and forwarded to the Chamber of Deputies on November 24, 2021.⁸³⁹ However, it notes that the favorable report of the bicameral committee was rejected by the Chamber of Deputies on December 16, 2021, although the bill was subsequently reintroduced on the agenda of the Chamber of Deputies to be heard in the first weeks of 2022.⁸⁴⁰ In addition, the IACHR also notes that the bill does not include gender identity or gender expression as prohibited grounds for discrimination, while establishing that the provisions of the article on discrimination apply “without detriment to freedom of conscience and worship and respect for moral conventions in all areas.”

495. In this regard, the IACHR recalls that it has recommended that States adopt laws or modify existing ones with a view to prohibiting all forms of discrimination based on sexual orientation, gender identity or expression —real or perceived— and body diversity.⁸⁴¹ The Commission also recalls its recommendation to States to prohibit the illegitimate use of conscientious objection to discriminate against LGBTI persons.⁸⁴²

496. In the area of **trafficking in persons**, the IACHR takes note of the coordination between United Nations agencies and the Office of the Attorney General to strengthen national strategies for the prevention and prosecution of crimes of human trafficking, child sexual exploitation, and migrant smuggling.⁸⁴³

497. With respect to the rights of **persons with disabilities**, the Commission highlights the agreement between the Central Electoral Board (JCE), the National District Council (ADN) and the National Council on Disability (Conadis) to implement measures for guaranteeing the full and effective participation of persons with disabilities under conditions of equality.⁸⁴⁴ Likewise, the IACHR takes note of the initiatives designed to improve access to the education system for persons with disabilities, particularly those aimed at strengthening institutional capacities to respond to the needs of this population,⁸⁴⁵ as well as the program *Es mi Derecho, Inclúyeme* (It's my Right, Include me), which promotes the participation of children and adolescents with cerebral palsy in the education system and the creation of optimal spaces for care that adopt a holistic and equal-inclusion approach.⁸⁴⁶

ECUADOR

• General considerations

498. Regarding the **progress** observed in 2021, the Commission notes the ratification of the Inter-American Convention against All Forms of Discrimination and Intolerance, the creation of the Under Secretariat for Diversity of the Human Rights Secretariat, and the formation of the Specialized National System for the Comprehensive Protection of the Rights of Older Persons. The IACHR also notes that general elections were held peacefully, and that guarantees were provided to allow handicapped people to exercise

⁸³⁹ Senate of the Dominican Republic, [Proposed Criminal Code of the Dominican Republic](#), approved by the Senate on November 23, 2021.

⁸⁴⁰ Listín Diario, “[Los diputados rechazan el informe del Código Penal y el proyecto se cae](#),” December 16, 2021; Listín Diario, “[Diputados podrían definir futuro del Código Penal este martes](#),” January 3, 2022.

⁸⁴¹ IACHR, [Recognition of the Rights of LGBTI Persons](#), recommendation 17.

⁸⁴² IACHR, [Report on Trans and Gender-Diverse Persons and Their Economic, Social, Cultural, and Environmental Rights](#), recommendation 18.

⁸⁴³ UNICEF, “[Procuraduría General fortalece la política de combate de la trata y tráfico de personas y la explotación sexual infantil en coordinación con agencias de Naciones Unidas](#),” July 29, 2021.

⁸⁴⁴ Conadis, Dominican Republic, [ICE, ADEN y Conadis firman acuerdo para la implementación de políticas que aseguren la participación de personas con discapacidad en igualdad de condiciones](#), May 18, 2021.

⁸⁴⁵ Conadis, Dominican Republic, [Conadis participa en firma de convenio entre MinerD y Patronato Nacional de Ciegos](#), September 28, 2021.

⁸⁴⁶ Education, Dominican Republic, [Educación lanza el programa “Es mi Derecho, Inclúyeme”](#), October 6, 2021.

their right to vote. The Commission welcomes the decisions of the Constitutional Court, including the ruling that recognized the right to migratory regularization and family reunification of children and adolescents in human mobility; the judgment that ordered a bill to be drafted to regulate the voluntary interruption of pregnancy in cases of rape, and various decisions guaranteeing the rights of persons deprived of liberty in the context of the prison crisis.

499. In terms of **challenges**, the IACHR notes with particular concern the serious acts of violence reported in 2021 inside a number of penitentiary facilities [*Centros de Privación de la Libertad*], which resulted in the violent death of 316 persons in the context of the institutional weakness of the penitentiary and social rehabilitation system. The Commission also wishes to note the vulnerability of Indigenous and Afro-descendant peoples in particular during the COVID-19 pandemic, and the advance of projects that could threaten their cultural identity and survival. The IACHR also notes the increase in the forced displacement of Ecuadorians, with a total of 62,000 people displaced in the first half of 2021, including 8,700 children and adolescents, according to official information.

500. The State sent a reply to the IACHR's request for information with which to draft this chapter.⁸⁴⁷

- **Specific topics**

501. Regarding the **institutionalization of human rights**, the State reported on efforts to guarantee the rights of persons living in vulnerability, which included the formation of the Specialized National System for the Comprehensive Protection of the Rights of Older Persons (SINEPIDPAM)⁸⁴⁸; the creation of the Under Secretariat for Diversity of the Human Rights Secretariat, to help develop comprehensive policies favorable to LGBTI persons,⁸⁴⁹ and the approval of the Intersectoral Strategic Plan to Prevent and Reduce Chronic Child Malnutrition.⁸⁵⁰

502. In the context of the prison crisis, the IACHR wishes to highlight the role of the Constitutional Court (hereinafter, the "CC" or "the Court") in improving the conditions of detention, and the interagency coordination among the State agencies responsible for operating the penitentiary system, and for guaranteeing the rights of persons deprived of liberty. The Court reiterated that the violent events reported in the penitentiary system occurred because of structural failures, and that they require a comprehensive response by the State.⁸⁵¹ The CC thus found that the State's response must include strengthening interagency coordination and cooperation, including among the different branches of government; a reduction in prison overcrowding; capacity-building for staff of the National Social Rehabilitation System (SNRS); improving the infrastructure and access to basic services; respect for basic guarantees inside the prisons, and an assured budget and resources.⁸⁵²

⁸⁴⁷ State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. On file with the IACHR, September 7, 2021.

⁸⁴⁸ State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. On file with the IACHR, September 7, 2021.

⁸⁴⁹ State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. On file with the IACHR, September 7, 2021.

⁸⁵⁰ Technical Secretariat. Ecuador Grows without Child Malnutrition. Intersectoral Strategic Plan to Prevent and Reduce Chronic Child Malnutrition [*Plan Estratégico Intersectorial para la Prevención y Reducción de la Desnutrición Crónica Infantil*], August 2021.

⁸⁵¹ Constitutional Court of Ecuador, Files 14-12-AN, 209-15-JH and annexes, 4-20-EE and annexes, 365-18-JH and annexes, Joint proceedings to monitor compliance with structural measures ordered by constitutional judgments and orders in various cases related to the National Social Rehabilitation System (SNRS) [*auto conjunto en fase de seguimiento al cumplimiento de medidas de carácter estructural ordenadas en sentencias y dictámenes constitucionales en varios casos relacionados con el SNRS*], September 29, 2021.

⁸⁵² Constitutional Court of Ecuador, Files 14-12-AN, 209-15-JH and annexes, 4-20-EE and annexes, 365-18-JH and annexes, Joint proceedings to monitor compliance with structural measures ordered by constitutional judgments and orders in various cases related to the National Social Rehabilitation System (SNRS) [*auto conjunto en fase de seguimiento al cumplimiento de medidas de carácter estructural ordenadas en sentencias y dictámenes constitucionales en varios casos relacionados con el SNRS*], September 29, 2021.

503. The Commission also took note of the approval of the Plan “Creating Opportunities 2021-2025”⁸⁵³ which sets out guidelines for the design and application of public policies. According to information publicly available, the Plan reflects the commitments arising from Agenda 2030 and the Sustainable Development Goals, with contributions from the general public.⁸⁵⁴

504. As to the operations of the Ombudsperson, the IACHR noted the appointment of an acting Ombudsperson following the National Assembly’s censure and dismissal of the previous Ombudsperson.⁸⁵⁵

505. Regarding **democratic institutions**, the IACHR noted that general elections had been held⁸⁵⁶ without any reports of incidents that might have impeded peaceful voting. According to reports from the electoral observation missions, the elections process was a success.⁸⁵⁷

506. During the electoral process, the State informed the IACHR that all of the ballots had been printed and distributed on time, despite initial reports of delays in the printing of ballot papers for the election of representatives to the Andean Parliament;⁸⁵⁸ as reported by the State, these delays originated in the filing of several electoral complaints.⁸⁵⁹ The State also provided information on actions taken to guarantee the right to vote of people living in rural areas and of persons with disabilities, including voting at home, and voting using ballots in Braille.⁸⁶⁰ The IACHR applauds these efforts.

507. The Commission welcomed the State’s call for dialogue with the various sectors involved in the protests that took place in different parts of Ecuador starting on October 26. The protests were prompted by many socioeconomic issues. Some acts of violence were reported.⁸⁶¹ At that time, the Commission urged the State to ensure that this dialogue effort was effective and inclusive, and that it pay particular attention to representatives of groups in vulnerable situations.⁸⁶²

508. As to the question of **citizen security**, the IACHR has received information indicating that the Executive Branch has declared states of emergency in order to respond to the challenges posed by the violence and prison crisis, and has deployed military contingents along the perimeters of prison facilities.

509. The IACHR notes that the Constitutional Court has issued rulings on the various decrees declaring a state of emergency, which restrict the Armed Forces’ participation in citizen security affairs. These rulings were guided by the inter-American standards on the matter, underscoring the obligation to respect the principles of exceptional threat, strict necessity, proportionality and humane treatment;

⁸⁵³ Government of Ecuador. National Planning Secretariat, Creating Opportunities Plan [2021-2025](#).

⁸⁵⁴ National Planning Secretariat, National Development Plan 2021-2025 [[Plan Nacional de Desarrollo 2021-2025](#)], and *El Universo*, The public contributed to the Creating Opportunities Plan in four ways [[Ciudadanía hizo aportes a Plan de Creación de Oportunidades a través de cuatro vías](#).] September 22, 2021.

⁸⁵⁵ *El Universo*, Citizen Participation and Social Control Council appoints César Marcel Córdova Valverde as Ombudsperson [[Consejo de Participación Ciudadana y Control Social encarga la Defensoría del Pueblo a César Marcel Córdova Valverde](#)], September 18, 2021.

⁸⁵⁶ National Elections Council, [Decision PLE-CNE-1-17-9-2020](#), September 17, 2021.

⁸⁵⁷ Organization of American States, Preliminary Report of the OAS Electoral Observation Mission for the second round of elections in Ecuador [[Informe Preliminar de la Misión de Observación Electoral de la OEA para la segunda vuelta electoral en Ecuador](#)] (Spanish only) April 20, 2021, and MERCOSUR Parliament, MERCOSUR Parliament’s Observatory on Democracy monitored the second round of elections in Ecuador [[Misión del Observatorio de la Democracia del Parlamento del MERCOSUR acompañó la Segunda Vuelta de las Elecciones en Ecuador](#)], April 12, 2021.

⁸⁵⁸ *Expreso*, Difficulties with printing ballots for Andean Parliament candidates [[Se complica la impresión de papeletas para parlamentarios andinos](#).] January 24, 2021.

⁸⁵⁹ State of Ecuador, Note Verbale 4-2-47/2021, in response to the letter requesting information under Article 41 of the American Convention on Human Rights, 15-21/CIDH/SE/MCP-Art.41, February 12, 2021. On file in the IACHR.

⁸⁶⁰ State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. On file with the IACHR, September 7, 2021.

⁸⁶¹ IACHR, Press Release 294/21, In the Context of Demonstrations in Ecuador, the IACHR and its Special Rapporteurship for Freedom of Expression Stress Inter-American Standards on the Right to Protest, November 5, 2021.

⁸⁶² IACHR, Press Release 294/21, In the Context of Demonstrations in Ecuador, the IACHR and its Special Rapporteurship for Freedom of Expression Stress Inter-American Standards on the Right to Protest, November 5, 2021.

observance of the principle of legality; planning of the use of force; training for members of the armed forces and state security agencies, and proper control and verification of the legitimacy of the use of force.⁸⁶³

510. The Commission also noted the announcement of a bill entitled “Defense of the Duty of Law Enforcement,” the main goal of which was to provide legal assistance to law enforcement agents accused of crimes, by creating the Law Enforcement Legal Defense Unit.⁸⁶⁴ The State reported that the bill is still being drafted.⁸⁶⁵

511. Regarding **access to justice and judicial independence**, the State provided information on training courses on gender-based violence,⁸⁶⁶ and on efforts to modernize the justice system. It noted that the Council of the Judiciary had issued regulations on the use of electronic signatures by those performing judicial functions in the area of violence against women, children and adolescents; family law, and adolescent criminal offenders.⁸⁶⁷

512. The State also provided information on the number of persons living in a vulnerable situation who have been afforded legal assistance by the State, including the Human Rights Secretariat, the Ombudsperson, and the National Service for Comprehensive Care for Adults Deprived of Liberty and Adolescent Offenders.⁸⁶⁸

513. As to the issue of **persons in human mobility**, the IACHR welcomes the Government’s decision to implement a new process of regularization of Venezuelan people living in the country,⁸⁶⁹ which will be complemented by economic integration strategies to ensure that they have access to the job market.⁸⁷⁰

514. The IACHR also welcomed the ruling by the Constitutional Court of Ecuador which recognized the right to regularization of migratory status and family reunification of children and adolescents in human mobility. The Commission particularly noted that the ruling sets parameters for the State’s obligation to protect migrant children and adolescents, bearing their best interests in mind.

515. The Commission noted with concern the rise in the forced displacement of Ecuadorians. According to official information, a total of 62,000 Ecuadorians left the country during the first half of 2021, 8,700 of whom were said to be children and adolescents. This would be an increase of 98 percent over the

⁸⁶³ IACHR, Press Release 120/21. IACHR Welcomes Ruling from Ecuador’s Constitutional Court Regarding Participation of Armed Forces in Citizen Security Tasks, May 13, 2021.

⁸⁶⁴ State of Ecuador, Statements by the President of the Republic [*Declaraciones del Presidente de la República*], October 20, 2021.

⁸⁶⁵ State of Ecuador, Note Verbale 4-2-36/2021, in response to the letter requesting information under Article 41 of the American Convention on Human Rights 552-21/CIDH/SE/MCP-Art.41, November 17, 2021. On file in the IACHR.

⁸⁶⁶ State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. On file with the IACHR, September 7, 2021.

⁸⁶⁷ Council of the Judiciary en banc, Decision 13-2021 [*Resolución 13-2021*], February 5, 2021.

⁸⁶⁸ The State provided details of the number of cases in which service was provided to people with disabilities, children, adolescents and women who were survivors of violence, older people, and people in human mobility. State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. On file with the IACHR, September 7, 2021.

⁸⁶⁹ UNHCR, 82 percent of people in human mobility in Ecuador would be at risk if they had to return to their home country, according to a study by UNHCR [*El 82% de las personas en movilidad humana en Ecuador estaría en riesgo si tuviera que regresar a su país, según un estudio de ACNUR*], August 2, 2021. WOLA, How Regional Civil Society Organizations are Showing Solidarity with Fleeing Venezuelans, September 28, 2021.

⁸⁷⁰ Latin American and Caribbean Economic System (SELA), Ecuador and Colombia take encouraging measures to integrate Venezuelan Migrants [*Ecuador y Colombia alientan con sus medidas de integración para migrantes venezolanos*], September 13, 2021. *El Universo*, President Guillermo Lasso announces Ecuador’s plans to regularize some 450,000 Venezuelans, [*“Ecuador prevé regularizar a unos 450.000 venezolanos, anunció el presidente Guillermo Lasso”*], September 9, 2021. Foreign Ministry of Ecuador, Comprehensive Plan to Protect Venezuelan People in Human Mobility in Ecuador 2020-2021 [*Plan Integral para la Atención y Protección de la Población Venezolana en Movilidad Humana en Ecuador 2020-2021*], September 2020.

first six months of 2019.⁸⁷¹ According to the National Bureau on Human Mobility, the structural causes that force people to leave their homes include the country's socio-economic situation, which has been aggravated by the COVID-19 pandemic.⁸⁷²

516. As to **trafficking in persons**, the Commission took note of the presentation by the Ministry of the Interior and the United Nations Office on Drugs and Crime of the Report on Trafficking in Persons in the context of migration flows.⁸⁷³ According to the report, seven out of ten victims were women and girls; the traffickers' main goal sexual exploitation. The report states that in cities in the mountains of Ecuador, the victims of people smuggling for work purposes are chiefly men and boys.⁸⁷⁴

517. As to the rights of **LGBTI persons**, the State highlighted the creation of the aforementioned Under Secretariat for Diversity, the goal of which is to eradicate all forms of violence and discrimination, and help develop comprehensive policies on behalf of LGBTI persons,⁸⁷⁵ which is something that the Commission applauds. Along the same lines, the Commission took note that the First National Diversity Meeting had been held, organized by the Human Rights Secretariat, with the goal of developing a Plan of Action on Diversity del Ecuador 2021-2025⁸⁷⁶. The Commission also noted the reports of at least eight murders of LGBTI persons.⁸⁷⁷

518. As to the **rights of older persons**, the Commission welcomes the constitution of the aforementioned SINEPIDPAM pursuant to the Law on Older Persons, whose purpose is to coordinate the agencies, public and private services, rules, policies, plans, programs, mechanisms and activities designed to ensure the comprehensive, specialized protection of older persons on a priority basis.

519. The State also informed the Commission of the implementation of programs to prevent violence against older persons, and measures to ensure social inclusion, and ESCR, underscoring pensions as a means of helping improve the economic security of older persons living in poverty and extreme poverty.⁸⁷⁸

520. Regarding the rights of **Afro-descendent persons and measures to counter racial discrimination**, the Commission applauded the ratification by the State of Ecuador of the Inter-American Convention against All Forms of Discrimination and Intolerance.⁸⁷⁹

521. The State reported that the Human Rights Secretariat and the Bureau of Afro-descendent People of the Andean Community of Nations (CAN) had taken a number of steps to organize the Second

⁸⁷¹ Ministry of Foreign Relations and Human Mobility, Ecuador, Statement by the Foreign Minister at the opening of the XXI National Board on Human Mobility, and presentation of a report on hazardous migration of Ecuadorians to the United States [[Intervención del Canciller en la apertura de XXI Mesa Nacional de Movilidad Humana y presentación de Informe sobre migración riesgosa de ecuatorianos hacia Estados Unidos](#)], September 7, 2021, pp. 1-3.

⁸⁷² Ministry of Foreign Relations and Human Mobility, Ecuador, Statement by the Foreign Minister at the opening of the XXI National Board on Human Mobility, and presentation of a report on hazardous migration of Ecuadorians to the United States [[Intervención del Canciller en la apertura de XXI Mesa Nacional de Movilidad Humana y presentación de Informe sobre migración riesgosa de ecuatorianos hacia Estados Unidos](#)], September 7, 2021, pp. 1-3.

⁸⁷³ UNODC, UNODC and Interior Ministry of Ecuador present report on trafficking of persons in the context of migration flows in that country [[UNODC y Ministerio de Gobierno de Ecuador presentaron informe sobre la trata de personas en contextos migratorios en dicho país](#)], August 25, 2021.

⁸⁷⁴ UNODC, UNODC and Interior Ministry of Ecuador present report on trafficking of persons in the context of migration flows in that country [[UNODC y Ministerio de Gobierno de Ecuador presentaron informe sobre la trata de personas en contextos migratorios en dicho país](#)], August 25, 2021.

⁸⁷⁵ Report forwarded by the State of Ecuador for preparation of the 2021 annual report.

⁸⁷⁶ *El Telégrafo*, Government pushes policies to eradicate violence against LGBTI+ people [["Gobierno impulsa políticas para erradicar la violencia contra la población LGBTI+"](#)] June 20, 2021.

⁸⁷⁷ *Diverso Ecuador*, Eight murders reported by LGBTI community in Ecuador [["Ocho asesinatos registra la comunidad LGBTI en Ecuador"](#)] July 14, 2021.

⁸⁷⁸ Report of the State of Ecuador for Chapter IV. A of the annual report of the IACHR 2021, September 7, 2021.

⁸⁷⁹ State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. On file with the IACHR, September 7, 2021. 4-2-244/2021, p. 23, Document submitted to the IACHR.

International Afro-Andean Forum.⁸⁸⁰ It also said that more than 400 Ecuadorians had participated in modules of the program called “School for Families” of the Ministry of Economic and Social Inclusion, which seeks to provide ongoing training and education to build family capacities for care and protection.⁸⁸¹

522. The IACHR took note of the ruling issued by a constitutional court which found massive violation of human rights and proven subhuman working conditions and abuse of workers in a foreign company, most of whom were Afro-descendent campesinos.⁸⁸² According to publicly available information, this is the first time that a private company had been censured for slave labor in the country.⁸⁸³

523. The Ombudsperson stated that there could be institutional obstacles to enforcement of the judgment and that there remain challenges concerning the company’s operations, since the data about the true number of workers and their health were imprecise.⁸⁸⁴

524. The Inter-American Commission also took note of complaints about projects that threaten the cultural identity and survival of Indigenous and Afro-descendent peoples, due to the risk of losing their territories and impact on climate change.⁸⁸⁵ The Commission urges the State of Ecuador to conduct environmental impact studies to assess the potential harm or damage that the investment projects in tourism, mining, development, urbanization and other enterprises might cause in collective Afro-descendant territories.

525. As to the rights of **persons with disabilities**, the IACHR notes the publication of the “Guide on sexual, reproductive and violence-free rights for people with disabilities” and the “Biosecurity Protocol for the delivery of social and economic inclusion services.” It also noted the efforts made to ensure that persons with disabilities have access to justice, by means of the legal support referred to in the section on access to justice and judicial independence in this Chapter.

526. The Commission learned of the approval of a technical rule of the Ecuadorian Standardization Service, which sets parameters for the media to show sign language on the screen⁸⁸⁶ The Commission recognized the efforts by the National Council for Disability Equality to ensure that persons with disabilities are included in both the public and private sectors⁸⁸⁷, as well as the efforts of the “I vote at home” program discussed above.⁸⁸⁸

⁸⁸⁰ State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR, September 7, 2021. 4-2-244/2021, pp. 2, 3 and 21, Document submitted to the IACHR.

⁸⁸¹ Ministry of Foreign Affairs and Human Mobility, State of Ecuador, Note verbale 4-2-244/2021, pp. 2, 3 and 21. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. Document submitted to the IACHR.

⁸⁸² CDES, Final judgment in the case of Furuwaka, [[Sentencia final del caso Furuwaka](#)], April 20, 2021. According to information publicly available, the judgment was confirmed in part by the Provincial Court of Santo Domingo; a special protection order is still pending before the Constitutional Court. See: Pichincha Comunicaciones, Appeals Court judgment exempts the State from Liability [[Sentencia de segunda instancia exime de responsabilidad al Estado](#)], October 19, 2021.

⁸⁸³ BBC, Furuwaka, a case of modern slavery for which a Japanese company and the government of Ecuador were forced to apologize [[Furuwaka, el caso de esclavitud moderna por el que una empresa japonesa y el gobierno de Ecuador fueron obligados a pedir disculpas](#)], May 7, 2021.

⁸⁸⁴ IACHR, Public Hearing, PS 182, Human rights situation of persons of African descent in agricultural holdings in Ecuador [[Situación de DH de las personas afrodescendientes en plantaciones agrícolas Ecuador](#)], October 21, 2021.

⁸⁸⁵ *La República*, In Quito, Indigenous and Afro-descendent groups demand an end to projects ravaging their lands [[En Quito, grupos indígenas y afrodescendientes exigen el fin de proyectos que arrasan sus territorios](#)], October 12, 2021.

⁸⁸⁶ National Council for Disability Equality, Requirements for using sign language in audio-visual communications media [[Requisitos para la incorporación de la Lengua de Señas Ecuatoriana en medios de comunicación audiovisuales](#)], May 18, 2021.

⁸⁸⁷ National Council for Disability Equality, Workplace inspections will begin to verify compliance with the hiring of personnel with disabilities [[Iniciarán inspecciones laborales para verificar el cumplimiento de la contratación de personal con discapacidad](#)], September 24, 2021.

⁸⁸⁸ National Council for Disability Equality, Presentation of the National Electoral Observation Report on Implementation of Mechanisms to enable Persons with Disabilities to Vote in the General Elections 2021 [[Informe Nacional de Observación Electoral a la](#)

527. The IACHR also notes that this group was given priority in phase 1 of the Covid-19 vaccination campaign,⁸⁸⁹ and is aware of the work that the National Council for Disability Equality has done to provide technical advice and cross-checking of databases with other agencies to update the information on people with disabilities.⁸⁹⁰

528. The IACHR voices its particular concern over the hunger strike begun by persons with disabilities to protest the challenges they faced in gaining access to education⁸⁹¹. It observes that as of July 2021, only 62,298 persons with disabilities had secure jobs⁸⁹².

529. On the subject of the **rights of children and adolescents**, the Commission welcomes the State's initiative to set August 14 as the national day against sexual violence in the schools.⁸⁹³ This is being done pursuant to the reparation measures ordered by the Inter-American Court of Human Rights in the case of Guzmán Albarracín et al.⁸⁹⁴ According to available information, this initiative seeks to recognize and promote awareness of the gravity of sexual violence against children and adolescents; publicize and promote the right of children and adolescents to a life free from sexual violence, and take specific action to prevent, detect and punish acts of sexual violence against children and adolescents in the schools.⁸⁹⁵

530. The IACHR applauds the adoption by the National Court of Justice of Decision 08/21, which provides for summary (shorter) proceedings for handling court cases regarding the removal and illicit detention of children and adolescents.⁸⁹⁶ In addition, the State reported that a proposed protocol was being drafted to ensure the safety and security of children and adolescents in shelters, along with a preliminary version of a National Plan for the Comprehensive Protection of Children and Adolescents 2030, which is currently in consultation.⁸⁹⁷

531. The Commission noted with concern that, according to UNICEF, the income of eight out of ten households in the country with children and adolescents fell as the result of the COVID-19 pandemic, and they are said to be experiencing great difficulty in obtaining nutritious food. The UNICEF information stated that nine out of ten households with children and adolescents at the lowest socio-economic level are able to access classes only via cell phone.⁸⁹⁸

532. With regard to **persons deprived of liberty**, the IACHR notes with concern the prison crisis in the country, which has caused at least 316 deaths due to acts of violence.

533. In this context, the IACHR paid a working visit to Ecuador on December 1-3 to examine the status of prisoners. The Commission noted that the situation of persons deprived of liberty is best

[Implementación de los Mecanismos de Acceso al Voto para Personas con Discapacidad en las Elecciones Generales 2021](#)], August 26, 2021.

⁸⁸⁹ Ministry of Public Health, Official communiqué: Vaccination of persons with disabilities [[Comunicado oficial: Vacunación a personas con discapacidad](#)], April 21, 2021.

⁸⁹⁰ National Council for Disability Equality, Disability Statistics [[Estadísticas de Discapacidad](#)], September 2021.

⁸⁹¹ Human Rights Collective, Hunger strike by persons with disabilities [[Huelga de hambre de personas con discapacidad](#)], August 17, 2021.

⁸⁹² *Expreso*, Pandemic worsened the already shaky job situation of persons with disabilities [[La pandemia agudizó la precaria situación laboral de las personas con discapacidad](#)], September 16, 2021.

⁸⁹³ Human Rights Secretariat of Ecuador: https://twitter.com/DDHH_Ec/status/1426275528143745024?s=20

⁸⁹⁴ I/A Court H.R. Case of Guzmán Albarracín et al. v. Ecuador, Judgment of June 24, 2020.

⁸⁹⁵ I/A Court H.R. Case of Guzmán Albarracín et al. v. Ecuador. Supervision of Execution of the Judgment. Decision of the Inter-American Court of Human Rights of September 23, 2021.

⁸⁹⁶ National Court of Justice, Decision 08-21 [[Resolución 08-21](#)], July 28, 2021.

⁸⁹⁷ Ministry of Foreign Relations and Human Mobility del Ecuador, State of Ecuador, Note verbale 4-2-244/2021. Situation of human rights in Ecuador, progress made between January 1 and July 31, 2021, inputs for the annual report of the IACHR. On file with the IACHR, September 7, 2021.

⁸⁹⁸ UNICEF, The income of eight of ten households with children in Ecuador is lower due to the pandemic [[8 de cada 10 hogares con niños en Ecuador cuentan con menos ingresos como consecuencia de la pandemia](#)], August 24, 2021.

described as one of overpopulation, with high rates of preventive detention; high levels of violence within the prisons, and deplorable conditions of imprisonment.

534. In particular, the Commission notes that preventive detention is one of the causes of prison overcrowding. According to official data, as of October 29, 2021, more than 39 percent of the total prison population is in preventive detention.⁸⁹⁹ This figure shows that preventive detention is being used in a way that is contrary to its nature as an exceptional measure. The IACHR thus urges the State to take the measures necessary to reduce the use of preventive detention, and ensure that it is used as an exception and is constrained by the principles of presumption of innocence, legality, exceptional in nature, proportionality, reasonableness, and necessity.

535. The IACHR stated its concern and dismay over the repeated acts of violence that took place in a number of detention centers, with at least 316 prisoners left dead in 2021.⁹⁰⁰

536. The Commission underscores the actions the State has taken to address this issue, such as issuing declarations of a state of exception in order to “protect the rights of persons deprived of liberty”; the formation of a specialized team of prosecutors to handle the investigations; investigations were begun and measures taken to provide psychological and outpatient care, as well as information to the families of persons in detention.⁹⁰¹ The Commission also notes the creation of the “Commission on Early State Intervention in Facilities for Deprivation of Liberty” which is to work on security and social areas.⁹⁰²

537. The IACHR welcomes the Executive Decrees that pardoned persons deprived of liberty for violations of Articles 383 or 386 of the Comprehensive Criminal Code, as well as people with terminal or devastating illnesses as one of the measures for reducing overcrowding.⁹⁰³ According to available information, during the first 22 days after Executive Decree 265 had gone into effect, the Ecuadorian Ombudsperson negotiated 21 pardons for persons deprived of liberty who were suffering from severe illnesses, 12 persons were pardoned.⁹⁰⁴

538. **As to the human rights of women**, the IACHR applauds the adoption of measures to address, prevent and protect against gender violence. It welcomes the presentation in March 2021 of the pilot of the virtual module on protective measures, the purpose of which is to preserve the lives and safety of victims of violence and enables them to handle the ratification, modifications or revocation of protection measures on line.⁹⁰⁵

539. It also reiterates that it welcomes the declaration of August 14 as the official day against sexual violence in the classroom.⁹⁰⁶ The IACHR also takes note of the efforts to provide training and

⁸⁹⁹ Government of Ecuador, Diplomatic Note No. 4-2-314/ 2021, October 29, 2021, p. 4.

⁹⁰⁰ IACHR, Press Release No. 306/21, IACHR Concerned About Further Serious Violence in Ecuadorian Prisons, November 17, 2021; No. 44/2021, IACHR Condemns Deaths of 79 Inmates in Ecuadorian Prisons, February 26, 2021, and 218/21, IACHR Condemns Violence Inside Ecuadorian Prisons, Which Has Claimed the Lives of More than 100 Inmates in 2021 So Far, August 23, 2021.

⁹⁰¹ Government of Ecuador, Diplomatic Note No. 4-2-314/ 2021, October 29, 2021, pp. 5 and 9.

⁹⁰² #Urgente | In light of the events that took place during the prison crisis, the Board of Directors of the Technical Agency of the National Social Rehabilitation System (SNRS) unanimously approved the formation of the “Commission on Early State Intervention in Facilities for Deprivation of Liberty” led by @DEFENSORIAEC @LassoGuillermo. SNAI Twitter account (@SNAI_EC). Tweeted on November 10, 2021.

⁹⁰³ CNN, President Lasso pardons sick inmates in order to reduce prison overcrowding in Ecuador [[Presidente Lasso indulta a presos enfermos para aliviar hacinamiento carcelario en Ecuador](#)], November 26, 2021.

⁹⁰⁴ Ombudsperson of Ecuador, Ombudsperson has arranged 21 pardons, December 15, 2021.

⁹⁰⁵ Council of the Judiciary. National Protective Measures System: More than 1,200 victims of violence were protected by means of the virtual tool implemented by the Council of the Judiciary [[Sistema Nacional de Medidas de Protección: más de 1200 víctimas de violencia fueron protegidas a través de la herramienta virtual implementada por el Consejo de la Judicatura](#)], March 9, 2021.

⁹⁰⁶ National Council for Gender Equality, Campaign to make August 14 the Official Day to Combat Sexual Violence in Schools [[Campaña 14 de agosto Día Oficial de Lucha contra la Violencia Sexual en las Aulas](#)], 2021; *El Universo*. August 14 each year will officially commemorate the fight against sexual violence in schools, remembering the case of Paola Guzmán [[Por Caso Paola Guzman cada 14 de agosto se conmemorará el día oficial de lucha contra la violencia sexual en las aulas](#)], August 13, 2021.

education on violence against women for the general public and civil servants during the course of 2021.⁹⁰⁷ However, the Commission notes with concern that cases of femicide are continuing, particularly in the context of the COVID-19 pandemic; according to official records, between January and September 2021, 49 femicides were recorded; in 34 percent of these cases, the person responsible for the crime responsible for the crime was the victim's partner.⁹⁰⁸

540. As to sexual and reproductive rights, the IACHR welcomes the ruling of April 28, 2021 of the Constitutional Court of Ecuador instructing the Ombudsperson to prepare a bill, with the participation of civil society, to decriminalize the practice of voluntary interruption of pregnancy in cases of rape, which had been reserved only for women with disabilities who had been victims of rape.⁹⁰⁹

541. However, the IACHR also notes the official information that shows that as of October 2021 119 cases of maternal death had been reported.⁹¹⁰ The State informed the Commission that the Management of the Institute to Reduce Maternal and Neonatal Mortality has developed strategies to help reduce maternal and neonatal mortality throughout the country.⁹¹¹

542. As to the **rights of Indigenous peoples**, the IACHR received information on the human rights situation of Indigenous peoples along the borders of Ecuador, Colombia and Peru in the context of the COVID-19 pandemic; civil society had protested that the measures to prevent COVID-19 transmission did not take an intercultural approach, adding to existing problems such as violence against Indigenous leaders, oil spills, deforestation, and the progress of extractive projects that had not been consulted.⁹¹²

543. The Commission was also informed of the issuance on July 7, 2021 of Executive Decree 95, which set out a policy on hydrocarbons that seeks to increase the country's petroleum production.⁹¹³ It also learned of the issuance on August 5, 2021 of Executive Decree 151,⁹¹⁴ on a plan of action on mining. The Commission noted that court actions have been filed against those Decrees.⁹¹⁵

544. The Commission reiterates that the State of Ecuador is obliged to consult the Indigenous peoples on administrative or legal actions that may affect them. The consultations must be done in advance, freely and in an informed way in an effort to obtain their consent. It also has the duty to protect their lands, territories and natural resources, including special protections for Indigenous peoples in isolation.

EL SALVADOR

⁹⁰⁷ Human Rights Secretariat. Human Rights Secretariat holds workshops called "Violence-Free Neighborhoods" [*Secretaría de Derechos Humanos realiza talleres denominados "Barrios Libres de Violencia"*], August 31, 2021; Human Rights Secretariat. Human Rights Secretariat trained police commissioners and lieutenants in Loja on prevention of violence against women [*Secretaría de Derechos Humanos capacitó a comisarios y tenientes políticos de Loja sobre prevención de violencia contra las mujeres*]; October 18, 2021.

⁹⁰⁸ Office of the Attorney General, Ecuador: Figures on femicides, [*Ecuador: Las cifras del femicidio*], data of October 3, 2021.

⁹⁰⁹ Constitutional Court of Ecuador, Judgment No. 34-19-IN/21, [*Sentencia No. 34-19-IN/21*], April 28, 2021.

⁹¹⁰ Ministry of Public Health. Epidemiological Gazette, Maternal Deaths Ecuador 2021 [*Gaceta epidemiologica de muerte materna SE 32 Ecuador 2021*], 2021.

⁹¹¹ State of Ecuador, Response from the State of Ecuador to the request for information, Art. 41 CADH-, Draft of a new Health Code and subsequent measures to guarantee women, girls and adolescents the right to health in Ecuador; Document submitted to the IACHR on June 11, 2021. On file in the IACHR; Presidency of the Republic, Official Note No. T.270-SGJ-20-0283, [*Oficio No. T.270-SGJ-20-0283*], September 25, 2021; Republic of Ecuador, National Assembly, Decision CAL-2015-2017-139, Article 154 [*Resolución CAL-2015-2017-139. Artículo 154*], May 12, 2021.

⁹¹² Thematic hearing "Situation of Human Rights of the Indigenous Peoples on the borders of Ecuador, Colombia and Peru in the context of the Pandemic" (Spanish only); IACHR, [76/21. IACHR Concludes 179th Virtual Period of Sessions](#). Washington, D.C., March 26, 2021.

⁹¹³ Executive Decree No. 95 [*Decreto Ejecutivo No. 95*] of July 7, 2021.

⁹¹⁴ *El Comercio*. Government presents plan of action on mining. [*Gobierno presenta plan de acción minero*]. August 6, 2021.

⁹¹⁵ Mongabay. Ecuador: Indigenous people file court case against Guillermo Lasso's petroleum expansion policy [*Ecuador: pobladores indígenas presentan demanda judicial contra la política de expansión petrolera de Guillermo Lasso*]. November 4, 2021.

- **General considerations**

545. The IACHR welcomes some **advances** in human rights matters recorded in the country during 2021, two standouts being the decline in the number of homicides in El Salvador and the passing of the Special Law on Protection of Human Rights of Older Adult Persons. The IACHR also values the specialized training in human rights of women, which was designed for public servants and the general public.

546. Regarding **challenges**, the IACHR received news of concerning facts that undermine the principle of separation and independence of State powers and of the democratic rule of law. In particular, the IACHR condemned the removal of all sitting and alternate judges of the Supreme Court of Justice's Constitutional Court, as well as the reforms to the Law on Judicial Careers and the Organic Law on the Attorney General of the Republic. Additionally, the Commission stresses its concern regarding the draft bill for the Law on Foreign Agents.

547. The State responded to a request for information that was sent for preparation of this chapter⁹¹⁶.

- **Specific issues**

548. In 2021, the IACHR received worrying information of facts that undermine **democratic institutions** and **judicial independence** in El Salvador. On May 1, 2021, during the first ordinary plenary session of the country's recently seated Legislative Assembly, the Legislative Branch passed a decree removing all sitting and alternate judges of the Supreme Court of Justice's Constitutional Court. That decision was adopted, dispensing with procedure, by the votes of 64 of the 84 members of parliament. The Legislative Assembly argued that the judges had allegedly ruled decrees by the Executive branch during the pandemic to be unconstitutional, thereby hindering the work of the Executive Branch⁹¹⁷. In subsequent voting, the Assembly approved the election of four individuals as new judges, and a new president of the Constitutional Court. Likewise, in that same plenary session, the Legislative Body passed a decree to remove the Attorney General of the Republic and to elect a new person for that position, questioning his independence and impartiality⁹¹⁸. For its part, the Constitutional Court, in its original composition, issued a Court Ruling of Unconstitutionality No. 1-2021, declaring the ruling to remove the judges unconstitutional⁹¹⁹.

549. The IACHR **condemned** the removals by expedited decrees of the Legislative Assembly, considering there to have been an absence of due process guarantees and no specific grounds, as provided by the Constitution. It considered that the lack of these elements constitutes a serious attack against the principle of separation and independence of powers and against the democratic rule of law, in contravention of Inter-American standards for removing **operators of justice**. Further, it **decided** to install the Office for Coordination and Timely and Complete Response (SACROI El Salvador) to monitor and address the situation. For its part, in an *oficio* hearing on the "Overall situation of human rights in El Salvador", participating organizations underscored that the removals of judges from the Constitutional Court and removal of the Attorney General of the Republic, in addition to breaking up the constitutional system of checks and balances, affected the rights to judicial protection and judicial guarantees of the

⁹¹⁶ Republic of El Salvador, Report on the Status of El Salvador to the Inter-American Commission for Human Rights, regarding the request for information about Chapter IV A (IACHR Annual Report 2021), September 24, 2021, on file IACHR; Republic of El Salvador, Second Report on the Status of El Salvador to the Inter-American Commission for Human Rights, regarding the request for information about Chapter IV A (IACHR Annual Report 2021), November 23, 2021, on file IACHR.

⁹¹⁷ Legislative Assembly Decree No. 2. Unseats from their positions as judges of the Constitutional Court, the attorneys: José Oscar Armando Pineda Navas, Aldo Enrique Cáder Camilot; Calos Sergio Avilés Velásquez; Carlos Ernesto Sánchez Escobar, and Marina de Jesús Marengo de Torrento. Diario Oficial no 81. San Salvador, May 1, 2021, p. 3.

⁹¹⁸ BBC News, [El Salvador: new Legislative Assembly ties to Bukele, remove judges of the Constitutional Court and Attorney General](#), May 2, 2021.

⁹¹⁹ El Salvador.com, [Court nullifies removal of judges by pro-government majority in new Assembly](#), May 1, 2021.

individuals. They requested that the IACHR conduct a working visit by the Rapporteur for Human Rights Defenders and Justice Operators and the Special Rapporteur for Freedom of Expression⁹²⁰.

550. The IACHR also took note of the report published on May 2, 2021, by the Special Mission of the General Secretariat of the OAS to El Salvador, which recognized with concern “actions that could threaten the rule of law and Salvadoran democracy”. Those actions include the following: a lack of independence of the powers of the State, attacks on freedom of expression and the press, unjustified restrictions of access to information, the possible increase in militarization of the country, noncompliance with obligations stemming from the Peace Accords, explicit contempt for court rulings, the issuance of unconstitutional decrees to contain the pandemic that threatened the constitutional rights of individuals who had been unjustifiably deprived of liberty, and expressions that foster violence against high authorities of the State’s democratic institutions⁹²¹.

551. Additionally, the Commission became aware that on August 31, 2021, the Legislative Assembly of El Salvador expeditiously passed Decree No. 144, which establishes reforms to the Law on Judicial Careers, and Decree No. 145, which modifies the Organic Law on the Attorney General of the Republic. Both decrees, which enter into force eight days after publication, modified aspects related to removing operators of justice and terminating their careers. According to publicly available information, these reforms would imply the termination of at least 100 of the country’s judges and could affect an additional 150 judges⁹²². The IACHR and the United Nations Special Rapporteur on the Independence of Judges and Attorneys [rejected](#) those legislative reforms and called on El Salvador to respect the guarantees of independence of the judiciary and of the Office of the Attorney General, pointing to Inter-American and international standards regarding the irremovability of operators of justice and their proper appointment.

552. Furthermore, as an advance in the matter of the **institutionality for human rights**, the IACHR welcomes the appointment of the Advocate for the Defense of Human Rights and head of the National Institution for Human Rights (INDH) of El Salvador as Secretary General of the Network of National Institutions for the Promotion and Protection of Human Rights on the American Continent⁹²³. The Commission also highlights his participation in the IV Meeting of INDHs of the northern region of Central America, which took place on May 26, 2021, with participation of IACHR directors, and calls for continued work in technical cooperation for the promotion and protection of human rights in the country. On the other hand, the IACHR became aware of statements by authorities calling on high officials to remove the Advocate in the context of the institutional crisis⁹²⁴. To this, the Commission reiterates the importance of guaranteeing the independent activity of the INDHs, such that they might fulfill their function without being the objects of acts against them or retaliation. The IACHR also takes note of the 2022 budget preparation process that is considering deeper budget cuts for human rights institutions, including the INDH itself⁹²⁵.

553. Regarding **citizen safety**, the Executive Branch communicated a decline in the number of homicides in El Salvador, with 936 homicides⁹²⁶ recorded through November 2, 2021, and a daily average

⁹²⁰ IACHR, *Oficio* hearing on the Situation of human rights in El Salvador, 180th Period of Sessions, June 30, 2021.

⁹²¹ OAS, [Special Mission by the General Secretariat of the Organization of American States to El Salvador](#) May 2, 2021

⁹²² Diario El Mundo, [Supreme Court already nominated 100 alternate judges through judicial career reforms](#), November 15, 2021; DW, [El Salvador: more than 200 terminate judges must leave their posts in two days](#), September 23, 2021.

⁹²³ Office of the Advocate for the Defense of Human Rights in El Salvador, [Twitter](#), April 9, 2021, Network of National Institutions for the Promotion and Protection of Human Rights on the American Continent, [Election of the Secretary General and members of the steering committee of RINDHCA](#), April 10, 2021.

⁹²⁴ IACHR, monitoring information, May 2021. Federación Iberoamericana del Ombudsman, [Pronouncement No. 2/2021](#), May 2021. IACHR, The IACHR condemns the removal of the magistrates from the Constitutional Court of the Supreme Court of Justice, without respecting the due guarantees, and urges El Salvador to preserve the rule of law, May 3, 2021.

⁹²⁵ [Government cuts funding of human rights agencies and increases funding of Armed Forces](#), El Salvador.com, October 12, 2021, [Budget for Presidency for Indes and shrinks in PDDH](#), El Mundo, October 12, 2021; National Council for Inclusion of Persons with Disabilities Transparency Portal, [Current Budget](#), 2021

⁹²⁶Diario El Mundo, [2021 will close with lowest homicide rate in 25 years](#), December 8, 2021; Última Hora, [El Salvador will close 2021 with the lowest number of homicides in its history](#), December 21, 2021.

of 3.1 murders⁹²⁷, the lowest numbers on record over the past 25 years⁹²⁸. On the other hand, in a hearing before the IACHR, the State indicated that between January 1 and October 13, 2021, the Office of the Attorney General of the Republic received 1,116 complaints of the disappearances of 1,192 individuals, complaints that are classified as “disappearance of persons” or “deprived of liberty”, of which 51.6% were located. It also pointed to measures adopted to coordinate investigation and search actions⁹²⁹. For their part, civil society organizations reported that the increase in disappearances is linked to crime and the policy of militarized security; they also underscored the lack of communication with family members about these cases, as well as the lack of a gender focus in State prevention and response actions⁹³⁰. The IACHR also received information about criticism of the handling of criminal records and of the transparency of the Territorial Control Plan⁹³¹. Additionally, the IACHR learned that the Office of the Attorney General of the Republic’s Special Anti-Mafia Group, which oversaw the criminal investigation of alleged illegal negotiations between public authorities and officials and the gangs, Mara Salvatrucha-13 and Barrio 18, has been decommissioned⁹³².

554. In matters of **remembrance, truth, and justice**, the IACHR takes note that the Legislative Assembly’s Commission on Justice and Human Rights announced continuation of efforts to draft a bill for the Law on Restorative and Transitional Justice⁹³³, and the IACHR also observes that victims and human rights organizations submitted their own proposals for legislation on this matter⁹³⁴. Regarding legal cases of serious human rights violations committed during the internal armed conflict, the Commission became aware that in June the Constitutional Court of the Supreme Court of Justice ordered the Office of the Attorney General of the Republic to investigate the 1982 forced disappearances of Salvadorans at the hands of members of the National Police and Armed Forces⁹³⁵. Additionally, in November, the Constitutional Court admitted a lawsuit filed by the Office of the Attorney General against the Criminal Court’s 2020 ruling that ordered closure of the criminal case of the massacre of six Jesuit priests and two women⁹³⁶. This ruling by the court was rejected by the victims, the Company of Jesus, and the Universidad Centroamericana, who at the time submitted their appeals for removal of the Criminal Court judges⁹³⁷. The IACHR has also acknowledged the resignation of the judge in the court of San Francisco Gotera, who oversaw the case of

⁹²⁷ Ministry of Justice and Citizen Safety, [2021 closes with 17 homicides per 100,000 inhabitants, the lowest number on record](#), December 14, 2021.

⁹²⁸ Presidency of the Republic, [This year there were 1,208 less homicides than in 2019, a result of the safety strategy](#), November 3, 2021; Presidency of the Republic, [2021 will be the safest year in recent history for El Salvador, according to reports by the Tripartite Council](#), December 16, 2021.

⁹²⁹ IACHR, Public Hearing “Forced Disappearances in El Salvador”, 181st Ordinary Period of Sessions, October 21, 2021.

⁹³⁰ IACHR, Public Hearing “Forced Disappearances in El Salvador”, 181st Ordinary Period of Sessions, October 21, 2021; Working Group on Disappeared Persons in El Salvador, [The State must respect the dignity of victims of disappearances and involve family members and those who are searching for them](#), November 18, 2021.

⁹³¹ La Prensa Gráfica, [Disappearances and pact with gangs reduce homicides in El Salvador](#), December 21, 2021; Gato Encerrado, [It is false that information about the Territorial Control Plan is public](#), November 11, 2021; IACHR, 180th Period of Sessions, Hearing “General hearing on the situation of human rights in El Salvador”, June 30, 2021; IDHUCA [On the disappearance of persons](#), December 28, 2021.

⁹³² El Faro, [Bukele Government negotiated with three gangs and tried to hide the evidence](#), August 23, 2021; Diario El Mundo, December 28, 2021; Reuters, [Salvadoran ex-prosecutor says government quashed probe into pact with gangs](#), December 28, 2021.

⁹³³ Legislative Assembly, [Commission on Justice and Human Rights continues to draft a bill for the Law on Restorative and Transitional Justice](#), September 27, 2021; Legislative Assembly, [Deputies continue in process to draft a Law on Transitional Justice](#), October 11, 2021.

⁹³⁴ Council against Impunity in El Salvador, [The Legislative Assembly has the obligation to legislate on behalf of the rights of victims to truth, justice, and reparations](#), press release, October 7, 2021; Council against Impunity, Steering Group for the Law on Comprehensive Reparations of Victims of the Armed Conflict and Working Commission on Human Rights Historical Memory, [Draft Bill of Special Law on Transitional Justice for victims of serious human rights violations in the context of the armed conflict in El Salvador](#), October 2021..

⁹³⁵ La Prensa Gráfica, [Constitutional Court orders Office of the Prosecutor to investigate disappearances of two Salvadorans at the hands of the military in 1982](#), June 12, 2021.

⁹³⁶ Telesur tv, [El Salvador Supreme Court of Justice admits suit to reopen Jesuit case](#), November 25, 2021.

⁹³⁷ YSUCA, [We are being denied as victims of the Jesuit Case, says UCA president](#), December 3, 2021.

the Massacre of Mozote and nearby locations, in the context of the meddling with Judicial Careers and based on the passing of Legislative Decree No. 144 of 2021⁹³⁸.

555. Regarding the situation of **human rights defenders**, the Commission observes that to date no law has been passed for protection of human rights defenders, which civil society organizations have been proposing since 2018⁹³⁹. Likewise, it observes that during 2021 the highest authorities of the State continued with stigmatizing discourse, seeking to discredit complaints by female human rights defenders⁹⁴⁰. In this regard, the IACHR [granted cautionary measures](#) on behalf of the defender, Berta María Deleón Gutiérrez, a victim of stalking by third parties in automobiles and motorcycles bearing no license plates, and of drone surveillance and harassment, especially “attacks” in social media.

556. Likewise, the IACHR [expressed its concern](#) about the draft bill for the Law on Foreign Agents, the implementation of which could seriously affect the work of individuals, civil society organizations, and communications media that contribute to the defense of human rights and freedom of the press. The IACHR recalls that human rights defenders, journalists, and communications media play a central role in democratic societies and in the process of strengthening the rule of law. The IACHR further reiterates that, as part of freedom of association, States must promote and facilitate access by human rights organizations to financial cooperation funds, both national and international, and not restrict their means of funding⁹⁴¹.

557. Regarding **persons deprived of liberty**, the Commission reiterates its concern about the high levels of overcrowding presumably because of the improper use of preventive imprisonment, the stiffening of security policies, and the lack of alternative measures for depriving liberty⁹⁴². According to official data, the prison population was 37,866 individuals (2,678 women and 35,188 men)⁹⁴³. This figure represents an overcrowding rate of 34.9%, given the official declared capacity for the prison system is 28,054 persons⁹⁴⁴. Regarding preventive incarceration, the Commission noted that 25.52% of the individuals deprived of liberty are in preventive incarceration⁹⁴⁵.

558. The Commission also received information indicating a lack of official data about the impact of the pandemic on this population⁹⁴⁶. Additionally, the contingency measures adopted in the context of the pandemic implied total isolation of detained persons in at least seven correctional facilities⁹⁴⁷. In this regard, the IACHR reiterates the obligation the States in the region have, to adopt immediate and urgent measures to protect the lives, health, and personal integrity of individuals under its custody during the COVID-19 pandemic, and to publicize those measures⁹⁴⁸.

559. Regarding mechanisms to address, protect, and prevent violence against **women**, the IACHR welcomes the initiative, “126 Te Orienta”, which was launched in March 2021 by the Salvadoran Institute for Development of Women (ISDEMU). This is a multidisciplinary virtual service platform that aims to support women who face violence, be it physical, economic, sexual, psychological or of any other type⁹⁴⁹. The IACHR also takes note of the validation process for the 2021-2026 Action Plan of the National

⁹³⁸ El Faro, [Judge of El Mozote: "I do not agree that they should allow me to remain if they do not restore the others"](#), September 6, 2021; France 24, [Judge in El Mozote Massacre case resigns following judicial reform in El Salvador](#), September 24, 2021.

⁹⁴² IACHR, [Human Rights Situation in El Salvador](#), OEA/Ser.L/V/II. Doc. 278, October 14, 2021, paragraph 134.

⁹⁴³ Government of El Salvador, Diplomatic Note No. MPOEA-OEA-149/2021, November 19, 2021, p. 1.

⁹⁴⁴ Government of El Salvador, Diplomatic Note No. MPOEA-OEA-149/2021, November 19, 2021, p. 3.

⁹⁴⁵ Government of El Salvador, Diplomatic Note No. MPOEA-OEA-149/2021, November 19, 2021, p. 4.

⁹⁴⁶ IACHR, Public hearing, “[Human rights situation of persons deprived of liberty in the Americas](#)”, 181st ordinary period of sessions, October 28, 2021. Information provided by Civil Society.

⁹⁴⁷ IACHR, Public hearing, “[Human rights situation of persons deprived of liberty in the Americas](#)”, 181st ordinary period of sessions, October 28, 2021. Information provided by Civil Society.

⁹⁴⁸ IACHR, Resolution No. 01/20 on Pandemic and Human Rights in the Americas, April 10, 2020, Resolutive Part, paragraphs 45-48.

⁹⁴⁹ Republic of El Salvador, Report on El Salvador requested by IACHR – Chapter IV A – Annual Report of the IACHR 2021, Document submitted to the IACHR, September 24, 2021. On file with IACHR; Platform [126teorienta](#); ISDEMU, [Receives special attention in 126 Te Orienta](#), April 4, 2021.

Policy of Action for Life Free of Violence, held in January 2021. This is a political instrument designed to facilitate reaching strategic objectives proposed for prevention, detection, care, and punishment of violence against women⁹⁵⁰. Along these same lines, the Commission welcomes efforts toward specialized training in women's rights aimed at public sector employees and the general population, for the purpose of strengthening the response capacity of State institutions, contributing to the reduction of gender inequality and discrimination, and strengthening the capacities of women⁹⁵¹. The Commission also takes note of the continuation of the *Programa Ciudad Mujer*⁹⁵², an initiative previously recognized as one of the best practices in the region for advancing and promoting the rights of women and girls, especially those in vulnerable situations or who have suffered serious rights violations⁹⁵³; however, the IACHR observes that, according to publicly available information, this program has suffered operationally due to reductions in materials and budget cuts⁹⁵⁴.

560. Regarding the situation of gender-based violence against women, the IACHR observes with concern the increase in feminicides in 2021, compared with the prior year. According to official figures, 47 feminicides were recorded during the first quarter of 2021⁹⁵⁵, whereas the figure for the same period of 2020 was 28 feminicides⁹⁵⁶. Further, the Commission observes that there continue to be an alarming number of cases of intra-family violence and sexual violence, particularly against girls and adolescents. According to public information, 671 cases of intra-familial violence against women were recorded through August 10, 2021⁹⁵⁷, and 5,359 cases of sexual violence were recorded through November 9, 2021, 8.25% of which were assault of minors, 10.95% were sexual violence against minors, and 12.8% were statutory rape⁹⁵⁸. In this regard, the IACHR takes note of official data which indicates that, for the period of January-September 2021, there were 9,889 records of pregnant teenagers and girls under the age of 17 who were served by the health ministry's network of establishments⁹⁵⁹. Lastly, the Commission takes note of official data which indicates that, through June 2021, there were 217 reports of work-related violence against women, most of which were cases of workplace harassment⁹⁶⁰.

561. Regarding access to justice, the IACHR was informed that when cases of disappearances of women perpetrated by individuals are investigated, it is generally the case that no consideration is given to the probable responsibility of the victims' current or former partners⁹⁶¹. Further, the Commission became aware that human bones were discovered at the home of a former police officer in Chalchuapa, in May 2021, most of which were the bones of women⁹⁶². In this case, the Commission highlights the advances

⁹⁵⁰ Republic of El Salvador, Report on El Salvador requested by IACHR – Chapter IV A – Annual Report of the IACHR 2021, Document submitted to the IACHR, September 24, 2021. On file with IACHR; ISDEMU. [ISDEMU in process of validating the Action Plan for the National Policy for a Life Free of Violence](#), January 19, 2021.

⁹⁵¹ Republic of El Salvador, Report on El Salvador requested by IACHR – Chapter IV A – Annual Report of the IACHR 2021, Document submitted to the IACHR, September 24, 2021. On file with IACHR

⁹⁵² Republic of El Salvador, Report on El Salvador requested by IACHR – Chapter IV A – Annual Report of the IACHR 2021, Document submitted to the IACHR, September 24, 2021. On file with IACHR

⁹⁵³ IACHR. [Violencia y discriminación contra mujeres, niñas y adolescentes](#). OEA/Ser.L/V/II. Doc. 233, November 14, 2019, paragraph 37

⁹⁵⁴ La Prensa Gráfica. [Denuncian retrocesos en calidad de vida de las mujeres rurales](#), October 15, 2021; Gato Encerrado, [Dos años de retroceso para las mujeres y la diversidad sexual en El Salvador](#), June 2, 2021; Economic Overview: perspective of critical economics, [Analysis of the 2021 budget from a gender perspective](#), November 2020

⁹⁵⁵ Observatory of Gender Statistics. DIGESTYC, [First Quarter 2021](#), Violent deaths and feminicide

⁹⁵⁶ Ministry of Justice and Safety [Annual Report of Acts of Violence Against Women El Salvador](#), p. 26

⁹⁵⁷ Observatory of violence against women. [Intra-family violence](#), updated through August 10, 2021.

⁹⁵⁸ Observatory of violence against women. [Sexual violence](#), updated through November 9, 2021.

⁹⁵⁹ Ministry of Health. [Registry of pregnancies that received care in the network of MINSAL establishments](#), January through September 2021

⁹⁶⁰ Observatory of gender statistics. DIGESTYC, [First Quarter 2021](#), Reports and inspections of workplace violence against women.

⁹⁶¹ IACHR. [Forced disappearances of persons in El Salvador](#) 181st Period of Sessions, October 21, 2021.

⁹⁶² Twitter, official account of the Office of the Attorney General of the Republic of El Salvador. [Tweet May 14, 2021](#); Twitter, Teleprensa, [Tweet May 14, 2021](#); DW, [El Salvador: 10 bodies found at ex-police agent's home](#), May 14, 2021; Excelsior, [Bodies of 14 persons found in home of ex-police agent in El Salvador](#), May 20, 2021

in identifying the victims and the formal return of the remains of 12 individuals to their families⁹⁶³. The IACHR observes that investigations of this case are in the discovery phase, and it welcomes the creation of a working group coordinated by the Specialized Anti-Gang and Homicide Unit, which is supported by the National Directorate for Women, Children, Adolescents, LGBTI Population, and other Vulnerable Groups, as an advisory group for applying an across-the-board gender-based approach to criminal investigations of these acts⁹⁶⁴. However, the Commission takes note of civil society's complaint that the main suspect in this case was given a benefit for effective collaboration, thereby reflecting the lack of technical investigative capacity of the prosecutor's office⁹⁶⁵. Regarding this, the Commission reminds the State of its obligation to guarantee strict due diligence in cases of violence against women, and urges it to guarantee timely, complete, and impartial investigation, as well as appropriate sanctions against all responsible individuals and full reparations to the victims in this case.

562. Lastly, regarding sexual and reproductive rights, the IACHR [welcomed](#) the release of three women who had been deprived of liberty after suffering obstetric emergencies or complications.⁹⁶⁶ The IACHR also reiterates its recommendation to the State that it review the cases of women who are serving severe prison sentences for aggravated homicide for facts related to obstetric emergencies or complications; and that it give priority treatment to petitions for commutation of sentences being served⁹⁶⁷. The IACHR observes that there is still absolute criminalization of voluntary interruption of pregnancy in the country, and it laments the recent dismissal of reform initiatives that seek to decriminalize it⁹⁶⁸. The IACHR further takes note of the August 2021 passing of the *Nacer con Cariño Law* [Birth with Affection], which establishes the right to life from the moment of conception and excludes as a right of pregnant women the possibility of interrupting the pregnancy⁹⁶⁹. Regarding this, the Commission reiterates its call upon the State to adopt legislation that guarantees for women the effective exercise of their sexual and reproductive rights, in the understanding that denial of voluntary interruption of a pregnancy in certain circumstances, including cases where life and health are at risk, and when the pregnancy is the result of rape or incest, could constitute a violation of the fundamental rights of women, girls, and adolescents⁹⁷⁰.

563. The State also reported on training initiatives in the subject of the **rights of LGBTI persons**, headed by the ISDEMU, and the inclusion of LGBTI women in commercial entrepreneurial projects⁹⁷¹. Regarding violence against LGBTI persons, the IACHR [condemned](#) the murder of Zashy Zuley del Cid, a 27-year-old trans woman and human rights defender, who had previously received death threats⁹⁷². The IACHR also learned that the legislative bill on gender identity, which was in Legislative Assembly's Committee on Women and Gender Equality, had been shelved⁹⁷³, a fact lamented by

⁹⁶³ Republic of El Salvador, Report by the State submitted to the IACHR, on the investigations into human remains found in Chalchuapa, August 2021. On file with IACHR; FGR El Salvador, [Office of the Attorney General responds to families that lost loved ones in the Chalchuapa case](#), October 7, 2021

⁹⁶⁴ Republic of El Salvador, Report by the State submitted to the IACHR, on the investigations into human remains found in Chalchuapa, August 2021. On file with IACHR

⁹⁶⁵ AZO, COMCAVIS TRANS, ANADES, Feminist Collective for Local Development, Fundación Cristosal, FESPAD, DPLF, IDHUSA, ORMUSA, Salvadoran Network of Human Rights Defenders, SSPAS. Attached to petition for hearing, 181st Period of Sessions, July 20, 2021. On file with IACHR; El Liberal Periódico Digital, [Investigadora en seguridad: "El criterio de oportunidad en el caso de Chalchuapa es una ofensa a las víctimas"](#), May 28, 2021; Diario el Mundo, [Fiscalía dio criterio de oportunidad en 9 casos al asesino de Chalchuapa](#), May 21, 2021.

⁹⁶⁶ DW, [El Salvador releases three women sentenced for abortion](#), December 24, 2021.

⁹⁶⁷ IACHR, Country report 'Human Rights Situation in El Salvador', October 14 2021, paragraph 34.2.22.

⁹⁶⁸ Legislative Assembly of El Salvador, [Commission on Legislation and Constitutional Items](#), October 18, 2021

⁹⁶⁹ Republic of El Salvador, Response to request Art. 41 IACHR – 2021 Annual Report by the Inter-American Commission on Human Rights, September 24, 2021, p. 7. Legislative Assembly, El Salvador, [Law on birth with affection for a respectful delivery and affectionate and sensitive care for newborns](#), August 23, 2021; Legislative Assembly of El Salvador, [Law on birth with affection for a respectful delivery and affectionate and sensitive care for newborns](#), August 12, 2021.

⁹⁷⁰ IACHR, [Human Rights Situation in El Salvador](#). OEA/Ser.L/V/II. Doc.278, October 14, 2021, paragraph 205

⁹⁷¹ Republic of El Salvador, report sent to IACHR for preparation of the annual report.

⁹⁷² Agencia Presentes, [Transfeminicide in El Salvador: 27-year-old activist, Zashy del Cid murdered](#), April 27, 2021.

⁹⁷³ Legislative Assembly of El Salvador, By majority vote, the #ComisiónMujer approves submitting 30 pending cases to the file for study, after considering them to be obsolete and not aligned with reality. May 14, 2021. Accesible at:

organizations of trans, nonbinary, and gender-diverse persons. Nevertheless, according to publicly available information, the organizations that make up the Board for a Gender Identity Law have submitted a new legislative bill⁹⁷⁴.

564. Regarding the protection of the rights of **persons in human mobility**, the Commission received information from the State about the implementation of Phase II of the Territorial Control Plan. Thus, actions executed in this phase would point to prevention of violence and insecurity as causes that oblige individuals to relocate themselves⁹⁷⁵. According to official information, the implementation of policies such as the Territorial Control Plan are contributing to the reduction of the number of Salvadoran migrant persons at the southern border of the United⁹⁷⁶. Likewise, regarding refugees, the State reported on the development of a bill to reform the Law on Determining the Status of Refugee. This reform would seek to develop better practices that enable more accurate engagement of State institutions involved in this procedure⁹⁷⁷. Regarding **internal displacement**, the most up-to-date figures from the Center for Monitoring Internal Displacements, published in May 2021, indicate that in 2020 there were about 17,000 internal displacements due to natural disasters, an almost 700% increase compared with 2019. Likewise, 114,000 internal displacements were reported as being caused by conflict and violence. This figure reflects a 75% decrease compared with 2019⁹⁷⁸.

565. Regarding **human trafficking**, the Commission notes that the State reported that forced internal displacement and modern forms of slavery are closely tied to vulnerability factors of victims of the crime of human trafficking⁹⁷⁹. It also indicated that some internally displaced persons have been subjected to contemporary forms of slavery⁹⁸⁰, adding that displaced persons have a higher degree of vulnerability because they have limited opportunities due to various circumstances, such as language or geographic location⁹⁸¹.

566. Regarding the **rights of girls, boys, and adolescents**, the IACHR observes with concern that there continues to be a high number of pregnancies among girls and adolescents⁹⁸². According to the most up-to-date figures of the Observatory for Sexual and Reproductive Rights, during the first quarter of 2021 there were 6,938 recorded pregnancies of girls and adolescents. Of those, 281 were girls between 10 and 14 years old⁹⁸³. Further concerning to the Commission is the information received about violence against girls in the country. According to the most recent data from the Observatory for Citizen Safety of Women, 73% of cases of sexual violence received by the Office of the Attorney General of the Republic, through May 2021, were for cases of rape, statutory rape, and sexual assault against girls and adolescents

<https://twitter.com/AsambleaSV/status/1393245411138326530?s=20>; DW, "[El Salvador: rechazan decisión parlamentaria de archivar ley de género](#)", August 31, 2021

⁹⁷⁴ Washington Blade, [Committee for Gender Identity Law in El Salvador continues its fight](#) August 23, 2021.

⁹⁷⁵ Republic of El Salvador, Response by the Salvadoran State to the request for information from the Inter-American Commission on Human Rights, in view of Article 41 of the American Convention on Human Rights regarding the regional protection of persons in movement, October 20, 2021, p.1.

⁹⁷⁶ Press Secretariat of the Presidency, El Salvador, "[Government of the Republic creates social and economic opportunities to reduce the flow of Salvadoran migrants on the southern border of U.S.](#)", April 2, 2021.

⁹⁷⁷ Republic of El Salvador, Response by the Salvadoran State to the request for information from the Inter-American Commission on Human Rights, in view of Article 41 of the American Convention on Human Rights regarding the regional protection of persons in movement, October 20, 2021, p.15.

⁹⁷⁸ IDMC, [Internal displacement in a changing climate](#), May 10, 2021, p. 63. IDMC, [Global Report on Internal Displacement](#), April 2020, p. 1.

⁹⁷⁹ OHCHR, [Questionnaire about "The Nexus between Forced Displacement and Contemporary Forms of Slavery, including Causes and Consequences](#), January 21, 2021.

⁹⁸⁰ OHCHR, [Questionnaire about "The Nexus between Forced Displacement and Contemporary Forms of Slavery](#), January 21, 2021.

⁹⁸¹ Ministry of Foreign Relations, [Questionnaire about "The Nexus between Forced Displacement and Contemporary Forms of Slavery](#), January 21, 2021.

⁹⁸² IACHR, [Annual Report, Chapter IV.A "Development of Human Rights in the Region"](#), 2020, paragraph 357.

⁹⁸³ Observatory for Sexual and Reproductive Rights, [Pregnancies of girls and adolescents in the first quarter of 2021](#), October 19, 2021.

under 17 years of age⁹⁸⁴. Additionally, the Observatory reported the disappearance of at least 211 girls during the first half of 2021⁹⁸⁵.

567. Regarding the rights of **Afro-descendent persons** and **freedom from racial discrimination**, the Commission observes from information provided by the State that between January and July 2021, the Ministry of Culture delivered food packages, hygiene kits, and personal protection equipment to Afro-descendant persons in vulnerable situations, in the context of the COVID-19 pandemic⁹⁸⁶.

568. To date, the IACHR has received information about various demands by Afro-descendant Salvadoran civil society to be recognized and included in public policy⁹⁸⁷. The Commission also took note of the call by various organizations for follow-through and passage of the Special Law against Discrimination, which is a comprehensive law that seeks to create conditions of equality such that public policies would include different population groups that are exposed to vulnerable conditions, such as women, girls, boys, adolescents, youth, persons with disabilities, Afro-descendant persons, indigenous communities, and others⁹⁸⁸.

569. Regarding the **rights of older persons**, the Commission welcomes the passing of the Special Law for Protection of the Rights of Older Adult Persons⁹⁸⁹, which replaces the Law for Comprehensive Care for Older Adult Persons, in which the State is a party. Likewise, the commission takes note of what the State reported⁹⁹⁰ regarding the implementation of comprehensive health campaigns for older adults from indigenous communities of both the western and eastern regions of the country. The IACHR was also informed, by civil society organizations, about a study of the realities of what life is like for the elderly and older adult LGBT populations in El Salvador⁹⁹¹. On this subject, the IACHR observes the study's conclusions with concern, as they indicate various situations where there is a lack of protection for the human rights of older LGBT persons, which include a lack of legislation for specific protections for older LGBT persons, discrimination in access to public health services, discrimination in the educational sector, and others.

570. Regarding the rights of **persons with disabilities**, the State informed the Commission about efforts to promote participation of persons with disabilities in spaces the Ministry of Labor has created for pursuing protection of labor rights and for coordination actions with local actors such as municipal governments and social organizations⁹⁹². Furthermore, the IACHR has taken note of the social protests that call attention to the difficulties persons with disabilities have with financial subsistence, the effective implementation in practice of the Special Law on Inclusion of persons with disabilities, and the absence of institutions focused specifically on defending the rights of those belonging to this group⁹⁹³. The

⁹⁸⁴ Observatory for Citizen Safety of Women, [73% of crimes of sexual violence were committed against girls and adolescents younger than 17 years of age, between January and May 2021](#), August 18, 2021.

⁹⁸⁵ Observatory of Citizen Safety for Women, [464 women disappeared between January and June 2021](#), August 31, 2021.

⁹⁸⁶ Republic of El Salvador, Report by the State of El Salvador to the Inter-American Commission on Human Rights regarding the request for information about Chapter IV A (2021 IACHR Annual Report), pp. 14 and 15, MPOEA-OEA-117/2021, September 30, 2021, document submitted to IACHR.

⁹⁸⁷ France 24, [Salvadoran Afro-descent population calls on bicentennial State to take them into account](#), September 17, 2021

⁹⁸⁸ La Prensa Gráfica, [Approval sought for Law against Discrimination in El Salvador](#), March 18, 2021

⁹⁸⁹ Decree No. 817 by the Legislative Assembly, [Special Law on protection of rights of older adult persons](#), January 27, 2021.

⁹⁹⁰ Republic of El Salvador, Report by the State of El Salvador for Chapter IV.A of the 2021 IACHR Annual Report, September 30, 2021.

⁹⁹¹ Center for Research and Promotion of Human Rights in Central America (CIPAC), [Prospects and realities of life for the older and older adult LGBT population in El Salvador](#), March 2021.

⁹⁹² Republic of El Salvador, Report by El Salvador to the Inter-American Commission on Human Rights Regarding the Request for Information about Chapter IV A (2021 IACHR Annual Report), September 24, 2021.

⁹⁹³ El Salvador, ["I don't have the means to survive", persons with disabilities protest lack of resources for social insertion](#), August 30, 2021, La Prensa Gráfica, [Law for persons with disabilities, without a budget](#), August 31, 2021; Diario Colatino, [Organizations demand compliance with the Law on Inclusion of Persons with Disabilities](#), May 8, 2021

IACHR also notes with concern the status of implementation of the National Policy for Inclusion of Persons with Disabilities, given the limitations that go with not having an adequate budget to fulfill the objectives the law establishes⁹⁹⁴.

GRENADA

- **General considerations**

571. With regard to **progress**, the IACHR highlights the decrease in the country's homicide rate. It also underscores the efforts to improve policies and programs on juvenile delinquency and violence, and to improve access to justice. In addition, the Commission takes note of the efforts to analyze national policies and systems in relation to people displaced by climate and environmental factors. It further notes the steps taken to design a policy to provide comprehensive assistance to women survivors of violence.

572. As far as **challenges**, the Commission notes the failure to establish a national human rights institution. It likewise expresses deep concern over the increase in the number of cases of sexual abuse of children and adolescents. It takes note of the high rates of incarceration and prison overcrowding and regrets the lack of progress in abolishing the death penalty. In addition, the IACHR is concerned about the decision to amend the Immigration Act to increase fines for violating its provisions. Finally, it views with concern the continued criminalization of consensual sexual relations between persons of the same sex.

573. The State did not reply to the request for information for the preparation of this chapter.

- **Specific issues**

574. On the cross-cutting issue of **human rights institutions**, the Commission notes that Grenada has an Office of the Ombudsman, which is part of the Caribbean Ombudsman Association and the Commonwealth Forum of National Human Rights Institutions. It is also a member of the Commonwealth Caribbean Association of Integrity Commission and Anti-corruption Bodies. However, the IACHR notes that its powers are limited because it only addresses injustices committed by authorities as a result of maladministration, and not human rights violations.⁹⁹⁵ The Commission is concerned that, to date, Grenada has not complied with the recommendation to establish a national human rights institution in line with the Paris Principles. This is despite it having supported the recommendations in this regard, and that the Attorney General's Office and the Ministry of Foreign Affairs had reportedly been working with the Commonwealth Secretariat and the Office of the United Nations High Commissioner for Human Rights to this end.⁹⁹⁶

575. Regarding **democratic institutions**, the Commission notes that the Rule of Law Index presented by the World Justice Project shows that the State's overall score increased by 1% in the global ranking; this is based on its adherence to the universal principles of accountability, fair laws, open government, and accessible and impartial dispute resolution.⁹⁹⁷ This report also indicates that Grenada ranked 10th out of 32 countries in its overall performance in the Latin America and Caribbean region.⁹⁹⁸ The IACHR further notes that Grenada's governance ranking on Transparency International's corruption index remained at 52 in 2020. This index measures the perception of corruption in a country's public sector; it also considers data on bribery, the diversion of public funds, and the capacity of governments to

⁹⁹⁴ [Law on Persons with Disabilities has no budget](#), La Prensa Grafica, August 31, 2021, "[I don't have the means to survive](#)", [persons with disabilities protest lack of resources for social insertion](#), El Salvador.com, August 30, 2021

⁹⁹⁵ Office of the Ombudsman, [What are the Functions of the Ombudsman?](#)

⁹⁹⁶ United Nations, General Council, Compilation on Grenada, [Report of the Office of the United Nations High Commissioner for Human Rights](#), 4 November 2019.

⁹⁹⁷ World Justice Project, [WJP Rule of Law Index 2021 performance](#), 2021, p. 10. Refer to the universal principles of law p. 14.

⁹⁹⁸ World Justice Project, [WJP Rule of Law Index 2021 performance](#), 2021, p. 88.

contain corruption, among other factors.⁹⁹⁹ The Commission takes this opportunity to recall that in keeping with its international obligations under the Inter-American Convention against Corruption, the State must take measures to prevent, detect, punish, and eradicate corruption in the performance of all public functions.¹⁰⁰⁰

576. In the area of **citizen security**, the IACHR notes that on June 7, 2021, the Royal Grenada Police Force (RGPF) reported the first homicide of 2021.¹⁰⁰¹ Publicly available information shows that two additional homicides were reported in July 2021.¹⁰⁰² This information suggests a decrease in the homicide rate during the first seven months of the year. This compares to a reported 33% increase at the end of 2020. The Commission further notes that Grenada continues to improve policies and programs on youth crime and violence.¹⁰⁰³ In this context, Grenada participated in the regional CariSECURE project, which is designed to help public institutions make evidence-based decisions on citizen security.¹⁰⁰⁴

577. Regarding **access to justice**, the Commission notes that the Eastern Caribbean Supreme Court implemented the Electronic Litigation Portal on June 22, 2021. The portal is an integrated e-filing and case management web-based application. According to official information, this tool is expected to transform the delivery of judicial services and facilitate a more timely and efficient administration of justice for all stakeholders.¹⁰⁰⁵

578. In connection with the **rights of children and adolescents**, the Commission notes that the State has publicly expressed its commitment to addressing the growing number of cases of child sexual abuse. In addition, the number of school counselors was increased to provide psychological support to students.¹⁰⁰⁶ This initiative was taken in response to 51 cases of child abuse reported during the first quarter of 2021. This represents an increase of 64.7%, compared to 33 cases reported during the same period in 2020.¹⁰⁰⁷ The Commission urges the State to take all measures to guarantee the physical integrity of children and adolescents and to provide them with medical and psychological care. It further recalls that the State has an enhanced obligation to take specific and special measures, as well as to incorporate a holistic, multisectoral, and comprehensive approach that addresses the structural and endemic causes of violence, in particular sexual violence.¹⁰⁰⁸

579. With respect to **persons deprived of liberty**, the Commission notes that the incarceration rate in 2021 was 429 per 100,000 inhabitants—the second highest rate among CARICOM countries.¹⁰⁰⁹ In addition, the Commission expresses its concern about the current level of overcrowding, given that the only prison in Grenada, which was built to hold 198 people,¹⁰¹⁰ reportedly has at least 484 inmates at the time of this report.¹⁰¹¹ The Commission recalls that, under international human rights law,

⁹⁹⁹ Transparency International, [Corruption Perceptions Index 2020](#), January 2021, p. 3. The CPI uses a score from 0 (very corrupt) to 100 (very clean). See p. 4.

¹⁰⁰⁰ OAS, [Inter-American Convention against Corruption](#), adopted in Venezuela on March 29, 1996.

¹⁰⁰¹ RGPF, [Grenada Records First Homicide for 2021](#), 7 June 2021.

¹⁰⁰² Caribbean Loop News, [Grenada records third homicide for 2021](#), 24 July 2021; Now Grenada, [Grenada records 3rd homicide for 2021](#), 24 July 2021.

¹⁰⁰³ UNDP, [The Future of Citizen Security Examined at USAID/UNDP Conference](#), 1 September 2021.

¹⁰⁰⁴ CARICOM Today, [Remarks by CARICOM Secretary General to the CARISECURE citizen security conference donor round table discussion](#), 1 September 2021.

¹⁰⁰⁵ Eastern Caribbean Supreme Court, [ECSC Launch of its E-Litigation Portal in Grenada and E-Litigation Documentary](#), 25 June 2021.

¹⁰⁰⁶ Now Grenada, [Prime Minister vows to tackle sexual exploitation of children](#), 27 May 2021.

¹⁰⁰⁷ Grenada Broadcasting Network, [Child Sexual Abuse Increased](#), 14 April 2021.

¹⁰⁰⁸ IACHR, [Report 233/19. Violence and discrimination against women and girls: Best practices and challenges in Latin America and the Caribbean](#), November 14, 2019, paras. 239-240.

¹⁰⁰⁹ World Population Review, [Incarceration Rates by Country 2021](#), 2021.

¹⁰¹⁰ World Prison Brief, [Grenada](#), 2021. Also, according to this Brief, in 2019 the occupancy level was already at 233.8% with a rate of imprisonment of 413 per 100,000 inhabitants.

¹⁰¹¹ The population of 484 was calculated based on the rate of imprisonment (429 per 100,000).

prison overcrowding can constitute a form of cruel, inhuman, or degrading treatment, and that such a practice can be considered a violation of the right to humane treatment and other internationally recognized human rights.¹⁰¹²

580. Regarding the **death penalty**, the IACHR notes that Grenada continues to function as a de facto abolitionist State with a de facto moratorium in place, as the highest appellate court ruled in 2007 that the mandatory death penalty was unconstitutional.¹⁰¹³ The Commission also notes with concern that there is still one person on death row, although no executions have been carried out since 1978.¹⁰¹⁴ The Commission reiterates its call to the State to abolish the death penalty. It further recalls that persons deprived of their liberty must be treated humanely, and that their dignity, as well as their life, and their physical, mental, and moral integrity must be respected and ensured.¹⁰¹⁵

581. Regarding **persons in human mobility**, the Commission notes with concern the draft amendment of the Immigration Act that would increase fines for violations of its provisions, including those related to entry outside regular channels. This is reportedly related to an increase in the influx of irregular migrants during the first quarter of 2021.¹⁰¹⁶ The Commission recalls that the irregular status of a migrant person in a State does not infringe on any fundamental legal right that must be protected by the punitive power of the State. Therefore, the punishment of irregular entry, presence, or stay is disproportionate under criminal law.¹⁰¹⁷

582. The IACHR notes that Grenada, alongside the other member states of the Organization of Eastern Caribbean States (OECS), is working with the International Organization for Migration (IOM) to analyze policies and national systems for managing and reporting information on the forced displacement of persons due to climate and environmental factors.¹⁰¹⁸

583. Concerning the rights of **LGBTI persons**, the Commission regrets that the Criminal Code still provides for a 10-year prison sentence for consensual sex between persons of the same sex, notwithstanding the recommendations to amend the law. The Commission has stated that laws criminalizing a particular group of people for engaging in a consensual sexual act or practice with another person of the same gender are impermissible because they directly conflict with the prohibition against discrimination on the basis of sexual orientation.¹⁰¹⁹ The Commission reiterates that these laws reinforce existing societal prejudices and magnify the negative effects these prejudices have on the lives of LGBTI persons.¹⁰²⁰

584. As for **women's rights**, the IACHR recognizes the progress made in designing a policy on the rights of victims of gender-based violence, which seeks to ensure that women survivors of violence receive comprehensive assistance with a human rights approach.¹⁰²¹

¹⁰¹² IACHR, [Report on the Use of Pretrial Detention in the Americas](#), OEA/Ser. L/V/II. Doc.46, adopted on 30 December 2013, para. 290.

¹⁰¹³ IACHR, [Annual Report Chapter IV.A "Grenada"](#), para. 75.

¹⁰¹⁴ World Coalition Against the Death Penalty, [Grenada](#), 30 August 2021.

¹⁰¹⁵ IACHR, [Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas](#), 131 ordinary period of sessions, 14 March 2008.

¹⁰¹⁶ Government Information Service of Grenada, Granada, "[Government moves to deter illegal entry into country](#)", May 21, 2021. Grenada, [Act No. 26 of 1969: Immigration Act](#), November 29, 1969, Article 36. Government Information Service of Grenada, Granada, "[Government moves to deter illegal entry into country](#)", May 21, 2021.

¹⁰¹⁷ IACHR, [Resolution 04/19, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking](#), December 7, 2019, Principle 67.

¹⁰¹⁸ IOM, "[IOM hosts Successful Workshop on Human Mobility & Climate Change in the OECS](#)", 2 February 2021.

¹⁰¹⁹ IACHR. Report No. 81/13, Case 12.743. Merits. Homero Flor Freire. Ecuador. November 4, 2013, para. 114.

¹⁰²⁰ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 56, 74, 75.

¹⁰²¹ Spotlight Initiative, [Grenada drafts gender-based violence victims' rights policy](#), May 17, 2021.

GUYANA

- **General considerations**

585. As regards **progress**, the Commission takes note of the State's commitment to undertake electoral reforms, strengthen democracy, and reduce crime. In addition, it welcomes the measures adopted to establish child care centers to respond to cases of violence and to standardize the regulations that govern institutions providing alternative care to children. The Commission also observes capacity-building for law enforcement personnel on gender violence, and the implementation of various measures to reduce overcrowding in the prisons and to prioritize providing COVID-19 vaccines to persons deprived of liberty. Finally, the IACHR takes note of the efforts to regularize the situation of Venezuela migrants and highlights the repeal of legislation that criminalized cross-dressing.

586. As for **challenges**, the IACHR expresses concern over the increased violence directed at children and adolescents and the high incidence of gender violence. In addition, the Commission expresses its concern over the failure to adopt measures to abolish the death penalty. It also notes with concern that migrants apparently do not have the legal right to work in the country, and that the State continues criminalizing consensual sexual relations between persons of the same sex. In addition, the Commission is concerned about the environmental and health challenges faced by indigenous peoples in areas with extractive industry operations.

587. The State did not respond to the request for information for the preparation of this chapter.

- **Specific considerations**

588. As regards the **human rights institutional framework**, the IACHR notes that the Office of the Ombudsman of Guyana is part of the Commonwealth Forum of National Human Rights Institutions¹⁰²² and of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies. In this respect, the IACHR has highlighted the importance of having an independent agency for the promotion and protection of human rights at the national level and makes available its technical cooperation mechanism for institutional strengthening in this area¹⁰²³.

589. In addition, the IACHR has noted that a complementary aspect related to the human rights institutional framework is the analysis of fiscal policy and the state budget for financing human rights. Along these lines, the Commission takes note of the information published by the Ministry of Finance to promote inclusive governance, transparency, and accountability.¹⁰²⁴ The above-mentioned, presupposes that the State has data and information that is timely, complete, sufficient, and reliable for making decisions aimed at giving effect to human rights.

590. Moreover, through its various mechanisms the IACHR has reiterated the obligation of the states to provide special and priority protection to those groups, which due to various circumstances, have suffered historic discrimination.¹⁰²⁵ In this regard, it takes note of the measures planned by the State aimed particularly at older persons as well as children and adolescents.¹⁰²⁶ Nonetheless, the IACHR emphasizes that no public policy can be designed, implemented, or evaluated without the allocation of budgetary resources.¹⁰²⁷

¹⁰²² [Commonwealth Forum of National Human Rights Institutions](#).

¹⁰²³ IACHR: [Public Policy with a Human Rights Approach](#), 15 September 2018.

¹⁰²⁴ Parliament of Guyana, [Twelfth Parliament of the co-operative Republic of Guyana under the Constitution of the Co-operative Republic of Guyana, First session 2020-2021. Budget Speech](#), February 2021.

¹⁰²⁵ IACHR: [Public Policy with a Human Rights Approach](#), 15 September 2018.

¹⁰²⁶ Parliament of Guyana, [Twelfth Parliament of the co-operative Republic of Guyana under the Constitution of the Co-operative Republic of Guyana First session 2020-2021. Budget Speech](#), February 2021.

¹⁰²⁷ IACHR: [Public Policy with a Human Rights Approach](#), 15 September 2018.

591. As regards the **democratic institutional framework**, the Commission observes the commitment of the State to undertake electoral reform, as well as calls from civil society to guarantee access to information and greater transparency in contracts between the State and companies in the oil and gas sector. With regard to election reform, the IACHR notes the efforts of the Government to strengthen democracy via the participation of all actors in a consultative and inclusive process of electoral and constitutional reform¹⁰²⁸; the same point was also highlighted in a bilateral meeting with the OAS in September.¹⁰²⁹ In addition, the Commission notes that the advisory mechanism for the process of election reform has been incorporated in Article 13 of the Constitution, which guarantees citizens' participation in the decision-making procedures of the State.¹⁰³⁰

592. With respect to ensuring access to information, at a public hearing held during the 181st period of sessions of the IACHR, civil society organizations emphasized the need for greater transparency on the part of extractive enterprises through consultation and access to information. They added that conflicts arose with community lands due to mining concessions being granted by the State without undertaking prior consultation with the communities.¹⁰³¹ Accordingly, the Commission takes note of the appeal by civil society to guarantee greater transparency in the issuance of licenses to extractive companies and the levels of extraction contained in the mining contracts.¹⁰³² The IACHR recalls that the right of access to public information and the principle of transparency in the conduct of public affairs are protected by the inter-American human rights system, and have been recognized as leading tools for fighting corruption.¹⁰³³

593. In the area of **citizen security** the Commission observes the efforts to introduce new measures to fight crime, as well as the drop in crime. With respect to the initiatives to fight crime, the Commission notes that the President of the Republic announced an amnesty aimed at getting persons who possess illegal firearms to surrender them to the competent authorities. He added that upon turning over the weapons these persons would have the opportunity to discuss alternatives for earn an income and securing for themselves a dignified life.¹⁰³⁴ In addition, due to the success of the "Safe City Programme," the Government decided to extend this program nationwide. According to the President, the new "Safe Country Programme" incorporates a multidimensional approach to fighting crime. In addition, it would be monitored through the connection of closed-circuit television cameras by the appropriate authorities, who are expected to participate in compiling intelligence information and adopt a more proactive approach to fighting crime.¹⁰³⁵

594. In relation to the reduction in crime, the IACHR observes that from January 1 to November 8, 2021, the Guyana Police Force reported a 19.4% reduction in serious crimes nationwide compared to the same period in 2020. These include: (i) a 10.5% decrease in murder; (ii) a 29.8% decrease in armed robbery; and (iii) a 44.7% decrease in aggravated robbery.¹⁰³⁶

595. As regards **access to justice**, the IACHR notes the use of technology and the establishment of new courts to ensure access to justice. The Commission observes that the judicial branch increased the use of technology through actions such as the migration of judicial files to a virtual platform, to reduce the

¹⁰²⁸ Office of the President, [Consultative mechanism will be in place to drive Constitutional reform - President Ali](#), 2 February 2021.

¹⁰²⁹ Department of Public Information, [President Ali and OAS Secretary General discuss Venezuela border controversy, electoral reform](#), 22 September 2021.

¹⁰³⁰ Parliament of Guyana, [Constitutional \(Amendment\) No. 4, Act No. 6 of 2001](#), 7 August 2001.

¹⁰³¹ IACHR, [Impact of Extractive Industries on Climate Change and Human Rights in the Caribbean](#), 181st Regular Session, 26 October 2021.

¹⁰³² Policy Forum Guyana, [Citizens Assembly: Making up your mind about natural resources and the extractive sector](#), 1-3 September 2021.

¹⁰³³ IACHR, [Resolution 1/8 -Corruption and Human Rights](#), Bogotá, Colombia, 2 March 2018.

¹⁰³⁴ Department of Public Information, [Gov't will launch confidential programme to turn criminals' lives around -President Ali](#), 12 November 2021.

¹⁰³⁵ Department of Public Information, [GPF's future will include technology, people-centred policing - President Ali](#), 24 June 2021.

¹⁰³⁶ Department of Public Information, [Government security investments bearing fruit](#), 16 November 2021.

backlog of cases.¹⁰³⁷ In addition, the IACHR welcomes the State's efforts to ensure access to justice for persons living in rural areas by establishing a resident magistrate's court outside the capital city.¹⁰³⁸ According to official information, the new courts will be part of a larger project geared to achieving a justice system that is more accessible to and inclusive of all persons.¹⁰³⁹

596. With respect to the **rights of children and adolescents**, the IACHR observes the partnership between the Government and the United Nations to respond to cases of child abuse by establishing the Children's Advocacy Centers (CACs) for reporting, investigating, and managing cases, as well as training for police agents to work with victims of child abuse.¹⁰⁴⁰ In this context, the Ministry of Human Services and Social Security indicated that from January to June 2021, 1,918 reports were received of child abuse that include physical abuse, sexual abuse, verbal abuse, neglect, and abandonment.¹⁰⁴¹ In addition, the IACHR notes the efforts to unify the Minimum Operational Standards at alternative care institutions. According to available public information, in June 2021 a Visiting Committee was established with the mandate to examine and inspect these institutions to guarantee that children are treated in accordance with obligations derived from the Convention on the Rights of the Child.¹⁰⁴²

597. The Commission also takes note of the State's 2021-2025 Education Strategy Plan (ESP); the partnership with the United Nations to address child abuse; and the efforts to regulate the operation of alternative care institutions. Regarding the ESP, the IACHR notes that it is aimed at providing opportunities for an equitable and quality education, as well as ongoing learning. In addition, it observes that it was adopted based on an inclusive and participatory approach through consultations with youths, children who are deprived of liberty, children without any schooling, and children with disabilities. According to the Ministry of Education, the plan is aligned with the country's commitments to the United Nations Agenda 2030, as well as with CARICOM's Human Resource Development Strategy.¹⁰⁴³

598. As for the **human rights of women**, the IACHR values the efforts undertaken by the State to train agents of the Guyana Police Force on how to handle gender violence, with a particular focus on domestic violence.¹⁰⁴⁴ Nonetheless, public information indicates that on average only 20% of cases of domestic violence result in any punishment.¹⁰⁴⁵ In addition, it notes with concern the reports of sexual harassment among public service personnel, as well as the call from civil society to adopt effective measures in this regard, particularly in the area of protection and access to justice.¹⁰⁴⁶ The Commission is also concerned about official figures that show an increase in the crime of rape during the first quarter of 2021 compared to the same period in 2020¹⁰⁴⁷, with a total of 208 cases as of September 6, 2021.¹⁰⁴⁸ Finally, it notes that civil society organizations provided advisory services in four of the ten administrative regions

¹⁰³⁷ Supreme Court, [We can still hear you](#), 2021.

¹⁰³⁸ Department of Public Information, [AG Nandlall opens \\$177M modern Bartica Magistrate's Court](#), 21 May 2021.

¹⁰³⁹ Kaieteur News, [\\$4.6 B budget announced for improving citizens access to justice](#), 13 February 2021.

¹⁰⁴⁰ Guyana Chronicle, [Two more child advocacy centres for Region Six](#), 22 February 2021; Newsroom Guyana, [Child Advocacy Centers to provide support, counselling for child sex abuse survivors in Region 6](#), 28 February 2021. Department of Public Information, [Childcare and Protection Agency strengthens collaboration with Police to curb child abuse](#), 25 May 2021.

¹⁰⁴¹ Department of Public Information, [Message by Minister of Human Services and Social Security in observance of Child Protection Week](#), 19 September 2021.

¹⁰⁴² Guyana Chronicle, [Children's Visiting Committee constituted](#), 24 June 2021; INews Guyana, [Govt installs new Committee to ensure children's homes are compliant with guidelines](#), 23 June 2021.

¹⁰⁴³ Ministry of Education, [Guyana Education Strategic Plan \(ESP\) 2021- 2025](#), September 2021.

¹⁰⁴⁴ Department of Public Information. [Police ranks begin gender-based violence training](#), 9 November 2021.

¹⁰⁴⁵ Demerara waves. [Special domestic violence courtrooms as Police Force says registers 20 percent conviction rate](#), 12 July 2021.

¹⁰⁴⁶ Stabroek News. [Sexual harassment legislation must be drafted and enacted as soon as possible](#), 2 June 2021.

¹⁰⁴⁷ Department of Public Information, Guyana. [GPF reports 35% decrease in serious crimes from January 1 to March 31](#), 21 April 2021.

¹⁰⁴⁸ Guyana Chronicle, [Serious crimes down by 20 per cent](#), 10 September 2021.

from January to September 2021; they did so by conducting 70 interviews on cases of domestic violence and 12 on cases of sexual violence.¹⁰⁴⁹

599. With respect to the **rights of Afrodescendent persons and efforts to fight racial discrimination**, the IACHR observes that the president reported that he would continue supporting the efforts of the Caribbean Community to promote an international summit that would seek to demand reparative justice for the victims of the trans-Atlantic slave trade. In this context, he noted that reparative justice should include a total and unconditional apology from the persons responsible and from those who profited from the trans-Atlantic trade of captive African persons and their consequent enslavement.¹⁰⁵⁰ The IACHR welcomes the commitment adopted and encourages the State to continue giving impetus to processes with a view to securing full reparation for Afrodescendent persons.

600. On **persons deprived of liberty**, the Commission takes note of the measures adopted by the State to reduce overcrowding and prioritize COVID-19 vaccinations for this population. The IACHR observes that while the Government is undergoing a process of rebuilding the Lusignan Prison, which was destroyed by fire¹⁰⁵¹, efforts are being made to reduce prison overcrowding. The initiative is being pursued through actions to amend and/or repeal sections of the Plea Bargaining Act, the Parole Act, and the Narcotics Drugs and Psychoactive Substances Control Act, and the introduction of non-custodial measures, especially for persons with disabilities and persons with drug addiction.¹⁰⁵² In this context the Government announced its commitment to provide the infrastructure and human resources necessary to support the legislative amendments.¹⁰⁵³

601. As regards prioritizing access to COVID-19 vaccines, public information notes that there is a collaboration between the Guyana Prison Service (GPS) and the Ministry of Health to vaccinate persons deprived of liberty against COVID-19 throughout the country. As of early September 2021 more than 50% of persons deprived of liberty had received the first dose, while 45% had received two doses of the vaccine. In addition, almost 60% of the officers and staff members had also received both doses.¹⁰⁵⁴

602. In relation to the **death penalty**, the IACHR expresses concern over the 14 persons who are still on death row.¹⁰⁵⁵ In addition, the Commission observes that Guyana is the only South American country that has yet to abolish the death penalty and which continues imposing it even though it has not carried out executions since 1997.¹⁰⁵⁶ The Commission recalls that the death penalty is a violation of the right to life and that states should adopt measures to abolish it.

603. On the rights of **persons in human mobility**, the Commission takes note of the reinstatement of the multi-agency coordinating committee to address the arrival of Venezuelans in Guyana.¹⁰⁵⁷ In this context, the Foreign Secretary noted that the country is observing an increase in the

¹⁰⁴⁹ Guyana Legal Aid Clinic, [GLAC Region 2 Statistics January-September 2021](#); [GLAC Region 4 Statistics January-September 2021](#); [GLAC Region 5 Statistics January-September 2021](#); [GLAC Region 6 Statistics January-September 2021](#).

¹⁰⁵⁰ Stabroek News, [Ali voices support for reparations](#), 1 August 2021.

¹⁰⁵¹ IACHR, [Annual Report, Chapter IV.A "Guyana"](#) para. 459. Ministry of Home Affairs, [Visit to Lusignan Prison](#), 29 August 2021.

¹⁰⁵² Department of Public Information, [Attorney General consults with stakeholders to chart the course ahead for the Support for the Criminal Justice System Programme](#), 27 August 2021.

¹⁰⁵³ Department of Public Information, [Attorney General consults with stakeholders to chart the course ahead for the Support for the Criminal Justice System Programme](#), 27 August 2021.

¹⁰⁵⁴ Guyana Chronicle, [Over 50 per cent of prisoners vaccinated](#), 10 September 2021; Stabroek News, [Almost half of all prisoners fully vaccinated against COVID-19](#), 11 September 2021.

¹⁰⁵⁵ The Death Penalty Project, [Guyana's Court of Appeal will today hear a landmark case that could see the death penalty abolished](#), 16 June 2021.

¹⁰⁵⁶ World Coalition Against the Death Penalty, [Guyana](#), 30 August 2021.

¹⁰⁵⁷ Department of Public Information, [Government restores multi-agency coordinating committee to address influx of Venezuelan migrants](#), 23 February 2021.

number of persons seeking refugee status, mainly from Venezuela. He added that this would require increased efforts to guarantee justice and equity in responding to the situation of this population.¹⁰⁵⁸

604. The Inter-agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) indicated that Guyana's open-door policy has a positive impact on the integration of Venezuelans, as they have access to medical care and education. Moreover, the Platform noted that the State has issued permits for temporary stays of three months to regularize the stay of Venezuelans. Nonetheless, it also noted that these permits do not grant the right to work legally in Guyana; it added that the lack of work permits for the Venezuelan population is one of the main problems standing in the way of their integration, and puts them in a situation of risk of suffering some type of exploitation, in addition to keeping them in precarious socioeconomic circumstances. Finally, it emphasized that the failure to recognize degrees and certificates from Venezuela limits access to formal-sector jobs on par with persons' skills.¹⁰⁵⁹

605. The Commission observes that the Attorney-General and Minister of Legal Affairs indicated that the Government is implementing visa requirements for nationals of Haiti and Cuba. The measure is aimed at keeping the country from being used as a channel for human trafficking and contraband.¹⁰⁶⁰ In addition, the IACHR notes with concern information according to which migrants from the Warao indigenous community of Venezuela are being recruited to work in slave-like conditions in illegal mining in Guyana.¹⁰⁶¹

606. As regards the **rights of LGBTI persons**, the Commission welcomed the repeal of Section 153(1)(XLVII) of the Summary Jurisdiction (Offences) Act, Chapter 8:02, of Guyana, which criminalized cross-dressing.¹⁰⁶² The IACHR notes that the repeal was approved in line with the decision of the Caribbean Court of Justice (CCJ), which in 2018 had found the criminal statute unconstitutional.¹⁰⁶³ The Commission also welcomed the commitment of the State to eradicate discrimination against persons living with HIV, to continue the Pre-Exposure Prophylaxis program, and to address the needs of LGBTI persons.¹⁰⁶⁴

607. Nonetheless, it observes with concern that Guyana continues to criminalize consensual relations between two adults of the same sex, via a "buggery" or "sodomy" statute, which is punished by life in prison.¹⁰⁶⁵ In this respect, the Commission reiterates that provisions that punish a given group of persons for participating in a consensual sexual act or practice with another person of the same sex are not admissible, for they are directly at odds with the prohibition on discrimination based on sexual orientation.¹⁰⁶⁶ In addition, it recalls that such laws reinforce existing social prejudices and considerably compound the negative effects these prejudices have on the lives of LGBTI persons.¹⁰⁶⁷

608. In the area of **the rights of indigenous peoples**, in the context of a public hearing during the 181st period of sessions, civil society organizations denounced to the Commission the continuation of

¹⁰⁵⁸ Department of Public Information, [Government commits to fairness and equity in treatment of migrants](#), 8 March 2021.

¹⁰⁵⁹ Inter-agency Coordination Platform for Refugees and Migrants from Venezuela (RV4), [Integration Background Notes – Caribbean](#), 21 May 2021, pp. 3 and 4.

¹⁰⁶⁰ Attorney-General & Minister of Legal Affairs, [Issues in the News](#), 23 June 2021.

¹⁰⁶¹ Insight Crime, [Indígenas Warao de Venezuela, forzados a la minería ilegal en Guyana](#), 13 July 2021.

¹⁰⁶² IACHR [@CIDH]. (August 12, 2021). *#IACHR welcomes the Guyanese Parliament's vote to formally outlaw the criminal offence of so-called "cross-dressing" from the Summary Jurisdiction (Offences) Act.* [Tweet]. Twitter. <https://twitter.com/CIDH/status/1425853360914243585?s=20>. Parliament of the Co-operative Republic of Guyana, [Summary Jurisdiction \(Offences\) \(Amendment\) Act 2021](#), 11 August 2021.

¹⁰⁶³ The Caribbean Court of Justice, [McEwan and others v Attorney General of Guyana](#), 13 November 2018.

¹⁰⁶⁴ IACHR [@CIDH]. (16 June 2021). *La #CIDH saluda las declaraciones del Presidente de la República Cooperativa el #8Junio, indicando que su gobierno trabajará para proteger a las personas que viven con #VIH contra toda forma de discriminación, tanto en el sector público como en el privado.* [Tweet]. Twitter. <https://twitter.com/CIDH/status/1405250170099539975?s=20>. Parliament of the Co-operative Republic of Guyana, [Summary Jurisdiction \(Offences\) \(Amendment\) Act 2021](#), 11 August 2021.

¹⁰⁶⁵ Guyana, Sexual Offences Act, Section 354.

¹⁰⁶⁶ IACHR. Report No. 81/13, Case 12,743. Merits. Homero Flor Freire. Ecuador. 4 November 2013, para. 114.

¹⁰⁶⁷ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#). OEA/Ser.L/V/II.rev.1, Doc. 36, 12 November 2015, paras. 56, 74 and 75.

deforestation and mercury contamination in the Guyana Amazon, in the territory of the Wapishana and Macushi indigenous peoples, derived from goldmining activities.¹⁰⁶⁸

609. As for **human trafficking**, the Commission takes note of the presentation of a legislative amendment to the Combatting of Trafficking in Persons Act of 2005, which would introduce much harsher penalties; define compensatory measures for the victims; and assign specific roles to state agencies.¹⁰⁶⁹ In addition, the Commission observes that the State is working to implement the 2021-2023 Action Plan to Eliminate Trafficking in Persons, on considering that more routes would have been created that may lead to exploitation as a consequence of the increase in the movement of Venezuelans to Guyana.¹⁰⁷⁰

610. As regards the **rights of persons with disabilities**, the Commission takes note of the State's efforts to strengthen public policies¹⁰⁷¹, especially the initiatives associated with access to training¹⁰⁷² and employment programs¹⁰⁷³, and the production of disaggregated statistics that make it possible to reflect the situation of this sector of the population.¹⁰⁷⁴

HAITI

• General considerations

611. In terms of **progress**, the IACHR highlights the actions of the Citizen Protection Office (OPC) in its work to protect and promote human rights.

612. As regards **challenges**, the situation of widespread public insecurity and forced internal displacement as a result of violence continues to be of great concern. The IACHR is also concerned about the profound challenges to the stability of the country's democratic and representative institutions, as well as the strengthening of its institutions of justice and promotion of human rights. In addition, the Commission expresses concern about the levels of forced internal displacement and the increasing number of Haitian nationals in situations of mobility. It also notes the vulnerability of women, girls, boys and adolescents in the context of the crisis currently gripping the country and the actions of armed groups. Finally, it is concerned about the reports it has received about deplorable conditions of detention of persons deprived of their liberty.

613. The State did not respond to the request for information sent for the preparation of this chapter.

• Specific Topics

614. Regarding **human rights institutions**, Haiti has a Citizen Protection Office (OPC), a national, independent, and autonomous institution responsible for the protection of human rights. The Commission stresses that the advocacy and reporting work of that office continues to be crucial in the current political and social climate in Haiti, which has grown worse since the assassination of President

¹⁰⁶⁸ IACHR, [Impact of Extractive Industries on Climate Change and Human Rights in the Caribbean](#), 181st Regular Session, 26 October 2021; Planet. Gold. [Guyana](#).

¹⁰⁶⁹ IACHR [@CIDH]. (17 June 2021). #CIDH señala que #Guyana anunció que presentará una enmienda legislativa a su Ley de Combate al # Tráfico Humano de 2005, que introduce penas más severas, define medidas de compensación para las víctimas y los roles específicos de las agencias estatales. [tweet]. Twitter. <https://twitter.com/cidh/status/1405649081284841475?lang=ga>

¹⁰⁷⁰ Government of Guyana Department of Public Information, [Guyana to boost efforts to fight TIP](#), 22 March 2021.

¹⁰⁷¹ Department of Public Information, [\\$120M to support persons living with disabilities](#), 14 February 2021.

¹⁰⁷² News room, [Human Services Minister meets with Disabled People's Network](#), 1 July 2021.

¹⁰⁷³ Department of Public Information, [Society must be "reorganised" to include persons with visual disability](#), 9 November 2021.

¹⁰⁷⁴ Department of Public Information, [\\$120M to support persons living with disabilities](#), 14 February 2021.

Jovenel Moïse.¹⁰⁷⁵ This entity has publicly stated that the assassination of President Jovenel Moïse must not go unpunished and called on the Port-au-Prince Prosecutor's Office, in particular the Government Commissioner, not to be intimidated or give in to external pressures, considering that the Haitian justice system must fulfill its role by carrying out a proper investigation to prevent impunity.¹⁰⁷⁶

615. With regard to **democratic institutions**, the IACHR expressed deep regret and extreme concern about the assassination of President Jovenel Moïse in July 2021 during an attack on his private residence, which came about as a result of the worsening of a long-running political and institutional crisis.¹⁰⁷⁷ In addition, the IACHR takes note of the leadership vacuum on the Supreme Court and the lack of a quorum enabling the Legislative Branch in Haiti to function, all within the context of the broader democratic crisis. The assassination of President Moïse and the ensuing vacuum have further aggravated the already hostile political climate in the country. In this context, it notes the efforts to keep the State functioning through political agreements such as the one signed by the government and political forces. It also stresses the importance of establishing broad-based social participation processes and of the involvement of civil society, especially human rights organizations, and advocates.

616. In this context, the IACHR urged the State to take immediate steps to diligently investigate the assassination of President Moïse and to identify and punish those responsible. The Commission also urged the Haitian State to use democratic channels, strategies, and spaces to settle conflicts and disputes, with full respect for the democratic and constitutional framework. It also called on the State to create effective mechanisms for social participation and dialogue to preserve democratic institutions.¹⁰⁷⁸ The IACHR also highlights the progress made in the investigation of the assassination through the appointment of an investigating judge; however, it notes with concern the challenges for the safety of the investigators, judges, and judicial officials in charge of the investigation.¹⁰⁷⁹

617. With respect to **citizen security**, the Commission notes the levels of systemic insecurity, features of which include territorial disputes between armed groups in the capital, Port-au-Prince; retaliatory attacks against police officers; and the use of force by the Haitian National Police. Regarding the high levels of insecurity, the Commission notes that, according to widely available information, violent clashes between armed groups have resulted in numerous deaths, injuries, and the forced displacement of thousands of people.¹⁰⁸⁰ In addition, the IACHR notes that several abductions for ransom have been reported, including the kidnapping of 71 women and 30 children in the first eight months of 2021, as well as members of the clergy and foreign nationals.¹⁰⁸¹

618. As regards retaliatory attacks against the police, the United Nations Integrated Office in Haiti (BINUH) observed that during the first four months of 2021, 18 policemen were reportedly killed, and 35 injured.¹⁰⁸² Also, during a failed raid in March 2021 in *Village de Dieu*, a community controlled by armed groups, four police officers were killed, and eight more wounded.¹⁰⁸³ According to widely available

¹⁰⁷⁵ [Report on the delegation of the Colombian Ombudsman's Office in Haiti](#), July 26 to 31, 2021. Semana, [La Oficina de Protección del Ciudadano de Haití aseguró que continuará con la exigencia de investigar y juzgar a los autores del asesinato de Jovenel Moïse](#), July 28, 2021.

¹⁰⁷⁶ Haiti libre, [Haiti - Justice: The OPC asks P.M. Henry to translate "his fine speeches" into concrete actions](#), August 5, 2021.

¹⁰⁷⁷ Le Nouvelliste, [Le président Jovenel Moïse assassiné chez lui par un commando armé](#), July 7, 2021.

¹⁰⁷⁸ IACHR, Press Release No. 172/21, [IACHR Condemns Assassination of Haitian President Jovenel Moïse and Urges State to Guarantee Democratic Rule and Human Rights](#) July 9, 2021.

¹⁰⁷⁹ Haiti Libre, [Haiti - FLASH: New investigating judge in the assassination of President Moïse](#), August 24, 2021; Barbados Today, [Regional: New judge appointed to investigate assassination of President Moïse](#), August 24, 2021.

¹⁰⁸⁰ UNOCHA, [Daily Noon Briefing Highlights: Haiti - Ukraine](#) June 16, 2021; Haiti Libre, [Gang war, hundreds of people flee Martissant](#), June 7, 2021; VOA News, [Thousands of Haitians Fleeing Gangs are Unsure of Their Future](#), June 18, 2021.

¹⁰⁸¹ UNICEF, [Alarming spike in abductions of women and children in Haiti - UNICEF](#), October 21, 2021; VOA News, [Catholic Clergy Kidnapped in Haiti Released, Church Group Says](#), April 30, 2021; Le Nouvelliste, [Quinze Américains et des Haïtiens kidnappés sur la route de Ganthier](#), October 16, 2021; Center for Analysis and Research in Human Rights, [Crime Observation Cell Bulletin #6 \(mid-October\)](#), October 19, 2021.

¹⁰⁸² United Nations Security Council, [United Nations Integrated Office in Haiti: report of the Secretary-General](#) 11 June 2021, para. 21.

¹⁰⁸³ InSight Crime, [Disgruntled Police Sowing Further Unrest in Haiti](#), March 26, 2021.

information, Fantom 509, a criminal group made up of former policemen in response to retaliatory murders and whose members may include active police personnel, were reportedly involved in violent incidents in different parts of Port-au-Prince and demanded the release of jailed police agents.¹⁰⁸⁴

619. In relation to the use of force by the police, there is widely available information pointing to incidents of disproportionate use of force by the Haitian National Police during protests, including teargassing of civilians and journalists, in order to disperse public demonstrations¹⁰⁸⁵. In this context, in a press release dated February 23, 2021, the Inter-American Commission and the office of its Rapporteur for Freedom of Expression emphasized that the Haitian State has the duty to ensure the right to protest, which is a way of exercising freedom of assembly and freedom of expression. They also stressed that the State has a duty to guarantee the exercise of the right to protest, which includes the rights to peaceful, unarmed assembly and to freedom of association and expression.¹⁰⁸⁶

620. With regard to **access to justice**, the Commission highlights the creation of the Office of Mediation and Legal Education by the OPC. According to widely available information, the purpose of that office is to facilitate conflict resolution through mediation, and to receive and follow up on complaints of human rights violations and abuses in the public administration. The office also provides support and legal advice on gender-based violence. In addition, it seeks to promote effective access to justice and guarantees protection for victims of sexual violence when reporting such violence.¹⁰⁸⁷ Furthermore, the Commission notes with deep concern reports of obstacles to investigations and protection for women and girls in cases of sexual assault and other forms of gender-based violence. According to research conducted by BINUH for the 2021 Report to the UN Secretary-General, only 46 of the 126 complaints (36%) filed by victims of sexual and gender-based violence in 2020 led to judicial inquiries and none was subsequently sent to trial.¹⁰⁸⁸

621. In relation to **internal displacement**, the Commission takes note of the effect of violence by armed groups on local communities and the impact of the devastating earthquake of August 2021. According to information from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), in March 2021, approximately 3,000 people fled Tabarre Issa following repeated acts of violence by armed groups.¹⁰⁸⁹ Disputes between groups prompted waves of violence that particularly affected the metropolitan areas of Martissant, Bas-Delmas, Cité Soleil and Croix-des-Bouquets, resulting in the deaths of several civilians and the displacement of thousands more.¹⁰⁹⁰ For its part, UNICEF reported that, in a period of just two weeks between May and June, approximately 8,500 women and children were forced to flee their homes.¹⁰⁹¹

622. The Commission also noted that internal displacement was exacerbated by the devastating earthquake that struck southern Haiti on August 14, 2021. According to information from UN agencies and Haiti's Civil Protection Directorate,¹⁰⁹² the earthquake, which mainly affected the departments of Grand'Anse, Nippes, and Sud, left a toll of 2,248 deaths, 12,763 people injured, a total of

¹⁰⁸⁴ Miami Herald, [Police officers angry over botched Haiti raid demand release of slain comrades' corpses](#), March 17, 2021; Reuters, [Protesters stage jail break as demonstrations rack Haitian capital](#), March 17, 2021; VOA News, [Haiti's Rebel Police Officers Stage 2nd Jailbreak in 2 Days](#), March 19, 2021.

¹⁰⁸⁵ IACHR, Press Release No. 038/21, [IACHR Concerned About the Political and Institutional Situation in Haiti. Calls for Dialogue and Respect for Human Rights and the Rule of Law](#), February 23, 2021.

¹⁰⁸⁶ IACHR, Press Release No. 038/21, [IACHR Concerned About the Political and Institutional Situation in Haiti. Calls for Dialogue and Respect for Human Rights and the Rule of Law](#), February 23, 2021.

¹⁰⁸⁷ Le Nouvelliste, [L'OPC dispose d'un bureau de médiation et de vulgarisation juridique](#), May 17, 2021.

¹⁰⁸⁸ United Nations Security Council, [United Nations Integrated Office in Haiti: report of the Secretary-General](#), 11 June 2021, para. 42; International Legal Assistance Consortium, [Haiti: The Rule of Law in Peril](#), August 2021, p. 3.

¹⁰⁸⁹ OCHA, [Haiti: Displacement and insecurity in Tabarre Issa \(Port-au-Prince\)](#), March 31, 2021.

¹⁰⁹⁰ OCHA, [Haiti: Displacement in Port-au-Prince. Situation Report No. 4](#), July 2, 2021.

¹⁰⁹¹ UNICEF, [Haiti: about 8,500 women and children displaced by 'urban guerrilla' in two weeks](#), June 15, 2021.

¹⁰⁹² Haiti Civil Protection Directorate, [Séisme : fin des opérations de sauvetage et présentation du rapport d'étape de la réponse d'urgence](#), September 3, 2021.

83,770 houses with light to severe damage, while some 53,815 houses were completely destroyed.¹⁰⁹³ The Commission notes that according to Haiti's Civil Protection Directorate and the IOM, at least 26,245 people were forcibly displaced in the three worst affected departments; they reportedly settled in some 65 displacement sites.¹⁰⁹⁴ In addition, the Commission received information about deplorable conditions in the displacement sites, including lack of access to safe drinking water, sanitation and hygiene, all of which are critical in the context of the COVID-19 pandemic.¹⁰⁹⁵ Against that backdrop, the IACHR expressed its solidarity with the Haitian people and called on the Haitian State and the international community to prioritize medical care, access to clean water, sanitation, food, and housing for the most vulnerable in the wake of the earthquake.¹⁰⁹⁶

623. Regarding **migrants and persons in situations of human mobility**, in 2021, the IACHR observed an increase in mobility by Haitian nationals, including successive movements from third countries, expulsions (in some cases without consideration given to possible protection needs), deepening challenges for protecting people on the move, and the poor treatment of Haitian migrants in transit and destination countries. The Commission notes that the latest figures from the UNHCR indicate that there are 25,659 refugees of Haitian origin outside Haiti, and a total of 80,225 Haitian asylum claims pending.¹⁰⁹⁷ The IACHR also notes with concern that, according to information in the public domain as of the end of July, 4,189 Haitian migrants had been repatriated from 11 countries. The IACHR underscores the absence of information on measures adopted to protect the rights of repatriated persons amid the pandemic. Of the above, only 296 people were¹⁰⁹⁸ voluntarily repatriated.¹⁰⁹⁹

624. In September 2021, thousands of Haitians attempting to make their way into the United States by crossing the United States–Mexican border were intercepted by mounted U.S. immigration officers who used excessive force, eventually resulting in the forcible deportation of thousands of people to Haiti. According to information provided by civil society, the exact numbers are not known. For its part, UNICEF estimated that at least two thirds of those deported were women and children.¹¹⁰⁰ In this context, the Commission and the United Nations Special Rapporteur on the human rights of migrants condemned the mass expulsions and the use of force against Haitian migrants in Del Rio. The Commission emphasized that, in accordance with the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking,¹¹⁰¹ security at migration checkpoints should always focus on protecting migrants and their rights, and that border security operations should not be an obstacle to access to procedures that allow for an individual assessment of protection needs. In addition, the Commission stressed the duty of the United States to investigate the recent events and to punish anyone responsible for violence and excessive use of force against people in situations of mobility.¹¹⁰²

625. With regard to **trafficking in persons**, the Commission expresses its concern about reports of trafficking of children from Haiti to the Dominican Republic. According to information available

¹⁰⁹³ United Nations Security Council, [United Nations Integrated Office in Haiti: report of the Secretary-General](#) 27 September 2021, para. 53; Le Nouvelliste, [Séisme : 2 248 morts, 12 763 blessés et 329 disparus, fin officielle des opérations de sauvetage](#), September 7, 2021.

¹⁰⁹⁴ OCHA, [Haiti: Earthquake. Situation Report No. 4](#), September 7, 2007,

¹⁰⁹⁵ OCHA, [Haiti: Earthquake. Situation Report No. 5](#), September 14, 2021.

¹⁰⁹⁶ IACHR, Press Release No. 212/21, [IACHR and OSRESCER Express Solidarity with Haitian People Following 7.2 Magnitude Earthquake and Urge State and International Community to Adopt Immediate, Comprehensive Humanitarian Response](#), August 15, 2021.

¹⁰⁹⁷ UNHCR, [Refugee Data Finder](#) 30 November 2021.

¹⁰⁹⁹ IOM Haiti, [Flow monitoring at 20 border crossings between Haiti and Dominican Republic](#) August 11, 2021. The 11 eleven countries were The Bahamas, Chile, Cuba, Dominica, French Guiana, Guadeloupe, Martinique, Mexico, St. Kitts and Nevis, Turks and Caicos Islands, and the United States.

¹¹⁰⁰ UNICEF USA, [Majority Expelled to Haiti From U.S. Border Are Children and Women](#), September 23, 2021; Reuters, [Expelled from Texas, returned Haitians lament lost American dream](#), September 21, 2021.

¹¹⁰¹ IACHR, [Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking](#), December 7, 2019.

¹¹⁰² IACHR, Press Release No. 260/21, [IACHR and UN's Special Rapporteur Condemn Excessive Use of Force and Deportations of Migrants from Haiti at the United States' Southern Border](#), October 4, 2021.

to the IACHR, girls are said to be exploited in the sex industry—for the most part—and boys in forced labor.¹¹⁰³

626. Regarding **children's rights**, the Commission is deeply concerned about the increase in the actions of organized criminal groups against children and adolescents, cases of acute child malnutrition, and obstacles to access to education in areas affected by the earthquake. In relation to the activities of organized criminal groups, UNICEF noted that between September 2020 and February 2021, the number of children and women who were victims of armed attacks attributed to criminal gangs rose significantly in Haiti. It also highlighted that a total of 73 incidents were reported, including murders, injuries, rapes, and abductions. That figure marks a 62% increase compared to the September 2020 report, which documented 45 such incidents. It added that civil society organizations reported persistent kidnappings and attacks, including an attack on an orphanage in Port-au-Prince suburb in which two girls were allegedly sexually assaulted.¹¹⁰⁴

627. According to information from UNICEF, cases of acute malnutrition in children under five years old increased by 61% in 2021; an estimated 217,000 Haitian children suffer from acute malnutrition, compared to 134,000 cases of malnutrition reported in 2020.¹¹⁰⁵ With respect to access to education following the devastating earthquake in August, OCHA reported that the earthquake had damaged or destroyed more than 900 schools in three southern departments of Grand'Anse, Nippes, and Sud, affecting more than 400,000 children.¹¹⁰⁶ In this context, on October 4, 2021 the Ministry of National Education and Vocational Training announced the start of the new school year in the departments affected by the earthquake and stated that the objective would be to advance the gradual return to classes of around 300,000 students.¹¹⁰⁷

628. With regard to **persons deprived of their liberty**, the Commission notes with concern the high rate of prolonged pretrial detention, the inhumane conditions in the country's prisons, and a breakout from Croix-des-Bouquets prison in which several inmates were killed. According to information from civil society, as of September 29, 2021, the prison population numbered some 11,250 people, of whom a total of 9,236 (82%) were awaiting trial.¹¹⁰⁸ In a statement, the president of the United Nations Security Council called on Haiti to do away with the practice of prolonged pretrial detention.¹¹⁰⁹

629. Likewise, the Commission continues to observe with deep concern the deplorable conditions of detention of persons deprived of their liberty. In particular, the IACHR is concerned about reports of overcrowded, poorly lit cells, lack of adequate ventilation, limitations on access to clean water or sanitation facilities, the provision of only one meal a day, and limited or no access to medical care for this population.¹¹¹⁰ Furthermore, the Commission notes that there have been allegations of torture leveled against prison officials, including of Colombian citizens held in detention while the assassination of the President of the Republic is investigated.¹¹¹¹

¹¹⁰³ Insight Crime, [Child Trafficking Thrives Along Haitian-Dominican Border](#), March 29, 2021.

¹¹⁰⁴ Miami Herald, [Haiti orphanage attacked by armed bandits, children sexually assaulted, manager says](#), April 13, 2021; UNICEF, [Rising gang violence in Haiti is now targeting children, UNICEF warns](#), April 15, 2021.

¹¹⁰⁵ UNICEF, [Haiti: funding gap threatens the lives of nearly 86,000 children](#), 31 May 2021.

¹¹⁰⁶ OCHA, [Haiti: Earthquake, Situation Report No. 5](#), September 14, 2021.

¹¹⁰⁷ Metropole, [Environ 300 000 enfants reprennent graduellement le chemin de l'école dans le Grand Sud](#), October 4, 2021.

¹¹⁰⁸ Réseau National de Défense des Droits Humains (RNDDH), [Conditions générales de détention et statut juridique des prisonniers-ères en Haïti](#), November 4, 2021, para. 46.

¹¹⁰⁹ United Nations Security Council, [Statement by the President of the Security Council](#), S/PRST/2021/7, 24 March 2021.

¹¹¹⁰ Réseau National de Défense des Droits Humains (RNDDH), [Conditions générales de détention et statut juridique des prisonniers-ères en Haïti](#), November 4, 2021, paras. 3–42; United Nations Integrated Office in Haiti, ["N ap mouri" rapport sur les conditions de détention en Haïti](#), June 2021, p. 9.

¹¹¹¹ AP News, [Colombian ex-soldiers in Haiti accuse police of torture](#), September 10, 2021; El Colombiano, ["Fuimos torturados": exmilitares colombianos presos en Haïti](#), September 15, 2021; Reuters, [Colombian detained in Haiti alleges torture by police, lack of food](#), September 16, 2021.

630. The Commission also takes note of the escape from Croix-des-Bouquets prison, which resulted in the deaths of the prison warden and at least 29 inmates. More than 400 detainees reportedly escaped, of whom only 68 have since been caught.¹¹¹² Following these incidents, the IACHR condemned the attack and stressed the inescapable legal duty of States to adopt concrete actions to guarantee the rights to life, personal integrity and security of people deprived of their liberty. It also urged the Haitian State to diligently investigate the prison break and take the necessary measures to avoid the repetition of these events, such as increasing security and surveillance in detention centers.¹¹¹³

631. Regarding **women's rights**, the Commission is extremely concerned about the particular vulnerability in which women find themselves in the current crisis in the country. According to information from specialized international organizations, during the first five months of the year, assistance was provided to 1,347 survivors of sexual violence and 6,356 cases of physical violence.¹¹¹⁴ In addition, as of October 2021, the increase in gang violence had caused the displacement of more than 15,000 women and children.¹¹¹⁵ In addition, the Commission notes a rise in kidnappings compared to the previous year: during the first 8 months of 2021, there were 71 kidnappings of women and 30 kidnappings of children, compared to 59 and 37 such cases, respectively, reported for the same period in 2020.¹¹¹⁶

HONDURAS

• General Considerations

632. With respect to **progress** observed in 2021, the Commission was pleased that the November 28 election day transpired without any major violent incidents. It further notes that the homicide rate in Honduras continues to trend downward. The Commission observed forward steps in the judicial proceedings for the murder of Lenca indigenous defender Berta Cáceres. Likewise, it welcomes the creation of the Local Torture Prevention Boards to protect women and LGBT persons deprived of liberty, both of which are coordinated by the National Mechanism for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment (MNP-CONAPREV).

633. As for **challenges**, in 2021 the Commission was concerned over the political violence that arose in the context of the elections. It also observed continuing acts of violence and criminalization against human rights defenders, particularly indigenous persons and defenders of land, territory and the environment. It further noted backward steps in the legislative arena, such as the amendment to Article 67 of the Constitution, banning and making illegal any form of termination of pregnancy, as well as marriage equality, and the amendments to the Criminal Code that could impinge upon the right to assemble and associate.

634. On November 2, 2021, the State responded to the request for information sent to it for the drafting of this chapter.

• Specific topics

635. On the subject of **human rights institutions**, Honduras has a Secretariat of Human Rights (SEDH). In this regard, the State noted that, in 2021, a new strategic planning process was launched to

¹¹¹² Prison Insider, [Haiti: sangrienta fuga de una cárcel, se escaparon 400 presos y hay 25 muertos](#), March 17, 2021; UN Security Council, [United Nations Integrated Office in Haiti: report of the Secretary-General](#), S/2021/559, 11 June 2021, para. 30.

¹¹¹³ CIDH - IACHR [@CIDH]. (Feb. 27, 2021) #Haiti The @IACHR / #IACHR laments and condemns acts of violence occurred in the detention centre on #25Feb. According to public information, at least 25 people including a prison director, died in the context of a jail break. 1. #IACHR recalls the inescapable legal duty of States to adopt concrete actions to guarantee the rights to life, personal integrity and security of people deprived of their liberty. #PeopleDeprivedOfLiberty 2. #IACHR urges #Haiti to investigate ex officio and with due diligence these facts. In addition, the State must take the necessary measures to avoid the repetition of these events, such as increasing security and surveillance in detention centres. 3. <https://twitter.com/CIDH/status/1365730015975997441>

¹¹¹⁴ UNFPA, [Crises in Haiti leave women and girls even more vulnerable](#), 29 July 2021.

¹¹¹⁵ UNICEF, [Haiti: about 8,500 women and children displaced by 'urban guerrilla' in two weeks](#), 14 June 2021; UNICEF, [Alarming spike in abductions of women and children in Haiti-Unicef](#), 21 October 2021.

¹¹¹⁶ UNICEF, [Alarming spike in abductions of women and children in Haiti-Unicef](#), October 21, 2021.

create the 2020-2026 Institutional Strategic Plan, in order to ensure it functions effectively nationwide¹¹¹⁷. The State said that this plan is in the approval stage and seeks to increase respect for human rights in public institutions at the central and local government levels and boost the protection of the rights of vulnerable persons and populations. It also aims to reduce human rights violations and social conflict by guaranteeing compliance with the State's obligations¹¹¹⁸.

636. Honduras also has the National Human Rights Commission (CONADEH), an autonomous institution whose mandate is to ensure full enjoyment of the rights and freedoms guaranteed in the Constitution and compliance with the State's international human rights obligations.

637. Additionally, the State reported receiving the recommendations issued by the 85 States that took part in the examination of the human rights situation in this country at the 36th Meeting of the Working Group on the Universal Periodic Review of the United Nations Human Rights Council.¹¹¹⁹ Also, in compliance with its international obligations in 2021, the State noted that it submitted periodic reports to the Committee on Enforced Disappearances and to the Committee on Economic, Social and Cultural Rights, and that it is in the process of drafting reports for the Human Rights Committee and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families.¹¹²⁰

638. With respect to the **democratic institutional framework**, 2021 was an election year when the country chose the members of the legislative and executive branches of government and the representatives of municipal governments. On this score, the State reported several different steps it took to guarantee that the elections unfolded freely and transparently. These steps included approving on May 25, 2021, the new Electoral Law of Honduras, which establishes how electoral bodies are organized and function.¹¹²¹

639. The State underscored that in order to make sure the primary election process unfolded in a climate of freedom, democracy, peace and transparency, an Electoral Observation agreement was entered into for international observers and overseers from civil society organizations specialized in democracy and participation to be present, and the Regulation on Observation and Accompaniment for the 2021 Primary Election Process was approved in January 2021 and implemented. Additionally, the Regulation for the Functioning and Management of the Custody of Electoral Materials for the 2021 Primary Elections was approved.¹¹²² In this same vein, it noted that it had overseen the political campaigns of the election process.¹¹²³

640. Over this election year, the Commission observed acts of political violence. In this regard, according to the National Observatory on Violence of the National Autonomous University of Honduras (UNAH), beginning on December 23, 2020, the date of the official opening of the electoral process, up to October 25, 2021, at least 27 political actors were murdered.¹¹²⁴ On this score, the OHCHR voiced its concern over the acts of political violence occurring since the opening of the electoral process, particularly,

¹¹¹⁷ Government of the Republic of Honduras, Official Letter No. SEDH-PM-065-2021, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021.

¹¹¹⁸ Government of the Republic of Honduras, Official Letter No. SEDH-PM-065-2021, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021.

¹¹¹⁹ Government of the Republic of Honduras, Official Letter No. SEDH-PM-065-2021, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021.

¹¹²⁰ Government of the Republic of Honduras, Official Letter No. SEDH-PM-065-2021, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021.

¹¹²¹ Government of the Republic of Honduras, Official Letter No. SEDH-PM-065-2021, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, pg. 4.

¹¹²² Government of the Republic of Honduras, Official Letter No. SEDH-PM-065-2021, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, pg. 4.

¹¹²³ Government of the Republic of Honduras, Official Letter No. SEDH-PM-065-2021, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, pgs. 8 and 9.

¹¹²⁴ UNAH, [Boletín No. 4 de Violencia Política Electoral 2021](#), [Bulletin No 4 on Political Violence in the Elections 2021], November 2021.

the murder of at least two candidates of the Partido Libre, one person of the Partido Liberal and one candidate of the Partido Nacional.¹¹²⁵

641. In that context, the Commission is pleased that election day on November 28 transpired without any major violent situations arising.

642. As for other means of democratic participation, from January to September 2021, the Honduran State reported 458 social protests nationwide.¹¹²⁶ According to data from the Observatory on Protests of the Committee for Free Speech (C-Libre Honduras), the main reasons for the protests are linked to the demand for the Minister of Health to resign, because she allegedly failed to establish mechanisms to contain the COVID-19 pandemic, as well as the demands of different trade associations for back pay, salary adjustments and rebooting the economy, lower fuel prices and highway repairs.¹¹²⁷ In this context, it was reported that on February 8 and 9, 2021, several protests were held over the failure to investigate the death of student Keyla Martínez, which took place in February when she was in the custody of the National Police in La Esperanza, after being arrested for breaking the curfew imposed in response to the pandemic.¹¹²⁸ The Office of the United Nations High Commissioner for Human Rights in Honduras (OACNUDH Honduras) condemned the excessive use of force by law enforcement against people demonstrating for these reasons.¹¹²⁹

643. Additionally, the Commission observes that corruption is one of the three main problems identified by the citizens of Honduras.¹¹³⁰ The Commission was informed about the approval of several amendments to laws, including the Special Law against Asset Laundering, which could hamper the fight against corruption. Civil society organizations claim that these amendments will strip the Office of the Public Prosecutor of its power to investigate financial crimes, by imposing bank secrecy, which would keep investigations linked to crimes such as money laundering from getting to the bottom of the facts.¹¹³¹

644. As for **citizen security**, the Commission observes the homicide rate in Honduras continues to trend downward, in view of the fact that in 2011 the homicide rate hit 85.6 homicides per 100 thousand inhabitants. According to information from the State, as of June 2021, 23.17 homicides per 100 thousand inhabitants were reported and it noted that, as of July 2021, according to the Secretariat of Security (SEDS) 68 municipalities report no criminal incidents.¹¹³² Moreover, figures from the United Nations Development Program (UNDP) show that a rate of 39.0 is projected for 2021, which would be slightly higher than 2020, but lower than the previous years. According to UNDP, in 2021, Honduras

¹¹²⁵ OUNHCHR, [OACNUDH expresa preocupación por los actos de violencia política en el contexto electoral e insta a Honduras a tomar medidas para garantizar elecciones pacíficas](#), October 12, 2021. The UNHCHR reported the murder of Nery Fernando Reyes, candidate for mayor of the municipality of Santa Ana de Yusguare, Choluteca, for Partido Libertad y Refundación (LIBRE), on October 8, 2021, in the city of Choluteca; Carolina Echeverría Haylock, candidate for deputy for the Partido Liberal, on July 25, 2021, in Central District; Alejandro Cartagena Villeda, candidate for mayor of San Juan Guarita, Lempira, for the Partido Nacional, on March 29, 2021; and Félix Vásquez, human rights defender and candidate for alternate deputy of the Partido LIBRE, on December 27, 2020, in La Paz.

¹¹²⁶ State of Honduras. Report of Follow-up on Compliance with the Recommendations of the IACHR, October 2021.

¹¹²⁷ C-Libre. October 11, 2021. [Boletín Primer Semestre 2021: Observatorio de la protesta social](#); [Bulletin First Semester 2021: Observatory on Social Protest]; C-Libre. October 21, 2021. [Boletín Tercer Simestre - Julio-Septiembre 2021: Observatorio de protesta social. p. 2.](#) [Bulletin Third Semester July-September 2021: Observatory on Social Protest]

¹¹²⁸ CIDH [@CIDH]. (February 11, 2021). [La CIDH condena la muerte de Keyla Martínez](#) IACHR condemns death of Keyla Martínez] [Tweet]. Twitter..

¹¹²⁹ OUNHCHR Honduras [@OACNUDH] (February 8, 2021). [OACNUDH condena el uso excesivo de la fuerza por parte de agentes del orden público contra manifestantes en La Esperanza](#). UNHCHR condemns the excessive use of force by law enforcement against demonstrators in La Esperanza] [Tweet]. Twitter

¹¹³⁰ CESPAD, [¿Percepción o realidad? Ministerio de Transparencia un obstáculo para el combate a la corrupción](#), [‘Perception or reality? Ministry of Transparency an obstacle to combating corruption’], February 6, 2021.

¹¹³¹ CESPAD, [El silencio del Sistema Bancario sobre el dinero que los corruptos depositan en los Bancos del país](#), [‘Silence of the Banking System about the money that the corrupt deposit in the country’s banks’], November 18, 2021.

¹¹³² State of Honduras, Report Referring to Chapter IV, of Volume 1 Section “A” of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, par. 73.

recorded 1,909 homicides from January to June, an increase of 17% (278 victims) higher than in the same period of 2020.¹¹³³

645. The State reported to the Commission that in the context of the Violence Prevention Policy in Honduras and the 2011-2022 Comprehensive Policy of Coexistence and Citizen Security, it has taken measures to combat and prevent violence and conflict. It noted that in 2021, the National Congress approved a 36.25% increase over the allocation in 2017 in the budget for the Cabinet of Prevention, Security and Defense, made up of 18 public institutions.¹¹³⁴

646. On the subject of **access to justice**, the State reported that the budget approved for the judiciary in 2021 is L 2,724,882,804.0039 lempiras (approximately USD\$112,277,433.50). The State noted that the main steps taken to strengthen the judiciary and guarantee access to justice in 2021 included opening seven new judicial facilities nationwide, and five more facilities are scheduled to be completed by the end of the year. It noted that in keeping with the 100 Brasilia Rules, the Commission on Access to Justice adopted the indicators on persons living in vulnerable conditions in order to gauge level of care for these groups. The State also reported on several training courses for officers of the judiciary on a variety of topics.¹¹³⁵

647. Additionally, the State reported that the budget of the Office of the Public Prosecutor for 2021 increased by 20.62% over the 20217 budget. It noted that the Office of the Public Prosecutor has 47 prosecutor's offices nationwide and that in March 2021, a new Institutional Strategic Plan (PEI) was approved for the period of 2021-2025.¹¹³⁶ The State highlighted the budget of the Office of the Special Prosecutor for Human Rights (FEDH), and that it would be staffed with 14 prosecuting attorneys and 3 assistant prosecutors.¹¹³⁷

648. Despite these budget increases, the Commission observed that no substantive progress was made over 2021 in the investigations to identify and punish those responsible for acts of violence, murders, and mistreatment in the context of the protests that ensued after the 2017 elections. On the contrary, the Commission was informed during the pandemic about the hearings scheduled for the crimes committed in 2009 and in 2017 which, in the context of political crises, some were rescheduled for 2022 and others for late 2021.¹¹³⁸

649. The Commission also received troubling information about the high rate of impunity for crimes of murder of women which, according to the CONADEH, stands at 90%.¹¹³⁹ Furthermore, the IACHR received information about the lack of trust in investigative authorities and persistent impunity for attacks against human rights defenders.¹¹⁴⁰

650. In relation to the situation of **persons deprived of liberty**, the State reported that it is continuing to implement the "Plan for Relieving Prison Facilities of Overcrowding," under which a total of

¹¹³³ UNDP, [Análisis multidimensional de la seguridad ciudadana en Honduras](#), Multi-dimensional Analysis of citizen security in Honduras, 1st Semester 2021, October 23, 2021.

¹¹³⁴ The State noted that in 2021, the Cabinet for Prevention, Security and Defense had a budget of L. 19,081,902,511.00 (approximately \$783,183,104.42 USD).

¹¹³⁵ State of Honduras, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, pgs. 25-27.

¹¹³⁶ State of Honduras, Report Referring to Chapter IV, of Volume 1 Section "A" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, pg. 28. The State noted that the budget for 2021 of the Office of the Public Prosecutor was L. 2,105,475,158.00 (approximately \$86,755,051.15 USD).

¹¹³⁷ The State noted that the budget allocated to the FEDH is L. 14,742,732.44 (approximately \$607,466.92 USD).

¹¹³⁸ IACHR, Written brief submitted by civil society in the context of the Public Hearing "[Situación de los derechos humanos en el contexto de la pandemia en Honduras](#)" [Situation of human rights in the context of the pandemic in Honduras], held during the 181st Session, October 27, 2021, in IACHR archives.

¹¹³⁹ CONADEH, [Defensora del Pueblo de Honduras reitera su llamado a frenar la violencia contra las mujeres](#), [Honduras's Ombudsman reiterates her call to halt violence against women], September 20, 2021.

¹¹⁴⁰ Amnesty International Honduras: The conviction of David Castillo is a step toward justice, but the whole truth should be uncovered, July 5, 2021; Technical meeting (virtual) with civil society organizations of Honduras, held on September 9, 2021.

2,403 prison benefits had been granted as of September 2021, including conditional release, commutation of sentence, revision of measure, and release for terminal illness.¹¹⁴¹ It further noted that, in May, the Regulation for the Organization and Governance of the National Penitentiary Academy was approved, establishing the basic provisions to regulate the Academy in accordance with the instruction and training needs of penitentiary staff.¹¹⁴² It also asserted that documents were drawn up to enhance the treatment of persons in detention with infectious diseases.¹¹⁴³ With respect to COVID-19 vaccinations, the State reported that, as of September 17, approximately 81% of the prison population had received the first dose, and 69% had completed the full course of vaccination.¹¹⁴⁴

651. Furthermore, the Commission is concerned that pre-trial detention continues to be used too often. According to official information, as of May 2021, there were 11,589 persons documented as deprived of liberty and awaiting trial.¹¹⁴⁵ In view of the fact that the total prison population, as of September 2020, was 21,675 people,¹¹⁴⁶ this figure translates into a pre-trial detention rate of 53.47%. Additionally, the IACHR reiterates its concern over the conservatorship of the national prison system by the Intervention Commission of the Institutional Security Force (FUSINA) being extended until December 31, 2021, when decree PCM-068-2019 originally established the intervention period to be for six months and it had already been extended in 2020.¹¹⁴⁷

652. With regard to measures for the eradication of **torture**, the Commission welcomes the creation of the Local Torture Prevention Boards for the protection of women and LGBTI persons deprived of liberty, which are both coordinated by the National Mechanism for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment (MNP-CONAPREV).¹¹⁴⁸

653. As for **human rights defenders**, the State reported that as of July 31, 2021, the General Directorate of the Protection System (DGSP) had granted 421 requests for protection measures, 151 cases of which are still active. Out of these active cases, 116 protection measures are for defenders, 25 cases for journalists and social communicators and 10 cases, for justice operators.¹¹⁴⁹

654. Notwithstanding, the Commission notes that violence against human rights defenders has continued. On this score, the Commission learned of the murder of at least four defenders of the environment and territory.¹¹⁵⁰

¹¹⁴¹ State of Honduras, Report referring to Chapter IV, of volume 1 section “a” of the Rules of Procedure of the inter-American Commission on Human Rights, November 2, 2021, pg. 17.

¹¹⁴² State of Honduras, Report referring to Chapter IV, of volume 1 section “a” of the Rules of Procedure of the inter-American Commission on Human Rights, November 2, 2021, par. 94.

¹¹⁴³ State of Honduras, Report referring to Chapter IV, of volume 1 section “a” of the Rules of Procedure of the inter-American Commission on Human Rights, November 2, 2021, par. 98.

¹¹⁴⁴ State of Honduras, Report referring to Chapter IV, of volume 1 section “a” of the Rules of Procedure of the inter-American Commission on Human Rights, November 2, 2021, par. 99.

¹¹⁴⁵ Government of Honduras, Diplomatic Note No. DNDDHH-LI-316-2021, May 19, 2021, pg. 2.

¹¹⁴⁶ Institute for Criminal Policy Research at Birkbeck - University of London, [World Prison Brief data -Highest to Lowest - Occupancy level \(based on official capacity\)](#), 2021.

¹¹⁴⁷ The Gazette, Honduras, [Decreto Ejecutivo No. PCM-102-2020](#), [Executive Decree No. PCM-102-2020], adopted on December 31, 2020.

¹¹⁴⁸ In this regard, see Facebook Page of Conaprev - Mecanismo Nacional de Prevención Honduras, [Junta Local de Prevención contra la Tortura en materia de mujer privada de libertad](#). [Local Board for the Prevention of the Torture of women deprived of liberty], March 5, 2021; and SEDH, [SEDH saluda la conformación de la Junta Local de Prevención contra la Tortura para Protección de las Personas LGTBI Privadas de Libertad](#). [SEDH welcomes the creation of the Local Board of Prevention of Torture for the Protection of LGBTI Persons Deprived of Liberty, May 5, 2021.

¹¹⁴⁹ State of Honduras, Report referring to Chapter IV, of volume 1 section “a” of the Rules of Procedure of the inter-American Commission on Human Rights, November 2, 2021, pars. 28 and 29.

¹¹⁵⁰ The IACHR learned of the murders of leader Martin Pandy, president of the Garifuna Community Association of Corozal, on March 4, 2021; environmentalist leader Arnold Morazán Erazo, which took place on October 13 in Tocoa, department of Colón; environmental defender José Antonio Teruel, on September 27 in the municipality of Patuca, Olancho; environmental defender Marvin Damián Castro Molina, whose corpse was found on July 14, 2021; and of Lenca indigenous leader and environmental defender Félix Vásquez, which took place on December 26 in the municipality of Santiago de Puringla, department of La Paz.

655. The Commission also notes with concern that in 2021 the whereabouts of **Afro Honduran leaders** Alberth Sneider Centeno, Milton Joel Martínez Álvarez, Suami Aparicio Mejía and Gerardo Mizael Rochez, members of the Honduran Black Fraternal Organization (OFRANEH) are still unknown.¹¹⁵¹

656. Moreover, the criminalization of human rights defenders, especially, of those who defend the environment and their territories, continues to be an issue of concern to the IACHR. The Commission was apprised of the detention of several Garifuna women defenders in 2021, who were subjected to criminal proceedings, which reportedly arose from a civil dispute with third parties, over the failure to delimit ancestral lands of the Garifuna communities of Cristales and Río Negro.¹¹⁵²

657. The Commission also received information about criminal proceedings brought against eight environmental defenders of the Guapinol community.¹¹⁵³ On this score, the Commission was informed that the Sentencing Court of Trujillo ordered the eight Guapinol defenders to remain in pretrial detention on October 28.¹¹⁵⁴ The IACHR learned that, after more than three years in pre-trial detention, the trial against the eight defenders began on December 1, 2021.¹¹⁵⁵

658. Criminalizing defenders encourages collective stigmatization and sends an intimidating message. Furthermore, opening criminal investigations or private lawsuits against defenders with no basis has a chilling effect on their work, and can also bring human rights defense to a halt.¹¹⁵⁶

659. As for the investigation into the murder of human rights defender Berta Cáceres, on July 5, the Commission learned of the first conviction against one of the masterminds of the murder.¹¹⁵⁷ The IACHR encourages the State to move forward in fighting impunity for crimes against defenders, and to continue to diligently investigate the murder of defender Berta Cáceres in order to punish both the actual perpetrators and the masterminds.

660. The Commission was also informed of legislative reforms that could pose an obstacle to the defense of human rights in Honduras. In this regard, on November 1, the National Congress of Honduras published in the Official Gazette several amendments to the Criminal Code, including the addition of the offense of “unlawfully holding public space” as a variant of the criminal offense of usurpation. The IACHR

¹¹⁵¹ Office of the United Nations High Commissioner for Human Rights, [OACNUDH condena la desaparición forzada de Alberth Sneider Centeno, presidente del Patronato de la comunidad Garífuna de El Triunfo de la Cruz, y de tres personas más pertenecientes a la comunidad](#), [‘OUNHCHR condemns the forced disappearance of Alberth Sneider Centeno, president of the Garifuna Community Association and of three more members of the community’], July 19, 2020; Amnesty International, [Honduras: Gobierno debe encontrar garífunas desaparecidos y garantizar protección a la comunidad](#), [Honduras: Government must find disappeared Garifuna and guarantee protection for the community] July 24, 2020

¹¹⁵² IACHR, Press Release No. 195/2021, [CIDH Y OACNUDH llaman al Estado a abstenerse de criminalizar a defensoras de derechos humanos garífunas en Honduras](#), IACHR and OHCHR Call on State to Refrain from Criminalizing Garifuna Women Human Rights Defenders in Honduras, July 27, 2021. On July 10, 2021, Jenny Boden Ruiz, a Garifuna woman, currently a beneficiary of alternative measures to incarceration and, on Jun 16, Silvia Bonilla, a member of the Honduran Black Fraternal Organization (OFRANEH), were detained. At their initial appearances, both charges were dismissed without prejudice, on the grounds of a lack of evidence to support their liability. Additionally, on March 3, 2021, sisters Marianela and Jennifer Mejía Solórzano, also members of OFRANEH, were arrested. It was reported as well that at least another 28 arrest warrants are pending execution stemming from these two criminal charges.

¹¹⁵³ Request for information from the State pursuant to Article 41 of the American Convention on Human Rights. On this score, the Commission is aware that defender Jeremías Martínez Díaz was detained on November 29, 2018 and was taken into pretrial custody on December 5, 2018. Additionally, Kelvin Alejandro Romero Martínez, José Daniel Márquez, Porfirio Sorto Cedillo, José Abelino Cedillo, Ewer Alexander Cedillo Cruz, Orbín Nahúm Hernández and Arnold Javier Alemán have been in custody since August 26, 2019, with the status of pretrial detention since September 1, 2019.¹¹⁵³

¹¹⁵⁴ OUNHCHR Honduras, [OACNUDH lamenta resolución del Tribunal de Sentencia de Trujillo que ordena mantener en detención preventiva a los defensores de Guapinol](#), [OUNHCHR regrets the decision of the Sentencing Court of Trujillo holding the Guapinol defenders in pretrial detention], October 29, 2021; OMCT, [Honduras: Intimidación contra las familias de los defensores de Guapinol](#), [Honduras: Intimidation of families of Guapinol defenders], December 3, 2021.

¹¹⁵⁵ OMCT, [Honduras: Intimidación contra las familias de los defensores de Guapinol](#), [Honduras: Intimidation of families of Guapinol defenders], December 3, 2021.

¹¹⁵⁶ IACHR, [Segundo Informe sobre la Situación de las Defensoras y los Defensores de Derechos Humanos en las Américas](#), Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II, December 31, 2011, par. 76.

¹¹⁵⁷ IACHR [@CIDH](July 7, 2021). [CIDH saluda primera condena contra un autor intelectual del asesinato de la defensora Berta Cáceres](#), [IACHR welcomes first conviction of mastermind of the murder of Berta Cáceres], [Tweet]. Twitter.

believes that these amendments could lead to illegitimate restrictions on freedom of expression and peaceful assembly by limiting the exercise of protesting in public spaces, as well as by fostering the criminalization of defenders. Additionally, the Law on Money Laundering was amended to include the term “Politically Exposed Persons” (PEP from its Spanish acronym), which would include civil society organizations that manage foreign aid funds, implement different types of projects and programs and oversee, investigate, evaluate or analyze public management. The Commission is concerned that this addition to the law may lead to excessive restriction on access to international financial aid, because it means these activities might qualify under the law as “non risk management.”¹¹⁵⁸

661. In relation to the rights of **indigenous, tribal and Afro Hondurans**, the Commission observed implementation of Employment and Economic Development Zones (SEDE), which were created in 2013 under an organic law,¹¹⁵⁹ for the purpose of promoting investment and employment over large geographic areas with high or low density population. The ZEDES are supposed to enjoy functional and administrative autonomy, have the authority to establish their own policies and laws and regulations in the areas of justice, public services, municipal governance, criminal justice and prison system, and can create their own means of public dissemination. Additionally, real property within their geographic scope is subject to the rules of incorporation in the ZEDE. According to public information, the first ZEDE (Próspera) was established on Roatán Island, allegedly without consulting the Creole and Garifuna communities of that area.¹¹⁶⁰ Subsequently, such zones were implemented in Morazán (City of Morazán) and San Marcos de Colón (Orquídea). The UN expressed concern over the process of installation of the ZEDES, noting that their “implementation could pose serious risks to compliance with the general obligation of the Honduran State to respect and guarantee the free and full exercise of the rights of all inhabitants, without discrimination,” because of “the autonomy that these entities would have with respect to the administration of public services, the justice system and prison system.”¹¹⁶¹

662. The IACHR notes that most of the territorial concessions for the Employment and Economic Development Zones (ZEDES) will be made in the regions of the country with the highest presence of indigenous, Garifuna and *campesina* communities, where territorial disputes have arisen.¹¹⁶² In this regard, according to the UN, the entire northern Caribbean coast has been ceded to the ZEDES, which has seriously impacted the indigenous, Garifuna and Creole peoples. Approximately 35% of Honduran territory is being made available to the special ZEDE regime, which are “zones that are characterized by high density indigenous and Afro-descendant population with precedents of territorial conflict.”¹¹⁶³

663. This is in line with information received at the 179th session. On this score, civil society organizations reported on implementation of an economic policy that gives favorable treatment to extractive industries and encroaches on the territorial rights of indigenous peoples, Afro-descendant and rural communities. Additionally, the State reported on preventive and reparative actions such as the creation of the mining dispute task force to carve out spaces of dialogue with the communities.¹¹⁶⁴

¹¹⁵⁸ IACHR, Press Release No. 304/21, [CIDH expresa preocupación ante la entrada en vigor de las reformas legislativas que tendrían un impacto regresivo en el ejercicio del derecho a la protesta en Honduras](#), IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras, November 16, 2021.

¹¹⁵⁹ The Gazette, Decree No. 120/2013 [Ley Orgánica](#) de las Zonas de Empleo y Desarrollo Económico (ZEDE) [Organic Law of the Employment and Economic Development Zones ZEDE], September 6, 2013.

¹¹⁶⁰ DW, [Honduras: ¿soberanía a cambio de desarrollo económico?](#) [‘Honduras: sovereignty in exchange for economic development?’], March 18, 2021; La Prensa Honduras, [Representante de la ONU se reúne con isleños y Próspera](#), [‘UN representative meets with islanders and Próspera’], June 12, 2021.

¹¹⁶¹ UN, [Las ZEDE podrían suponer serios riesgos para la garantía de los derechos humanos por parte del Estado de Honduras](#), [‘ZEDEs could pose serious risks to the guarantee of human rights by the State of Honduras’], June 8, 2021.

¹¹⁶² CESPAD, [Análisis del impacto en los Derechos Humanos que dejarán las ZEDES](#), [‘Analysis of impact ZEDEs will have on human rights’], June 23, 2021.

¹¹⁶³ UN, [Las ZEDE podrían suponer serios riesgos para la garantía de los derechos humanos por parte del Estado de Honduras](#), [‘ZEDEs could pose serious risk to guarantee of human rights by State of Honduras’], June 8, 2021.

¹¹⁶⁴ IACHR, Public Hearing, [Derechos humanos y proyectos extractivos en Honduras](#), [‘Human rights and extractive industry projects in Honduras’], March 19, 2021.

664. The IACHR was also informed of a number of activities carried out in the Rio Platano Biosphere Reserve, a tract of land declared Heritage for Humanity, inhabited by several original indigenous peoples.¹¹⁶⁵ The Commission is aware that deforestation is on the rise in the area, because of illegal ranching and logging, and of the presence of drug trafficking in the area. Additionally, ancestral peoples are reportedly being illegally dispossessed of their territories through irregular land purchases¹¹⁶⁶ and a non-authorized highway is being built through the Rio Platano Biosphere Reserve.

665. Regarding the rights of **Afro-descendants and against racial discrimination**, the State reported 8 cases in which the DGSP is actively taking protection measures for Afro Honduran peoples.¹¹⁶⁷

666. Additionally, the State announced that the Office of the Public Prosecutor, through the “Project to strengthen access to justice for indigenous and Afro-descendant communities (PIAH),” opened new offices of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage (FEP-ETNIAS/PC) and launched an outreach campaign to raise awareness among indigenous peoples and Afro Hondurans about their rights. The State also reported that in the framework of actions to help indigenous peoples and Afro Hondurans, a Bilingual Intercultural Education Model (EIB) is being implemented in 15 departments of the country. In 2021, 57 additional education facilities adopted the EIB model, bringing the total to 1,175 EIB schools.¹¹⁶⁸

667. With respect to **migrants**, the Commission learned of the increased number of Haitians and their families in transit through Honduras.¹¹⁶⁹ According to official figures of the National Migration Institute (INM), as of August 3, 2021, a total of 3,930 Haitian migrants and their families had entered the territory of the State of Honduras in route to other destinations.¹¹⁷⁰ In that context, the State reported on implementation of measures aimed at: i) conducting vulnerability assessment interviews to identify potential needs for protection; ii) providing health care services free-of-charge; iii) distributing personal hygiene and bio-safety kits against COVID-19, and iv) giving Polymerase Chain Reaction (PCR) tests to rule out potential sources of COVID-19 infection.¹¹⁷¹

668. In relation to returning migrants and deportees, the most recent figures of the Comprehensive System of Assistance to Returning Migrants (SIAMIR) show that, as of November 2, 2021, a total of 46,915 people had returned to Honduras. 9,586 of these returning migrants were unaccompanied or separated children and adolescents. These figures represent a 42% rise as compared to the same period in 2020.¹¹⁷²

669. As for **internal displacement** in Honduras, the IACHR notes that, according to the most up-to-date figures of the Internal Displacement Monitoring Centre (IDMC), in 2020, there was a total of

¹¹⁶⁵ UNESCO. [Reserva de la Biosfera del Río Plátano](#); Rio Platano Biosphere Reserve, Mongabay. [Honduras: narcotráfico y ganadería disparan deforestación en la Reserva de Biosfera de Río Plátano](#). [Honduras: drug trafficking and ranching, deforestation surge in the Rio Platano Biosphere Reserve], April 4, 2021.

¹¹⁶⁶ Mongabay. [Honduras: narcotráfico y ganadería disparan deforestación en la Reserva de Biosfera de Río Plátano](#). [Honduras: drug trafficking and ranching, deforestation surge in the Rio Platano Biosphere Reserve], April 4, 2021.

¹¹⁶⁷ State of Honduras, Report referring to Chapter IV, of volume 1 section “a” of the Rules of Procedure of the inter-American Commission on Human Rights, November 2, 2021, par. 29.

¹¹⁶⁸ State of Honduras, Report referring to Chapter IV, of volume 1 section “a” of the Rules of Procedure of the inter-American Commission on Human Rights, November 2, 2021, pgs. 14, 31 and 35.

¹¹⁶⁹ IACHR, Request for information from the State of Honduras, Note 347 -21/CIDH/SE/MPCT-Art.41, July 26, 2021, IACHR Archives.

¹¹⁷⁰ State of Honduras, State’s response to request for information pursuant to Article 41 of the American Convention on Human Rights regarding the situation of Haitians in transit through Honduras. Official Letter No. SEDH-PM-040-2021, August 13, 2021, pg. 1.

¹¹⁷¹ IACHR, Request for information from the State of Honduras, Note 347 -21/CIDH/SE/MPCT-Art.41, July 26, 2021, IACHR Archives. State of Honduras, State’s response to the request of the Inter-American Commission on Human Rights for information pursuant to Article 41 of the American Convention on Human Rights regarding the situation of Haitians in transit through Honduras, Official Letter No. SEDH-PM-040-2021, August 13, 2021, pgs. 2, 5, 6 and 7.

¹¹⁷² National Social Sector Information Center. [Sistema Integral de Atención al Migrante Retornado](#), Comprehensive System for Assistance to Returning Migrants, November 2, 2021.

937,000 new natural disaster-related displacements.¹¹⁷³ This figure represents an increase of 240% over 2019.¹¹⁷⁴ Specifically, the IDMC stressed that the floods caused by hurricanes Eta and Iota caused around 175,000 displacements, which surpasses the figure for the previous 12 years combined.¹¹⁷⁵ It also noted that it has no information about further displacement events due to conflict and violence occurring in 2020.¹¹⁷⁶ It added that, even though a decrease in the homicide rate was reported in 2020, its impact on displacement could not be ascertained.¹¹⁷⁷

670. In relation to **trafficking in persons**, the Commission notes that the Secretary of State for Human Rights (SEDH) requested that human rights and justice for victims of human trafficking be placed at the center of efforts to prevent and provide support and assistance to survivors.¹¹⁷⁸ Additionally, the Commission notes that the countries of northern Central American and Mexico signed a joint declaration reiterating the need to establish partnerships for exchange of information relating to migration and trends; as well as to reinforce the transnational response to both trafficking and smuggling of migrants.¹¹⁷⁹

671. Regarding the **rights of LGBTI persons**, the Commission learned about the constitutional reform approved by the National Assembly on January 21, 2021, which locked in the ban on marriage equality in the face of possible future reforms.¹¹⁸⁰ In this regard, according to available information, the amendments to Article 112 of the Constitution were approved, expressly establishing the ban on marriage and common law unions “between persons of the same sex.”¹¹⁸¹

672. Furthermore, according to reports from civil society organizations, as of September 2021, at least 17 murders of LGBTI persons had been reported in the country.¹¹⁸² There also continues to be an impunity rate of 90% in cases of lethal violence against LGBTI persons.¹¹⁸³ Additionally, according to the Red Lésbica Cattrachas, violence against LGBTI persons and the situation of impunity have forced the survivors to migrate and request international protection in other States.¹¹⁸⁴

673. As for the **rights of children and adolescents**, the State reiterated that the National Children’s Policy was built with the participation of specialized civil society engaged in children’s issues and with the institutions that make up the Comprehensive System Guaranteeing the Rights of Children and

¹¹⁷³ IDMC, [Internal displacement in a changing climate](#), May 10, 2021, pg. 21.

¹¹⁷⁴ IACHR, [Informe Anual. Capítulo V "Honduras"](#), Annual Report, Chapter V “Honduras” 2020, par. 182.

¹¹⁷⁵ IDMC, [Internal displacement in a changing climate](#), May 10, 2021, pg. 65. IACHR, Press Release 276/20 - [La CIDH y su REDESCA expresan solidaridad con las personas afectadas por la depresión tropical Eta en países de la región, y llaman a los Estados y a la comunidad internacional a atender la situación de las personas afectadas](#), IACHR and REDESCA Express Solidarity with People Affected by Hurricane Eta in the Americas and Call on States and the International Community to Address Their Predicament, Washington, D.C., November 17, 2020.

¹¹⁷⁶ IDMC, [Honduras. Displacement associated with Conflict and Violence Figures Analysis](#), 2020, pg. 1.

¹¹⁷⁷ IDMC, [Internal displacement in a changing climate](#), May 10, 2021, pg. 63.

¹¹⁷⁸ Government of Honduras, [Ministra de la SEDH pide reforzar esfuerzos para la atención de las víctimas de trata en el centro de los esfuerzos](#), Minister of SEDH asks to boost efforts for attention to trafficking victims [placing human rights] at the center of efforts, October 19, 2021.

¹¹⁷⁹ Government of Honduras, [Triángulo Norte y México condenan tráfico y trata de personas](#), Northern Triangle and Mexico condemn human smuggling and trafficking, January 11, 2021.

¹¹⁸⁰ Legislative Branch, [La Gaceta Sección A Acuerdos y Leyes No. 35,500](#), The Gazette Section A Agreements and Laws No. 35,500] January 28, 2021.

¹¹⁸¹ UN, [La ONU manifiesta su preocupación por la aprobación de la reforma constitucional que impide el aborto y el matrimonio igualitario en Honduras](#), UN expresses its concern over approval of the constitutional amendment that prevents abortion and marriage equality in Honduras, January 23, 2021; DW, [Ratifican en Honduras reforma que prohíbe aborto y matrimonio igualitario](#), Amendment banning abortion and marriage equality approved in Honduras, January 29, 2021;

¹¹⁸² Washington Blase, [Asesinan a Erika Tatiana 10 días después del discurso de odio de JOH contra personas LGBTQ en Honduras](#), [‘Erika Tatiana murdered 10 days after JOH hate speech against LGBTQ persons in Honduras’], September 28, 2021.

¹¹⁸³ PBI Honduras, [Mesa de Acceso a la Justicia LGTB, contra la discriminación y la impunidad](#), [‘Table of Access to LGTB Justice, against discrimination and impunity’] 2021; Red Lésbica Cattrachas, report submitted to the IACHR for the preparation of the Annual Report, in IACHR archives.

¹¹⁸⁴ Red Lésbica Cattrachas, report submitted to the IACHR for the preparation of the Annual Report, available in IACHR archives.

Adolescents in Honduras (SIGADENAH), in order to make sure that it meets the protection needs of this population.¹¹⁸⁵

674. It further reported on the drafting of the 2021-2026 National Plan of Response to Violence against Children and Adolescents, which reinforces prevention actions carried out by different agencies at the national, municipal and local levels. Additionally, it noted that implementation of this plan would be strengthened by the Comprehensive System Guaranteeing the Rights of Children and Adolescents.¹¹⁸⁶ Notwithstanding, the IACHR is concerned about persistent practices it has observed of forced recruitment by *maras* and gangs;¹¹⁸⁷ reports of violence and homicides of children and adolescents;¹¹⁸⁸ child pregnancy, mostly, from rape;¹¹⁸⁹ and child labor.¹¹⁹⁰

675. With regard to the human rights of **women**, the IACHR welcomes the opening of the sixth Ciudad Mujer facility in the city of Choluteca, the purpose of which is to provide care and protection services to women victims of violence, sexual and reproductive health care services, economic autonomy assistance, among other things;¹¹⁹¹ as well as the launching of a new digital on-line training tool on these topics.¹¹⁹² It also takes note of the launching in November 2021 of the National Observatory on Gender, in order to produce disaggregated statistics to shed light on gender gaps and enhance services and programs that address violence.¹¹⁹³ Additionally, it takes note of the efforts to train public employees on gender-based violence, the rights of women and sexual and reproductive rights, highlighting the opening of the Virtual Gender School of the National Women's Institute ([apertura](#)).¹¹⁹⁴

676. Nonetheless, the IACHR observed a prevalence of femicide, sexual and domestic violence against women. According to official figures, from January 1 to June 30, 2021, 139 violent deaths of women and femicides were reported.¹¹⁹⁵ The IACHR takes note of organized civil society reports of 150 cases of violent deaths and femicides over the same period; as of November 15, 2021, the figure rose to 301 cases, with 116 cases of rape or statutory rape also being reported over the same time period. Additionally,

¹¹⁸⁵ State of Honduras, Observations of the State of Honduras on the Report Situation of Human Rights in Honduras 2019, October 2021, pg. 14.

¹¹⁸⁶ State of Honduras, Report following up on compliance with IACHR's recommendations, October 2021, pg. 15.

¹¹⁸⁷ UNHCR. ["La protección de niños, niñas y adolescentes es uno de los pilares fundamentales del trabajo del ACNUR en Honduras: corresponden al 43% de la población desplazada"](#). [The protection of children and adolescents is one of the fundamental pillars of work of UNHCR in Honduras; they make up 43% of the displaced population], February 26, 2021.

¹¹⁸⁸ Observatory on the Rights of Women of the Center for the Rights of Women (CRM), [Femicidios según edad de las víctimas - 2021](#). [Femicides by age of victims 2021], November 15, 2021. Observatory on the Rights of Women of the Center for the Rights of Women (CRM), [Femicidios 2020 según edad de las víctimas](#). [Femicides by age of victims 2020], November 16, 2020.

¹¹⁸⁹ Information provided by civil society. (Virtual) meeting with the IACHR, May 12, 2021.

¹¹⁹⁰ Secretariat of Labor and Social Security, Honduras, ["Lanzan campaña para la eliminación del trabajo infantil"](#), [Campaign launched to eliminate child labor], April 14, 2021. Secretariat of Labor and Social Security, Honduras, ["La Secretaría de Trabajo y Seguridad Social y World Vision Honduras firman Convenio de Cooperación"](#), [The Secretariat of Labor and Social Security and World Vision Honduras sign cooperation agreement], April 10, 2021.

¹¹⁹¹ INAM. [Boletín Trimestral abril-junio 2021](#), Quarterly Newsletter April-June, pg.16; Ciudad Mujer Honduras. [Estos son los servicios que te ofrecemos en Ciudad Mujer](#), [These are the services that we offer at Ciudad Mujer], visited on November 28, 2021.

¹¹⁹² UNFPA. [Ciudad Mujer Digital una herramienta de gestión del conocimiento](#), [Digital Ciudad Mujer a tool for information management] March 23, 2021

¹¹⁹³ INAM. [Lanzamiento del Observatorio Nacional de Género](#). [National Observatory on Gender launched], November 17, 2021

¹¹⁹⁴ Republic of Honduras, State's report requested by the IACHR - Chapter IV A - 2021 Annual Report of the IACHR, pgs. 32-34. Document submitted to the IACHR, on October 15, 2021. In IACHR archives; UNFPA. [UNFPA busca disminuir la violencia contra las mujeres en albergues](#), [UNFPA seeks to decrease violence against women in shelters], March 1, 2021; UNFPA. [Personal de Salud recibe capacitación para reducir mortalidad de bebés y mujeres embarazadas](#), [Health personnel receives training to reduce mortality of babies and pregnant women], April 19, 2021; Twitter, [publicación](#) publication of June 21, 2021

¹¹⁹⁵ INAM. [Boletín Trimestral sobre muertes violentas de mujeres y femicidios "MVMYF" en Honduras](#), [Quarterly Bulletin on violent deaths of women and femicide "MVMYF" in Honduras], November 9, 2021

according to statistics of the National Emergency System (911 telephone number), as of October 31, 2021, 51,052 reports of intrafamily violence had been made.¹¹⁹⁶

677. As for sexual and reproductive rights, the IACHR is concerned¹¹⁹⁷ about the amendment to Article 67 of the Constitution of the Republic of Honduras, which makes any form of termination of pregnancy prohibited and illegal, either for the pregnant person or for a third party, and establishes the constitutional protection of life from the moment of conception, specifying that only through a qualified majority of three quarters of all the members of the Plenary National Congress may this prohibition be changed, even though Article 373 of the Constitution sets forth that the Constitution may be amended by a majority of two thirds.¹¹⁹⁸ The Commission also received information about an appeal for relief against unconstitutional acts filed with the Supreme Court of Justice seeking to have the constitutional provision overturned, which is currently pending a ruling, as well as seeking to overturn the continuing prohibition on the use, sale, distribution and purchase of emergency contraceptive methods.¹¹⁹⁹

678. With respect to the rights of **persons with disability**, the IACHR received information from the State about actions taken by the Office of the Public Prosecutor to ensure judicial independence and access to justice, underscoring the work of the Office of the Special Prosecutor for Human Rights to increase knowledge about how to investigate cases of violations of the rights of persons with disability.¹²⁰⁰ Additionally, the Commission acknowledges immunization efforts of the population with disabilities against Covid-19, which according to the Secretariat of Health of Honduras, on July 26, 2021, more than 1.4 million persons with disability throughout the country were made eligible for the second dose.¹²⁰¹

679. Furthermore, the Commission notes reports of budget cuts made by the State to civil society organizations, who provide support to persons with disability, which has led to the closure of at least 80 of these organizations.¹²⁰²

JAMAICA

- **General considerations**

680. As regards **progress**, the Commission takes note of the call made by the Political Ombudsman to evaluate the general election campaign with the aim of exchanging observations, lessons learned, and recommendations among different social actors. In addition, it takes note of the implementation of a plan to fight crime and monitor police violence in Jamaica by the Independent Commission of Investigations (INDECOM). The Commission also observes the State's efforts to implement restorative justice programs and highlights the adoption of legislation against sexual harassment in the workplace. It also notes the measures implemented to reduce the prison population and to prioritize COVID-19 vaccinations in that population.

681. As for **challenges**, the Commission notes that the State has yet to establish a national human rights institution. Moreover, it observes that low electoral participation was reported in the general

¹¹⁹⁶ Center for Women's Rights. [Observatorio de violencias contra las mujeres 2021](#). ['Observatory on Violence against Women 2021'], Updated on November 15, 2021

¹¹⁹⁷ CIDH [@CIDH]. (January 22, 2021), [CIDH nota con preocupación de la aprobación de la enmienda que, al modificar el art. 67 de la Constitución](#) ['IACHR concerned about approval of amendment to Article 67 of the Constitution'] [Tweet], Twitter.

¹¹⁹⁸ Republic of Honduras. [La Gaceta Sección A Acuerdos y leyes, Decreto No. 192-2020](#), [The Gazette Section A Agreements and laws, Decree No. 192-2020] January 28, 2021

¹¹⁹⁹ IACHR. [Audiencia sobre Derechos Sexuales y Reproductivos en Honduras](#). [Hearing on Sexual and Reproductive Rights in Honduras], 180th Period of Sessions, June 24, 2021

¹²⁰⁰ State of Honduras, Report referring to Chapter IV, of volume 1 section "a" of the Rules of Procedure of the Inter-American Commission on Human Rights, November 2, 2021, pg. 30.

¹²⁰¹ Secretariat of Health of Honduras, [Capitalinos con discapacidad reciben segunda dosis de vacuna Pfizer](#), [Capital residents with disability receive second dose of Pfizer vaccination], July 26, 2021.

¹²⁰² Pasos de animal grande, [Miles de personas en desprotección: Gobierno lleva al cierre a organizaciones del sector discapacidad](#), ['Thousands of people are left without protection; Government causes closure of disability sector organizations'], February 2, 2021.

elections. The Commission is also concerned about the high homicide rate and the reports of homicides committed by the Police. It also observes with great concern the continuation of sexual violence against children and the lack of access to online education for those who live in remote areas. Finally, the Commission regrets that the State has not yet implemented measures to repeal the legislation that criminalizes abortion and consensual sexual relations between persons of the same sex; and that it has yet to abolish the death penalty.

682. The State did not respond to the request for information for the preparation of this chapter.

- **Specific considerations**

683. As regards the crosscutting issue of **human rights institutions**, the Commission observes that Jamaica has the Office of the Public Defender of Jamaica, which is a member of the Caribbean Ombudsman Association (CAROA), the Commonwealth Forum of National Human Rights Institutions, and the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies. It also has an Inter-ministerial Committee on Human Rights. Nonetheless, the IACHR is concerned that despite the recommendation to expedite the establishment of a national human rights institution, in keeping with the Paris Principles, to date such a mechanism has not been established.¹²⁰³ In this regard, the Commission has emphasized the importance of having an independent body for the promotion and protection of human rights at the national level.

684. With respect to the **democratic institutional framework**, the Commission observes that in keeping with the mandate to investigate any action taken by the political party, its members, or its sympathizers when an action may constitute a violation of the Code of Conduct agreed upon by the political parties¹²⁰⁴, the Political Ombudsman brought together various social actors to undertake the first evaluation of the campaign leading up to the general elections of September 3, 2020, with the aim of exchanging observations, lessons learned, and recommendations. According to the report of the Office of the Political Ombudsman, the participants noted that the candidates and their supporters violated the COVID-19 protocols during the election campaign due to the lack of alternative strategies for striking a balance between the health concerns associated with the virus and the democratic exercise of voting.¹²⁰⁵ In addition, the stakeholders concluded that campaign funds were improperly used to influence the elections¹²⁰⁶ and that the pandemic had a negative impact on overall voter turnout, which resulted in only 21% of the electorate electing the new administration. They also emphasized that greater citizen participation in future general elections would require changes in public accountability and good governance, as well as initiatives aimed at rebuilding trust in the political system and society.¹²⁰⁷

685. In the area of **citizen security**, the Commission takes note of the State's Citizen Security Plan to reduce crime, the country's high homicide rate, and the reports of homicides committed by the police. According to official information the Citizen Security Plan seeks to pursue a long-term transformation and development of vulnerable community spaces based on a multisectoral approach. In addition, it would have, as priority areas of outcomes: (i) reducing crime and violence; (ii) having safer spaces; and (iii) guaranteeing human and community development.¹²⁰⁸ It is also anticipated that at least 100 communities will benefit from the community transformation initiatives implemented under the Plan.¹²⁰⁹ In this respect, the Commission recalls that states should design and implement comprehensive

¹²⁰³ United Nations, General Assembly, Compilation on Jamaica, Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/36/JAM/2, February 27, 2020.

¹²⁰⁴ Political Ombudsman (Interim), [The Political Ombudsman \(Interim\) Act](#), August 15, 2002, PART III. Functions of Political Ombudsman, 12.-(1)(a), (b).

¹²⁰⁵ Office of the Political Ombudsman, [2020 General Election Campaign Review Report](#), 2021, p. 5.

¹²⁰⁶ Office of the Political Ombudsman, [2020 General Election Campaign Review Report](#), 2021, p. 6; Jamaica Gleaner, [Vote-buying spree: Electors demanded hike for COVID polls - ombudsman report](#), 3 June 2021.

¹²⁰⁷ Office of the Political Ombudsman, [2020 General Election Campaign Review Report](#), 2021, p.15.

¹²⁰⁸ Jamaica Information Service, [\\$43 Billion To Be Spent On Implementation Of CSP In Five Years](#), 2 March 2021.

¹²⁰⁹ Jamaica Information Service, [Gov't Establishes Citizen Security Secretariat](#), 18 February 2021.

public policies that simultaneously develop specific actions and strategic plans that are operational, regulatory, and preventive, in compliance with their international obligations to protect and guarantee citizen security.¹²¹⁰

686. With respect to the homicide rate, the IACHR observes that Jamaica has the highest homicide rate in Latin America and the Caribbean, with 46.5 per 100,000 population. According to the Jamaica Constabulary Force (JCF), a total of 1,130 homicides were reported from January 1 to October 16, 2021, compared to 1,035 homicides during the same period in 2020. This figure represents a 9.2% increase in the number of reported homicides.¹²¹¹ In addition, the JCF reported a 23% increase in the seizure of illegal firearms during the same period.¹²¹²

687. On the other hand, the IACHR expresses its deep concern over the continuing homicides committed by the police. According to the most recent data from the Independent Commission of Investigations (INDECOM), from January 1 to October 30, 2021, a total of 109 fatal shootings by members of security forces were reported.¹²¹³ In addition, the Commission notes with concern the 122 cases of assault, 71 cases of shootings by firearms, and 33 fatal shootings reported for the second quarter of the year, also committed by the police.¹²¹⁴ In this regard, the Commission welcomes the monitoring done by the INDECOM¹²¹⁵, which is in line with the recommendation to exercise due diligence in the independent and impartial investigation and prosecution of police abuses, ensuring accountability and punishment of the persons responsible for violations, and reparation for the victims.¹²¹⁶

688. As for **access to justice**, the Ministry of Justice announced the establishment of more parish justice centers to carry out restorative justice programs, dispute resolution, and other initiatives related to access to justice. According to information available to the IACHR, these centers also serve as a point of contact for the justices of the peace to increase access to justice services.¹²¹⁷ Moreover, the Commission notes that the restorative justice program has been recognized as useful for minimizing reprisals after a crime has been committed and for repairing deteriorated relationships by bringing together the offenders, victims, and the community.¹²¹⁸

689. As regards **children and adolescents**, the Commission is concerned about the high incidence of cases of sexual violence and the delay on the part of the State in providing access to education for children who live in low-income rural and urban communities. According to official information, from January to June 2021, a total of 1,203 reports of sexual abuse of children and adolescents were registered.¹²¹⁹ In this context, UNICEF appealed to justice and law enforcement systems to punish persons guilty of long-term physical and psychological impact on children by the commission of these crimes. It also called on all sectors to address sexual abuse at all levels.¹²²⁰ In this regard, the Commission urges the State to take all measures necessary to ensure the physical integrity of these children and to give them medical and psychological care. It also recalls that the State has a binding obligation to adopt specific and special

¹²¹⁰ IACHR, [Report on Citizen Security and Human Rights](#), OEA/Ser. L/V/II, Doc. 57, 31 December 2009, para. 232.

¹²¹¹ Jamaica Constabulary Force, [Crime Statistics: January 1-October 16, 2021](#), October 2021.

¹²¹² Jamaica Constabulary Force, [ICF Records 23 Percent Increase in Gun Seizures Since 2021](#), 2021.

¹²¹³ INDECOM, [2021-Security Forces Fatal Shootings](#), 2021. N.B: INDECOM was established in 2010 following a public hearing on 22 March 2010, by the Commission on police killings in Jamaica.

¹²¹⁴ INDECOM, [The INDECOM Quarterly: April-June, 2021](#), 2021, p. 4.

¹²¹⁵ This monitoring mechanism was given recognition by Amnesty International –see Amnesty International, [Police in the Spotlight: Towards Police Accountability for Human Rights Violations in the Americas](#), 2021, p. 4.

¹²¹⁶ IACHR, [African Americans, Police Use of Force, and Human Rights in the United States](#), OEA/Ser.L/V/II. Doc. 156/18, adopted 26 November 2018, recommendation 21, p. 313.

¹²¹⁷ Jamaica Information Service, [More Justice Centers Coming](#), 3 February 2021.

¹²¹⁸ Jamaica Information Service, [Jamaicans Encouraged to Use Restorative Justice to Resolve Conflicts](#), 31 January 2021.

¹²¹⁹ Jamaica Information Service, [Gov't Strengthening Legislation to Protect Children](#), 31 October 2021.

¹²²⁰ UNICEF, [Confronting the epidemic of child sexual abuse demands action by all of us](#), 4 June 2021. This article was published in the Gleaner newspaper. Refer to The Jamaica Gleaner, [Mariko Kagoshima | Confronting the crisis of child sexual abuse in Jamaica](#), 4 June 2021.

measures, and to incorporate a holistic, multisectoral, and comprehensive approach that responds to the structural and endemic causes of violence, especially sexual violence.¹²²¹

690. As regards access to education, the IACHR emphasizes UNICEF's concern over the lack of access to education for at least 120,000 children who live in low-income rural and urban communities. According to information available to the Commission, these children have not had continued or reliable access to the Internet or electronic devices since the beginning of the pandemic, which makes it impossible for them to further their academic and vocational studies.¹²²² The State emphasized its commitment to provide electronic devices and to develop a national framework for accessing the Internet and broadband, which would benefit all students in the country independent of their socioeconomic status or geographic location.¹²²³ The Commission recalls in this regard that closing schools during the pandemic should not further aggravate educational inequalities based on gender, poverty, disability, ethnic origin, religion, or geographic location, among other factors.¹²²⁴

691. As regards **the human rights of women**, the IACHR values the measures adopted in 2021 in conjunction with the Spotlight Initiative and civil society organizations to improve attention for victims of gender violence. In particular, it notes: (i) the opening of new domestic violence intervention centers (DVICs)¹²²⁵; (ii) trainings for front-line personnel¹²²⁶; and (iii) strengthening complaint lines and centers providing care for women, girls, and adolescent females who are survivors of gender violence.¹²²⁷ The IACHR also welcomes the approval, in October 2021, of the law that expressly prohibits sexual harassment in the workplace and also creates a specialized court for hearing such complaints.¹²²⁸

692. It also welcomes the Cabinet's approval for the Domestic Violence Act to be amended with the aim of strengthening and expanding its definition to include other forms of violence, such as psychological, emotional, and sexual violence.¹²²⁹ Finally, the IACHR laments the persistence of the total criminalization, with life imprisonment, for the voluntary interruption of pregnancy¹²³⁰; nonetheless, it notes that according to available public information the Parliament is discussing the possibility of amending the legislation so as to decriminalize such conduct.¹²³¹

693. As regards the rights of **LGBTI persons**, the IACHR notes the persistence of laws that criminalize consensual sexual activity between persons of the same sex. In this respect, the Inter-American Commission published merits reports in which it called on the State to repeal the articles of the Crimes

¹²²¹ IACHR, [Report 233/19. Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean](#), 14 November 2019, paras. 239 and 240.

¹²²² Jamaica Gleaner, [Thousands of 'can children are lost to learning: They need our support](#), 26 August 2021.

¹²²³ Jamaica Information Service, [Prime Minister Committed to Combatting Learning Loss](#), 15 May 2021.

¹²²⁴ IACHR, [Practical Guide 02: How to ensure access to the right to education for children and adolescents during the COVID-19 pandemic?](#), December 2020, p.10.

¹²²⁵ Jamaican Observer, [Response to Domestic Violence Intervention Centres 'tremendous' Security Ministry](#), 9 June 2021.

¹²²⁶ Ministry of Culture, Gender, Entertainment and Sport, [Gender-based violence training for front-line work](#), 30 April 2021.

¹²²⁷ UNFPA, [Supporting survivors of family violence-working with Woman Inc. and the Bureau of Gender Affairs Jamaica](#), 29 June 2021.

¹²²⁸ Jamaican Parliament, [The Sexual Harassment Act](#), 2021; Ministry of Culture, Gender, Entertainment and Sport, [Grange welcomes passage of sexual harassment legislation](#), 15 October 2021.

¹²²⁹ Ministry of Culture, Gender, Entertainment and Sport, [Cabinet gives nod for Domestic Violence Act to be amended](#), 30 April 2021.

¹²³⁰ Ministry of Justice, [The Offences Against the Person Act](#), 2017.

¹²³¹ NN News, [Parliamentary Support Growing for Push to Legalise Abortion in Jamaica](#), 13 January 2021; Reuters, [Feature-Jamaicans share 'deepest secrets' in fresh push to allow abortion](#), 18 February 2021; The Gleaner, [Next move on abortion trail](#), 11 January 2021; Vice World News, [Jamaica could finally decriminalize Abortion](#), 13 April 2021.

Against the Person Act that criminalize consensual activity, in private, between adults and sexual conduct between men who have sex with other men or with gay men.¹²³²

694. Accordingly, the IACHR reiterates that provisions that punish a certain group of persons for participating in a consensual sexual act or practice with another person of the same sex are not admissible, for they are directly at odds with the prohibition of discrimination on grounds of sexual orientation.¹²³³ In addition, the IACHR recalls that these laws reinforce already-existing social prejudices and considerably increase the negative effects these prejudices have on the lives of LGBTI persons.¹²³⁴

695. As regards **persons deprived of liberty**, the Commission takes note of the State's efforts to reduce the number of persons deprived of liberty and to ensure this population access to the COVID-19 vaccine. In this respect, the most up-to-date figures of the *World Prison Brief* indicate that as of August 31, 2021, a total of 3,179 persons were deprived of liberty; this figure reflects a 39% decline in this population from 2009 to 2021.¹²³⁵ The Commission also takes note of the Government's efforts to implement a less punitive policy and more oriented to successful outcomes for this population. In this context, the Ministry of National Security noted that the Prison Act would be revised in keeping with the Offender Management Policy (OMP) to improve public safety by rehabilitating persons deprived of liberty. It added that the new OMP would provide support to persons from the moment they enter prison until their full reintegration in their communities by: (i) implementing needs assessment programs; (ii) providing interventions when necessary, and (iii) expanding partnerships with various sectors of the country.¹²³⁶

696. As regards ensuring access to the COVID-19 vaccine for persons deprived of liberty, the IACHR notes that on April 30, 2021, a collaboration was initiated among the Department of Correctional Services, the Department of Health, and the Jamaica Defence Force to facilitate vaccination in the Tower Street Adult Correctional Centre.¹²³⁷ Nonetheless, the Ministry of National Security expressed its concern since at least 90% of the prison population was hesitant to receive the COVID-19 vaccine.¹²³⁸ Similarly, civil society observed this situation and urged persons deprived of liberty to get vaccinated.¹²³⁹ In this respect, the Commission recalls that pursuant to its Resolution No. 01/2021 states should prioritize vaccinating persons at greatest risk in light of their special situation of vulnerability.¹²⁴⁰

697. With respect to the **death penalty**, the IACHR is deeply concerned by the recent call by the prime minister to impose the death penalty for illegal possession of firearms.¹²⁴¹ The Commission is particularly concerned considering that no one has been sentenced to death since the last execution in 1988, and that at this time no one has been sentenced to death. The IACHR recalls that the death penalty is a violation of the right to life and reiterates its appeal to the State to adopt measures to abolish capital punishment.

698. As regards **human trafficking**, the Commission takes note of actions undertaken by the State to: (i) update the Trafficking in Persons Act with the aim of effectively combatting this crime and ensuring that the legislation is in line with the current reality; (ii) establish a police force specialized in

¹²³² IACHR, Report on the Merits 400/20, Case of Gareth Henry and Simone Carline Edwards v. Jamaica, 31 December 2020, and Report on the Merits 401/20 TB and SH v. Jamaica, 31 December 2020.

¹²³³ IACHR. Report No. 81/13, Case 12,743. Merits. Homero Flor Freire. Ecuador. 4 November 2013, para. 114.

¹²³⁴ IACHR Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas. OEA/Ser.L/V/II. rev. 1, Doc. 36, 12 November 2015, paras. 56, 74 and 75.

¹²³⁵ World Prison Brief, [Jamaica](#), 2021.

¹²³⁶ Jamaica Information Service, [Amendments Coming To Deal With Prohibited Items In Prisons](#), 27 September 2021.

¹²³⁷ Department of Correctional Services, [The first batch of COVID-19 Vaccine administered to inmates](#), 1 May 2021.

¹²³⁸ Jamaica Loopnews, [90% COVID vaccine hesitancy among local prison inmates - Samuda](#), 9 May 2021.

¹²³⁹ Jamaica Gleaner, [Inmates get vaxxed!](#), 24 October 2021.

¹²⁴⁰ IACHR, Resolution No. 01/2021, [COVID-19 Vaccines and Inter-American Human Rights Obligations](#), 6 April 2021, para.

8.

¹²⁴¹ Prime Minister Holness, [Jamaica Labour Party: 78th Anniversary Annual Conference](#), 28 November 2021.

trafficking in persons; and (iii) introduce a curriculum in the secondary schools to promote greater awareness of this phenomenon among students and teachers.¹²⁴²

MEXICO

• General Considerations

699. As regards **progress**, the Commission observes the adoption of state measures to implement the National Registry of the Crime of Torture (RENADET: Registro Nacional del Delito de Tortura), as well as to continue implementing the National Search System, specifically the adoption of the Additional Protocol for Searching for Children and Adolescents (PABNNA: Protocolo Adicional para la Búsqueda de Niñas, Niños y Adolescentes), the start-up of the Extraordinary Mechanism for Forensic Identification (MEIF: Mecanismo Extraordinario de Identificación Forense), and the creation of the Roundtable to Search for Disappeared Migrants. In addition, the IACHR welcomes Mexico's invitation to the United Nations Committee on Enforced Disappearance (CED) and the ruling by the Supreme Court of Mexico on the obligatory nature of the urgent actions issued by the CED. The Commission also takes positive note of the legislative progress recognizing the right to marriage equality, the right to gender identity, as well as the prohibition on efforts to correct sexual orientation and gender identity and the adoption of such statutes in more states of Mexico; and on progress in the case-law of the Supreme Court on the decriminalization of abortion and the regulation of conscientious objection to abortion. The IACHR welcomes the designation of the director of the Executive Committee for Attention to Victims (CEAV: Comisión Ejecutiva de Atención a Víctimas).

700. With respect to **challenges**, the IACHR received reports of arrests, forced returns, and excessive use of force against the population in contexts of human mobility, and took stock of the situation of violence and risk faced by children and adolescents as they are victims of trafficking, disappearance, and forced recruitment in Mexico. The Commission also observes an adverse context for the defense of human rights characterized by an increase in the killings of human rights defenders, as well as by the continuity of official statements stigmatizing and criminalizing such efforts. The IACHR also received reports on the situation of violence and armed attacks that some Indigenous communities and peoples face in various regions of the country, and the persistence of alarming figures of femicides and disappearances. Moreover, one observes a context in which civilian activities are being concentrated in the armed forces, as and laws and regulations have been adopted that obstruct the inspection of and access to information on large-scale infrastructure projects that have been called into question in the courts.

701. The State presented a response to the request for information sent for the preparation of this chapter on September 18, 2021.¹²⁴³

• Specific issues

702. As regards the **human rights institutional framework**, the State forwarded information on multiple trainings given to judicial branch personnel on international human rights standards.¹²⁴⁴ In addition, the IACHR learned that on December 9, 2021, the Senate confirmed the new director of the CEAV after a year in which no one held the position.¹²⁴⁵ The Commission welcomes the training and the designation of the director of the CEAV in December 2021; the failure to fill the position was a constant grievance of victims' groups and civil society organizations. The IACHR observes that the National System

¹²⁴² Government of Jamaica, [Government to Further Amend Trafficking in Persons Act](#), 13 March 2021.

¹²⁴³ Mexican State, Report of the Mexican State for the 2021 Annual Report of the IACHR, September 17, 2021, submitted with Diplomatic Note OEA304 Exp. 4.8.0.1. September 18, 2021. [Hereinafter "Report of the Mexican State, Chapter IV. September 18, 2021."]]

¹²⁴⁴ Report of the Mexican State. Chapter IV. September 18, 2021, paras. 34-49.

¹²⁴⁵ La Jornada, [Colectivos y familiares urgen al Senado a que nombre titular de CEAV](#), October 3, 2021; Senate of the Republic, [Proponen aumentar requisitos para presidir la CEAV](#), February 11, 2021.

for Attention to Victims has not met since May 2015¹²⁴⁶, thus it expects that the designation of the director of the CEAV will make it possible to reactivate this forum.

703. Regarding the **democratic institutional framework**, the IACHR observes that in June 2021 Mexico held multiple elections simultaneously, electing the largest number of authorities in its history. In this regard, the State reported on the agreement of the INE to guarantee gender parity in seven of the 15 governors' contests that took place in the electoral period, as well as the modification of the criteria for registering federal legislators to ensure the proportional representation of Indigenous and Afro-Mexican persons, persons with disabilities, and LGBTI periods.¹²⁴⁷ The State also reported on the response to complaints and reports of political violence for reasons of gender, as well as with respect to the National Registry of Persons Sanctioned for Gender-based Political Violence.¹²⁴⁸ The IACHR also learned of complaints over the purported usurpation of candidacies reserved for Indigenous and Afro-Mexican persons as well as reports of gender-based political violence. With respect to the acts of violence against political actors in the context of the elections, the Commission called on the State to continue adopting measures to prevent risks and to ensure the security and protection of candidates, and to diligently investigate the acts of violence.¹²⁴⁹

704. With respect to **access to justice and judicial independence**, the IACHR learned of the concerns of civil society organizations in relation to the reform of the Organic Law of the Office of the Attorney General of the Republic (Fiscalía General de la República: FGR) regarding the possible elimination of judicial guarantees for victims recognized by law, purported negative impacts on the professionalization of prosecutors, and efforts to eliminate the compulsory participation of the FGR in forums for inter-institutional coordination on human rights.¹²⁵⁰ While the new legislation maintains the participation of the FGR in bodies for inter-institutional coordination and recognizes victims' rights, organizations point to the persistence of impairments on the independence of the prosecutorial organs and on models for investigating macro-criminality, and they note that it does away with the obligation to consider the opinion of the Citizen Council in the Strategic Plan for Pursuing Justice.¹²⁵¹ The IACHR also expressed its concern over the legislative reform of the Organic Law on the Judicial Branch of the Federation, which resulted in the adoption of a transitory article that would expand the term of the chief judge of the Supreme Court, and of several positions on the Federal Judicial Council, beyond the constitutional term.¹²⁵² In this respect, the IACHR observes that the plenary of the Supreme Court found the transitory article in question to be unconstitutional.¹²⁵³

705. As for **citizen security**, the Commission observes that in October 2021 the Supreme Court ruled on constitutional motion 64/2019 brought by the National Commission on Human Rights, challenging the validity of several provisions of the National Use of Force Act (LNUF: Ley Nacional sobre el Uso de la Fuerza). According to public information, the Supreme Court found that the federal Congress engaged in legislative omissions for failing to provide that the use of force be subject to the principle of reasonableness and opportunity.¹²⁵⁴ Information from civil society groups indicates that a finding that Articles 27 and 28 of the LNUF are constitutional would authorize the security forces to intervene in demonstrations or public assemblies that may become violent; in addition, ambiguities would persist with respect to the

¹²⁴⁶ Senate of the Republic, [Urgen convocar a reunión a los integrantes del Sistema Nacional de Atención a Víctimas](#), March 16, 2021.

¹²⁴⁷ Report of the Mexican State. Chapter IV. September 18, 2021, paras. 155-177.

¹²⁴⁸ Report of the Mexican State. Chapter IV. September 18, 2021, paras. 178-189.

¹²⁴⁹ IACHR, Press Release 138/21, [IACHR Asks Mexico to Prevent and Punish Violence in the Upcoming Election Process](#), Washington D.C., May 27, 2021.

¹²⁵⁰ IACHR, Press Release 37/21, [IACHR Calls on Mexico to Ensure that Any Changes to its Constitutional Law on the Office of the Attorney General Are Debated with Significant Citizen Participation and Reflect the Country's International Human Rights Commitments](#), Washington D.C., February 22, 2021.

¹²⁵¹ México Evalúa, [Gertz Manero y diputados reviven a la PGR y traicionan a las víctimas](#), April 23, 2021.

¹²⁵² IACHR, <https://twitter.com/CIDH/status/1383186311876636673?s=20>, April 16, 2021.

¹²⁵³ Animal Político, [Corte declara inconstitucional ampliación de mandato de Arturo Zaldívar](#), November 16, 2021.

¹²⁵⁴ Supreme Court of Mexico, Press Release No. 326/2021, [La Suprema Corte declara la existencia de diversas omisiones legislativas, así como la invalidez de una porción normativa de la Ley Nacional sobre el Uso de la Fuerza](#), October 26, 2021.

classification of arms and the drawing up of reports by agents who use firearms, among other concerns.¹²⁵⁵ The IACHR further observes that after the adoption of the Organic Law on the Armed Forces, the armed forces have powers in respect of public security tasks in migration, port control, and the construction of state projects, such as the Tren Maya (Mayan Train).¹²⁵⁶

706. In the area of **forced disappearance and persons missing** the IACHR notes with concern that as of December 2021, 95,000 persons have been reported disappeared or missing.¹²⁵⁷ Without prejudice to the foregoing, the Commission values the adoption of the Additional Protocol for Searching for Children and Adolescents (PABNNA)¹²⁵⁸, the strengthening of the forensic capacities of federal agencies by promoting the construction of centers for human identification and centers for forensic safekeeping with federal subsidies¹²⁵⁹, the start-up of the Coordinating Group of the Extraordinary Mechanism for Forensic Identification (MEIF)¹²⁶⁰, as well as the adoption of the agreement to create the Roundtable to Search for Disappeared Migrants by the National Search System.¹²⁶¹ The IACHR also welcomes the invitation to the CED to visit Mexico in November 2021, the Supreme Court decision recognizing the obligatory nature of the urgent actions issued by the CED¹²⁶², as well as the creation of the Truth Commission to clarify gross human rights violations committed from 1965 to 1990.¹²⁶³ The IACHR now observes that according to information from civil society, the forensic emergency comes to more than 52,000 bodies, corpses, or bony remains of deceased persons who have not been identified, in the custody of the state authorities.¹²⁶⁴ In addition, the Commission observes obstacles at the federal and state levels to guaranteeing the participation of family members of persons disappeared and civil society organizations in the adoption of laws¹²⁶⁵, legislative reforms¹²⁶⁶, and judicial procedures regarding the unconstitutionality of legal

¹²⁵⁵ Centro PRODH, [Valida SCJN normas ambiguas sobre uso de la fuerza letal y protesta](#), October 27, 2021.

¹²⁵⁶ Expansión Política, [El Congreso concreta la aprobación de la nueva ley de la Marina](#), September 9, 2021.

¹²⁵⁷ Ministry of Interior, [Versión Pública del Registro Nacional de Personas Desaparecidas y No Localizadas](#), date consulted: December 3, 2021.

¹²⁵⁸ IACHR, <https://twitter.com/CIDH/status/1383037926066520064?s=20>, April 16, 2021; Official Gazette of the Federation, [Acuerdo SNBP/002/2021 por el que el Sistema Nacional de Búsqueda de Personas aprueba el Protocolo Adicional para la Búsqueda de Niñas, Niños y Adolescentes](#), July 15, 2021; IACHR, <https://twitter.com/CIDH/status/1415804689493413897?s=20>, July 15, 2021.

¹²⁵⁹ Ministry of Interior, [Centro Estatal de Búsqueda e Identificación Forense en SLP, herramienta para enfrentar búsqueda de personas](#), February 10, 2021; Ministry of Interior, [Se reitera el compromiso del gobierno federal en la búsqueda de personas desaparecidas](#), February 26, 2021; El Siglo, [El panteón forense de Jalisco presenta un avance del 40 por ciento](#), October 29, 2021; Report of the Mexican State. Chapter IV. September 18, 2021, para. 297.

¹²⁶⁰ Ministry of Interior, [Se presenta a personas integrantes del Grupo Coordinador del Mecanismo Extraordinario de Identificación Forense](#), August 30, 2021; IACHR, <https://twitter.com/CIDH/status/1432705884673749022?s=20>, August 31, 2021.

¹²⁶¹ Second session of the National Search System 2021, November 9, 2021; Ministry of Interior, [Aprueba SNBP mecanismos de búsqueda de personas migrantes desaparecidas](#), November 9, 2021; IACHR, <https://twitter.com/CIDH/status/1458462923702128643?s=20>, November 10, 2021.

¹²⁶² Report of the Mexican State. Chapter IV. September 18, 2021, para. 297; IACHR, <https://twitter.com/CIDH/status/1405663981948309505?s=20>, June 17, 2021.

¹²⁶³ Official Gazette of the Federation, [Decreto por el que se crea la Comisión para el Acceso a la Verdad, el Esclarecimiento Histórico y el Impulso a la Justicia de las violaciones graves a los derechos humanos cometidas de 1965 a 1990](#), October 6, 2021; IACHR, <https://twitter.com/CIDH/status/1446596411722711044?s=20>, October 8, 2021.

¹²⁶⁴ Movimiento por nuestros desaparecidos en México, [Más de 52 mil personas fallecidas sin identificar en México según cifras oficiales: Informe del MNDM](#), August 26, 2021.

¹²⁶⁵ Proceso, [Congreso aprueba ley de desaparecidos de Barbosa y desdeña propuesta de colectivos](#), August 24, 2021; Universidad Iberoamericana de Puebla, [Más de 60 organizaciones, colectivos y espacios académicos hacemos un llamado al H. Congreso del Estado de Puebla para que se garantice que la ley en materia de desaparición y búsqueda de personas que se apruebe, contenga los más altos estándares de protección para las personas desaparecidas y sus familiares](#), August 16, 2021.

¹²⁶⁶ IACHR, Press Release 37/21, [IACHR Calls on Mexico to Ensure that Any Changes to its Constitutional Law on the Office of the Attorney General Are Debated with Significant Citizen Participation and Reflect the Country's International Human Rights Commitments](#), Washington D.C., February 22, 2021.

provisions¹²⁶⁷ that could impact the search for disappeared persons and the investigation into crimes associated with disappearance.

707. On the eradication of **torture**, the Commission observes that the first chamber of the Supreme Court ruled that the inoperative status of the National Registry of the Crime of Torture (RENADET) constitutes an omission of the prosecutorial authorities when it comes to diligently investigating the crime of torture.¹²⁶⁸ On this point, the State pointed to the adoption of state measures for implementing the RENADET in three stages: (i) technological operation of the platform and safety certificate; (ii) agreements with state institutions and data capture; and (iii) producing statistical reports, validating information, and administering information. Mexico reported the termination of the first phase and noted efforts are under way with the state's prosecutorial authorities, the CEAV, and the CNDH to make known the guidelines for operations and methods of capture, in addition to which statistical reports are being produced with the available information.¹²⁶⁹ The State also indicated that the Office of the Special Prosecutor for Investigating the Crime of Torture of the FGR is engaged in 3,604 preliminary inquiries and 585 investigations for the crime of torture.¹²⁷⁰ The IACHR did not receive information on preliminary inquiries or investigations, or prosecutions under way in the domestic courts.

708. As regards the protection of **human rights defenders**, the IACHR takes note that the Mechanism for the Protection of Journalists and Human Rights Defenders has incorporated 1,506 persons, 1,011 of whom are human rights defenders and 495 journalists.¹²⁷¹ Without prejudice to the foregoing, as of early November 2021 the Commission documented the assassination of at least 10 human rights defenders.¹²⁷² In this respect, the IACHR observed that this violence affected in particular Indigenous rights defenders and defenders of the environment.¹²⁷³ Moreover, family members and organizations of family members of disappeared persons faced more risks of suffering threats and reprisals¹²⁷⁴, impairments of their integrity and personal liberty¹²⁷⁵, and even having their lives taken¹²⁷⁶ because of their work. The Commission highlights that these situations are aggravated when forensic inspections or search actions are performed in the field.¹²⁷⁷ The IACHR takes note of the information from the State indicating the adoption of measures of protection and investigation into the assassination of a member of the Colectivo Madres Buscadoras (Collective of Mothers Searching) of Sonora.¹²⁷⁸ In addition, during 2021 stigmatizing statements continued to be made by the state authorities against civil society organizations, which were

¹²⁶⁷ Frayba, [Magistrados del Tribunal Superior de Justicia del Estado de Coahuila, coludidos con la Fiscalía del Estado, obstruyen el derecho a la justicia de las víctimas de desaparición y sus familias](#), November 1, 2021; CNB, [Amicus Curiae presentado por la CNB](#), October 14, 2021; OHCHR, <https://twitter.com/ONUDHmexico/status/1453797979392028675?s=20>, October 28, 2021.

¹²⁶⁸ Supreme Court of Mexico, Press Release No. 322/2021 [La omisión de crear el Registro Nacional del Delito de Tortura representa una omisión de la obligación del ministerio público de investigar diligentemente este delito: Primera Sala](#), October 21, 2021; OHCHR, <https://twitter.com/ONUDHmexico/status/1451586838854979587?s=20>, October 22, 2021.

¹²⁶⁹ Report of the Mexican State. Chapter IV. September 18, 2021, paras. 319-324.

¹²⁷⁰ Report of the Mexican State. Chapter IV. September 18, 2021, para. 317.

¹²⁷¹ Ministry of Interior, [Agravios contra personas defensoras de derechos humanos y periodistas](#), October 5, 2021.

¹²⁷² United Nations, OHCHR, [La ONU-DH condena los asesinatos de los defensores de derechos humanos Rodrigo Morales Vázquez y Alejandro García Zagal](#), September 13, 2021.

¹²⁷³ Ministry of Interior, [Agravios contra personas defensoras de derechos humanos y periodistas](#), October 5, 2021; Público, [México registra al menos veintiocho asesinatos contra defensores ambientales y líderes indígenas en 2021](#), July 15, 2021.

¹²⁷⁴ Animal Político, [Caso Reynosa: denuncian hostigamiento a familiares que señalaron que Fiscalía presentó a desaparecidos como culpables](#), June 30, 2021; Proceso, [Familiares de desaparecidos denuncian intimidación de personal naval en Nuevo Laredo](#), August 4, 2021; Revista Espejo, [Desplazan a rastreadoras con amenazas de muerte](#), August 24, 2021.

¹²⁷⁵ Eje Central, [Reportan secuestro exprés de Madre Buscadora de Sonora](#), October 31, 2021.

¹²⁷⁶ IACHR, <https://twitter.com/CIDH/status/1400139116340260866?s=20>, June 2, 2021; IACHR, <https://twitter.com/CIDH/status/1417181417663078400?s=20>, July 19, 2021.

¹²⁷⁷ Pie de página, [Buscar entre el riesgo y la necesidad](#), August 2, 2021.

¹²⁷⁸ Mexican State, Response to the request for information as per Article 41 of the American Convention on Human Rights, on the situation of risk and conditions of insecurity faced by family members and organizations of family members of persons disappeared in Mexico, October 1, 2021.

reported to the IACHR and its Office of the Special Rapporteur for Freedom of Expression in the context of a public hearing held during the 180th period of sessions.¹²⁷⁹

709. As regards the rights of **Indigenous peoples**, the State reiterated that it is promoting an initiative to amend the Constitution on the rights of Indigenous and Afro-Mexican peoples, whose text was submitted to a process of free, prior, and informed consultation.¹²⁸⁰ The IACHR takes note that 61 assemblies were held as part of the process of consultation with the Indigenous communities and peoples.¹²⁸¹ In addition, the State reported on 15 regional assessments for designing productive products related to the Tren Maya that would benefit Indigenous communities and peoples.¹²⁸² Nonetheless, the Commission continues receiving reports of extortion, threats, and intimidation directed against persons from Indigenous communities and peoples to get their consent for building the Tren Maya.¹²⁸³ On another matter, the IACHR observes with concern the intensification of armed attacks and the situation of violence that various Indigenous peoples and communities face in different localities of the states of Chiapas¹²⁸⁴, Guerrero¹²⁸⁵, and Oaxaca¹²⁸⁶, and which are said to have resulted in the destruction and burning of their dwellings, assassinations, disappearances, and displacement of members of those communities, situations that have been the subject of precautionary measures issued by the Commission.¹²⁸⁷

710. As regards **women's rights**, the IACHR welcomes the decision of the Supreme Court to declare unconstitutional the absolute criminalization of voluntary interruption of pregnancy in the state of Coahuila¹²⁸⁸, as well as respect for conscientious objection regulated in the General Law on Health by virtue of the lack of guidelines and limits necessary for exercising it¹²⁸⁹, and welcomes the judgments of the Supreme Court on unconsented female sterilization¹²⁹⁰ and surrogacy.¹²⁹¹ In addition, the Commission

¹²⁷⁹ IACHR, Protection of the human rights of human rights defenders and journalists in Mexico, public hearing, 180th period of sessions, Washington, D.C., July 1, 2021; El Economista, [AMLO califica de "intromisión" el presunto financiamiento de EU a Mexicanos contra la Corrupción](#), May 31, 2021; El Financiero, [AMLO critica a asociaciones civiles que 'reciben dinero' de EU](#), August 15, 2021; Animal Político, [Grupos neoliberales usaron al feminismo y la defensa de derechos humanos para saquear, dice AMLO](#), October 29, 2021.

¹²⁸⁰ Report of the Mexican State. Chapter IV. September 18, 2021, para. 368; Ministry of Interior, [Se aprueba proyecto para iniciativa de reforma constitucional sobre derechos de pueblos indígenas y afroamericano](#), January 15, 2021.

¹²⁸¹ Ministry of Interior, [Iniciativa de Reforma Constitucional sobre Derechos de los Pueblos Indígenas y Afroamericano](#), July 27, 2021.

¹²⁸² Report of the Mexican State. Chapter IV. September 18, 2021, para. 23.

¹²⁸³ CEMDA, [Exigen comunidades ejidales, JUSTICIA frente a extorsiones y fraude, relacionados con el "Tren Maya."](#) May 3, 2021; CEMDA, [Continúan la inseguridad y agresiones contra comunidades indígenas de Campeche en torno al proyecto Tren Maya](#), June 2, 2021; Pie de página, [Pobladores niegan consenso en el plan de reubicación que presentó ONU Habitat para el Tren Maya](#), June 17, 2021.

¹²⁸⁴ IACHR, <https://twitter.com/CIDH/status/1398358450413916165?s=20>, May 28, 2021; Chiapas Paralelo, [Surge grupo de autodefensas en Pantelhó para combatir cacicazgo y crimen organizado](#), July 10, 2021; Frayba, [Pronunciamiento Conjunto. Sobre la situación de violencia generalizada en Pantelhó y la crisis de desplazamiento forzado interno](#), July 15, 2021; Animal Político, ["Es una guerra que nadie hace caso", pobladores de Aldama, Chiapas, denuncian ataques paramilitares](#), November 2, 2021.

¹²⁸⁵ La Jornada, [Más de 2 mil desplazados en la Montaña Baja de Guerrero](#), May 3, 2021; Congreso Nacional Indígena, [Curgente: CIPOG-EZ denuncia nuevas agresiones a comunidades](#); May 26, 2021.

¹²⁸⁶ Contralínea, [Denuncian retiro de la Guardia Nacional e inicio de ataques de grupos armados en la región triqui](#), January 18, 2021; Proceso, [CNDH emite medidas cautelares a favor de indígenas triquis de Ixtlahuaca, Oaxaca](#), January 21, 2021; Pie de Página, [El retorno fallido de las familias triquis a su tierra](#), July 29, 2021; Animal Político, [ONG señala que hay 11 desaparecidos y 120 casas incendiadas por ataque en Oaxaca](#), October 26, 2021.

¹²⁸⁷ IACHR, Press Release 104/21, [IACHR Grants Precautionary Measures in Favor of Tsotsil Indigenous Families from 12 Communities in Aldama, Chiapas, Mexico](#), April 17, 2021.

¹²⁸⁸ IACHR, <https://twitter.com/CIDH/status/1435688784759230466>, September 8, 2021; Supreme Court of Mexico, Press Release No. 271/2021, Suprema Corte declara inconstitucional la criminalización total del aborto, September 7, 2021.

¹²⁸⁹ Supreme Court of Mexico, La SCJN invalida precepto de la Ley General de Salud que preveía la objeción de conciencia del personal médico y de enfermería sin establecer las salvaguardas necesarias para garantizar el derecho a la salud, Press Release No. 276/2021, September 20, 2021.

¹²⁹⁰ Supreme Court of Mexico. [Press Release No. 148/2021](#), May 26, 2021.

¹²⁹¹ Supreme Court of Mexico. [Press Release No. 158/2021](#), June 3, 2021.

positively values the decriminalization of abortion in the states of Veracruz¹²⁹², Hidalgo¹²⁹³, Baja California¹²⁹⁴, and Colima.¹²⁹⁵ The State reported the creation of six Centers of Justice for Women and the strengthening of five more centers in the states for providing comprehensive care to women victims of gender violence. In addition, it submitted information indicating the declaration of five new Alerts of Gender Violence against Women (AVGMs: Alertas de Violencia de Género contra Mujeres) for femicidal violence, for a total of 25 AVGMs in 22 states.¹²⁹⁶ This initiative notwithstanding, the IACHR continues observing with concern the high number of complaints of sexual violence and femicidal violence in Mexico. According to official information, as of the end October 2021, at least 809 investigations had been opened for the crime of femicide, 2,326 for intentional homicide of women, 17,784 for rape¹²⁹⁷, plus as of early December 2021 more than 25,500 women and girls are disappeared in Mexico.¹²⁹⁸ In addition, the Commission received information on a continuing context of stigmatization of social protest by feminist groups and against gender violence, as well as threats, digital harassment, improper use of the criminal code, disproportionate use of force, physical violence, and sexual violence brought to bear against women and girls participating in demonstrations.¹²⁹⁹ The IACHR welcomes the intersectional efforts on the part of the State to pay attention to the situation of Afro-Mexican women through community projects such as “Rights of Afro-Mexican women, prevention, attention, and eradication of gender violence” in Guerrero and “Rights of Afro-Mexican Women,” of the Tribu Negro Mascogos, in Coahuila, and “AFROCARACOLAS: Saberes Itinerantes” in Oaxaca and Guerrero.

711. As regards the protection of **lesbian, gay, bisexual, trans, and gender diverse and intersex (LGBTI) persons**, the IACHR looks favorably on the adoption of legislation to recognize the right to same-sex marriage in Baja California, Guanajuato, Querétaro, Sinaloa, Sonora, Yucatán, and Zacatecas.¹³⁰⁰ In addition, the Commission welcomes advances in recognizing the right to gender identity in Baja California Sur, Puebla, the state of México, and Morelos¹³⁰¹, including recognition of the gender identity of trans children in Oaxaca.¹³⁰² It also highlights legislative gains in the prohibition of procedures that attempt to modify, divert, or suppress the gender identity/expression and sexual orientation of persons (also known as “conversion therapies”) and their criminalization in Baja California Sur, Colima, Tlaxcala, Yucatán, and Zacatecas.¹³⁰³ Nonetheless, the IACHR takes note with grave concern of the

¹²⁹² Congress of the State of Veracruz, [Gaceta legislativa No. 137](#), July 20, 2021, p. 2.

¹²⁹³ Periódico Oficial del Estado de Hidalgo, [Decree No. 278](#), July 6, 2021.

¹²⁹⁴ Legislative branch of the State of Baja California. [Comunicado 193](#), October 26, 2021.

¹²⁹⁵ Honorable Congress of the State of Colima, [Congreso local aprueba la interrupción legal del embarazo hasta las 12 semanas](#), December 1, 2021.

¹²⁹⁶ Report of the Mexican State. Chapter IV. September 18, 2021, paras. 126 to 132.

¹²⁹⁷ Ministry of Interior, [Información sobre violencia contra las mujeres \(Incidencia delictiva y llamadas de emergencia 9-1-1\)](#), October 2021, November 25, 2021.

¹²⁹⁸ Ministry of Interior, [Versión Pública del Registro Nacional de Personas Desaparecidas y No Localizadas](#), date consulted December 3, 2021.

¹²⁹⁹ IACHR, [Situation of the human rights of women and girls in the context of protests in Mexico](#), Public hearing, 181st period of sessions, Washington D.C., October 27, 2021.

¹³⁰⁰ IACHR, <https://twitter.com/CIDH/status/1441405408791334914?s=20>, September 24, 2021; IACHR, <https://twitter.com/CIDH/status/1431265577419649029?s=20>, August 27, 2021; Congress of Sinaloa, [Sinaloa dice sí al matrimonio igualitario Extiende Congreso del Estado matrimonio y concubinato a personas del mismo sexo](#), June 15, 2021; Animal Político, [Congreso de Baja California también aprueba reforma para reconocer el matrimonio igualitario](#), June 16, 2021; El País, [El conservador Estado de Querétaro aprueba el matrimonio homosexual](#), September 22, 2021; Expansión Política, [El Congreso de Sonora le dice "Sí" al matrimonio igualitario](#), September 23, 2021; Expansión Política, [El Congreso de Yucatán aprueba el matrimonio igualitario](#), August 25, 2021.

¹³⁰¹ El Financiero, [Congreso de Puebla avala 'Ley Agnes', que reconoce identidad de género autopercibida](#), February 25, 2021; El Heraldo de México, [BCS aprueba 'ley trans' y tipifica como delito las 'terapias de conversión'](#), June 29, 2021; Animal Político, [Congreso del Edomex aprueba ley trans por el derecho al cambio de identidad de género](#), July 20, 2021; Morelos 24, [Aprueban Ley de Identidad de Género en Congreso de Morelos](#), September 9, 2021.

¹³⁰² Expansión Política, [Oaxaca aprueba que menores de edad elijan su identidad de género](#), October 5, 2021.

¹³⁰³ El Heraldo de México, [BCS aprueba 'ley trans' y tipifica como delito las 'terapias de conversión'](#), June 29, 2021; Expansión Política, [El Congreso de Yucatán aprueba el matrimonio igualitario](#), August 25, 2021; IACHR, <https://twitter.com/CIDH/status/1431265577419649029?s=20>, August 27, 2021; La Tertulia, [Zacatecas prohíbe las terapias de](#)

information on attacks on integrity¹³⁰⁴, deaths in violent circumstances¹³⁰⁵, and assassinations¹³⁰⁶ all targeting LGBTI persons. It also observes reports of at least 68 hate crimes committed in Mexico in the first 10 months of 2021.¹³⁰⁷

712. As regards the **rights of children and adolescents**, the Commission received information on a reform initiative in which the National System for the Integral Development of the Family would assume the functions of providing comprehensive protection for children and adolescents, replacing the Executive Secretariat of the National System for the Comprehensive Protection of Children and Adolescents of the Ministry of Interior.¹³⁰⁸ In this respect, in its preliminary observations on its virtual working visit to Mexico, the Commission expressed concern about the possible weakening or shutting down of institutions or systems for articulating public policies without any indication of mechanisms to take their place, such as the National System for the Protection of Children and Adolescents (SIPINNA). In addition, the IACHR received complaints of the conditions in which children and adolescents are found in social assistance centers in Mexico that reported on the deficient regulation and lack of oversight, as well as the absence of a national registry of public and private centers.¹³⁰⁹

713. The IACHR also observes with concern reports of human trafficking and child marriage, and forced recruitment and the disappearance of children and adolescents in Mexico. On this point, the IACHR expressed its rejection of the enlisting of approximately 30 Indigenous children in a self-defense group (*grupo de autodefensa*) in Guerrero.¹³¹⁰ In addition, the Commission expresses its rejection of public statements by state authorities that would appear to downplay the importance of child marriage and the trafficking of children¹³¹¹, and observes with concern the reports of cases of forced marriages in Guerrero.¹³¹² In addition, despite the lack of any official figures, civil society organizations estimate that at least 30,000 children and adolescents are involved in criminal activities in Mexico, plus they warn of the possible situation of risk facing 145,000 to 250,000 children and adolescents of becoming victims of recruitment or use by criminal groups in Mexico.¹³¹³ In addition, the IACHR observes that as of early November 2021 more than 15,000 children and adolescents continue disappeared in Mexico.¹³¹⁴

714. With respect to the rights of **persons in human mobility**, the Commission observes that according to official data from the Mexican Commission for Refugee Assistance (COMAR: Comisión

[conversión o los ecosig](#), August 30, 2021; Contramuro, [Legisla Colima contra las terapias de conversión](#), September 28, 2021; Infobae, [Congreso de Tlaxcala aprobó castigar con cárcel las terapias de conversión](#), October 19, 2021.

¹³⁰⁴ Animal Político, [Atacan con ácido a mujer trans en centro de Guadalajara: hospital le niega atención](#), October 20, 2021.

¹³⁰⁵ Homosensual, [Cancún: queman a persona LGBT al revelar que tenía VIH](#), June 7, 2021; Proceso, [Veracruz: Asesinan de 17 puñaladas al chef Miguel Ángel: colectivo denuncia crimen de odio](#), October 18, 2021.

¹³⁰⁶ IACHR, <https://twitter.com/CIDH/status/1414959463593914374?s=20>, July 13, 2021; Proceso, [Condenan asesinato de mujer transgénero en Colima](#), March 20, 2021.

¹³⁰⁷ Fundación Arcoíris, [Observatorio Nacional de crímenes de odio contra personas LGBT](#), date consulted: November 1, 2021; Anodis, [Crímenes de odio van en aumento en Morelos](#), October 26, 2021.

¹³⁰⁸ DIF-National System for the Integral Development of the Family, Mexico, [Iniciativa con proyecto de decreto que Reforma la Ley General de los derechos de Niñas, Niños y Adolescentes y de la Ley General de Prestación de Servicios para la Atención, Cuidado y Desarrollo Integral Infantil](#), November 11, 2021.

¹³⁰⁹ IACHR, Public hearing, [Situation of children and adolescents in Social Assistance Centers in Mexico](#), 179th period of sessions, Washington D.C., March 20, 2021.

¹³¹⁰ IACHR, Press Release 99/21, [IACHR Rejects All Forms of Recruitment of Children and Adolescents by Armed Groups and Urges the Mexican State to Protect the Life and Personal Integrity of This Population](#), Washington D.C., April 22, 2021.

¹³¹¹ Animal Político, [AMLO pide no estigmatizar a comunidades indígenas por venta de niñas: 'es clasista y racista' dice](#), May 22, 2021; Proceso, [AMLO minimiza venta de niñas en Guerrero: "no es la regla en comunidades"](#), October 24, 2021; REDIM, [El Estado no puede seguir ignorando la violencia contra la niñez. La venta de niñas y adolescentes es una violación a los derechos humanos que las autoridades mexicanas deben impedir](#), October 26, 2021.

¹³¹² Centro de Derechos Humanos de la Montaña Tlachinollan, Niña del pueblo Na Savi huye de su domicilio, con la fuerza de su dignidad, November 24, 2021.

¹³¹³ REDIM, Reclutamiento y utilización de niñas, niños y adolescentes por grupos delictivos en México. Acercamientos a un problema complejo, 2021, pp. 27 and 94.

¹³¹⁴ Ministry of Interior, [Versión Pública del Registro Nacional de Personas Desaparecidas y No Localizadas](#), date consulted: November 1, 2021.

Mexicana de Ayuda a Refugiados), the number of asylum applications received increased more than 5,400% from 2013 to 2019.¹³¹⁵ In addition, the IACHR notes that during 2021 the upward trend continued, with a total of 77,559 new asylum applications as of late August. That figure represents an increase of more than 200% with respect to the same period in 2020.¹³¹⁶ Of the total indicated, the IACHR observes that 17,172 persons were recognized as refugees in 2021 and during its official visit to Mexico the IACHR took note of the limitations in the operational capacity of the COMAR to respond to the increase in the number of asylum applications in recent years.¹³¹⁷ Additionally, the most recent figures of the Migration Policy Unit (UPMRIP) of the Ministry of Interior Mexico indicate that as of August 2021 a total of 26,266 visitor cards were issued on humanitarian grounds.¹³¹⁸ According to information provided by the State to the IACHR, these documents are provided to foreigners who have obtained the status of stay (*estancia*) on humanitarian grounds, as well as to children and adolescents in the context of mobility and those accompanying them, while the procedure for restitution of rights is completed.¹³¹⁹

715. The Commission also observes with concern the excessive use of force against persons in human mobility. In this respect, civil society organizations informed the IACHR that with the participation of the National Guard in immigration control tasks there has been an increase in detentions of persons in human mobility and in reports of human rights violations.¹³²⁰ In this regard, on September 27, 2021 the IACHR condemned the confrontations that culminated in attacks and beatings, by state security agents, directed against the caravans of migrants that were formed in Chiapas, Mexico. The Commission also condemned the excessive use of force in the immigration control operations against the population in human mobility on October 23 and 24 in Chiapas. According to public information, a child was wounded by agents of the National Guard.¹³²¹ In addition, the IACHR condemned the deaths of two migrants in the wake of shots being fired by National Guard agents on October 31 in Pijijiapan, Chiapas.¹³²²

716. In September 2021 the IACHR expressed its concern over the expulsion of persons with irregular immigration status, including those who were expelled from the United States to different points on the border with Guatemala. The Commission has noted that when persons are expelled or returned to their countries of origin or of habitual residence, without an adequate determination of possible needs for international protection, they would once again confront situations similar to those that forced them to leave.¹³²³ Similarly, civil society organizations reported to the IACHR that they have documented cases of expulsions from Mexico of persons with asylum procedures under way or who already had some type of protection in Mexico.¹³²⁴ The IACHR draws the State's attention to the disproportionate impact that could

¹³¹⁵ IACHR, Press Release 033/21 - [CIDH concluye visita de trabajo virtual a México sobre personas en situación de movilidad humana, y presenta sus Observaciones Preliminares](#), Washington, D.C., February 12, 2021.

¹³¹⁶ COMAR, Mexico, [Estadística agosto 2021](#), September 8, 2021.

¹³¹⁷ COMAR, Mexico, [Estadística agosto 2021](#), September 8, 2021. IACHR, Press Release 033/21, [CIDH concluye visita de trabajo virtual a México sobre personas en situación de movilidad humana, y presenta sus Observaciones Preliminares](#), Washington, D.C., February 12, 2021.

¹³¹⁸ UPMRIP, Mexico, [II Documentación y condición de estancia en México](#), 2021, Table 2.1. Fundamento: artículo 52 numeral V de la Ley de Migración mexicana http://www.diputados.gob.mx/LeyesBiblio/pdf/LMigra_200521.pdf.

¹³¹⁹ Mexican State, Response to the request for information as per Article 41 of the American Convention on Human Rights, on the protection of migrants, asylum-seekers, refugees, with needs for complementary protection and returned in Mexico, p. 14.

¹³²⁰ IACHR, Press Release 033/21 - [CIDH concluye visita de trabajo virtual a México sobre personas en situación de movilidad humana, y presenta sus Observaciones Preliminares](#), Washington, D.C., February 12, 2021.

¹³²¹ IACHR [@CIDH]. (October 26, 2021). CIDH condena el uso excesivo de la fuerza contra personas de la caravana de migrantes en Chiapas. [Tweet]. Twitter. <https://twitter.com/CIDH/status/1452992812191043593?s=20>. IACHR, [Resolution 04/19 Inter-American principles on the Human Rights of all migrants, refugees, stateless persons and victims of human trafficking](#), December 7, 2019, Principles 10, 49, 65.

¹³²² IACHR [@CIDH]. (November 4, 2021). #CIDH condena la muerte de 2 #PersonasMigrantes a raíz de disparos por agentes de la Guardia Nacional en Chiapas, el #31Oct. [Tweet]. Twitter. <https://twitter.com/CIDH/status/1456262944593825804?s=20>.

¹³²³ IACHR, Press Release 243/21 - [The IACHR Expresses Concern about the Expulsion of People in a human mobility context from the United States and Mexico and calls on States to Ensure the Effective Protection of Their Rights](#), Washington, D.C., September 17, 2021.

¹³²⁴ IACHR, Public hearing, ["Protection of persons in human mobility in the United States, Mexico, and Northern Central America."](#) 181st regular period of session, October 26, 2021. Information provided by CHIRLA and the Human Rights Ombudsperson of Guatemala.

result from situations of indirect discrimination against Black Haitian persons collectively expelled without the corresponding evaluation of their situation of international protection.¹³²⁵

717. As regards the rights of **persons deprived of liberty**, the IACHR values the publication of the agreement to facilitate the processing of applications for pre-release of persons sentenced who meet the legal requirements, as well as to identify cases of persons in prolonged pretrial detention and torture victims.¹³²⁶ The Commission observes the release of 681 persons in September of this year.¹³²⁷ As regards the Amnesty Law, Mexico reported on efforts of the Federal Institute of Public Defense to continue translating that legislation to more Indigenous languages to facilitate the application of benefits to persons from Indigenous peoples and communities; it has done so for a total of 22 linguistic variants as of 2021.¹³²⁸ For its part, the IACHR learned that the Amnesty Commission has received 1,738 applications as of September 2021, 521 of which were considered out-of-order, 47 were granted, and the rest are awaiting resolution.¹³²⁹ Nonetheless, according to information from civil society, the processing of applications filed with the Amnesty Commission faces obstacles such as the lack of mechanisms for transparency and access to information, the lack of publicity of sessions of the Amnesty Commission, requests to satisfy requirements not provided for by law, and the lack of clarity on the procedures and means of bringing challenges before the judicial branch. In particular, the IACHR received information on differentiated impacts with respect to Indigenous persons deprived of liberty, who have to show that they belong to an Indigenous people in order to receive the benefits of the law.¹³³⁰

718. In addition, the Commission notes that by decree of February 19, 2021, the reforms to the Federal Criminal Code, the National Code of Criminal Procedure, and special laws¹³³¹ came into force, pursuant to the mandate to reform Article 19 of the Constitution¹³³² so as to expand the list of crimes that merit automatic pretrial prison.¹³³³ Accordingly, in harmony with said Article 19, these reforms expand automatic pretrial detention in the corresponding legislation, thus allowing their full application and

¹³²⁵ El País, [Deportaciones masivas, violencia, racismo y reclusión: organizaciones civiles denuncian la situación de los migrantes haitianos en América](#), October 28, 2021; see also BBC, ["La condición de los haitianos de migrantes invisibles está vinculada al racismo en muchos países de América."](#) September 27, 2021; and Amnesty International, [Haiti: Not safe anywhere: Haitians on the move need urgent international protection](#), October 28, 2021.

¹³²⁶ Official Gazette of the Federation, [Acuerdo por el que se instruyen a las instituciones que en el mismo se indican, a realizar acciones para gestionar, ante las autoridades competentes, las solicitudes de preliberación de personas sentenciadas, así como para identificar casos tanto de personas en prisión preventiva, como de aquellas que hayan sido víctimas de tortura, en términos de las disposiciones jurídicas aplicables](#), August 25, 2021.

¹³²⁷ Ministry of Interior, [Labor coordinada en el Gobierno de México en favor de población privada de su libertad](#), September 14, 2021.

¹³²⁸ Report of the Mexican State. Chapter IV. September 18, 2021, para. 37; Contraréplica, [Aumenta Defensoría Pública Federal traducción de Ley de Amnistía a 21 lenguas indígenas](#), April 22, 2021.

¹³²⁹ Excélsior, [Segob recibió mil 738 solicitudes de amnistía en último año](#), September 28, 2021.

¹³³⁰ EQUIS Justicia para las Mujeres, [Amnistía ¿Ya?](#), mayo 2021, pp. 16-26.

¹³³¹ In particular, amendments were made to the General Law on Electoral Crimes; the General Law on Forced Disappearance of Persons, Disappearance Committed by Private Persons and on the National System for Searching for Persons; the Federal Law to Prevent and Punish Crimes Committed related to Hydrocarbons; the Federal Law on Firearms and Explosives; the General Law on Health; the Federal Law against Organized Crime; and the Law on Transportation Routes.

¹³³² In particular, included were the crimes of abuse or sexual violence against children, organized crime, intentional homicide, femicide, rape, kidnapping, human trafficking, robbery of a residence, use of social programs for electoral purposes, corruption in the case of the crimes of illicit enrichment and abuse of authority, robbery of freight in transit by any modality, crimes related to hydrocarbons, oil and gas derivatives, or petrochemicals, crimes of forced disappearance of persons and disappearance committed by private persons, crimes committed with violent means such as arms and explosives, crimes in respect to firearms and explosives that are for the exclusive use of the Army, Navy, and Air Force, as well as the serious crimes determined by the law against the security of the nation, the free development of the personality, and health. In this respect, see: Official Gazette of the Federation, ["Decreto por el que se declara reformado el Artículo 19 de la Constitución Política de los Estados Unidos Mexicanos, en materia de prisión preventiva Oficiosa."](#) April 12, 2019.

¹³³³ In this regard, see: Official Gazette of the Federation, [Decreto por el que se reforma y adiciona el artículo 167 del Código Nacional de Procedimientos Penales; se reforman, adicionan y derogan diversas disposiciones de la Ley General en Materia de Delitos Electorales, de la Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas, de la Ley Federal para Prevenir y Sancionar los Delitos Cometidos en Materia de Hidrocarburos, de la Ley Federal de Armas de Fuego y Explosivos, del Código Penal Federal, de la Ley General de Salud, de la Ley Federal contra la Delincuencia Organizada y de la Ley de Vías Generales de Comunicación](#), February 19, 2021.

avoiding contrary interpretations by judicial officers.¹³³⁴ Without prejudice to the legislation maintaining the regulation of crimes in respect of which defendants may not be released for various criminal statutes, the Commission welcomes the judgment of the Supreme Court of October 25, which strikes down the use of automatic pretrial detention for the crimes of contraband, tax fraud, and use of false invoices.¹³³⁵ Mindful of this, the Commission calls on the State to adopt the measures necessary for pretrial detention to be used on an exceptional basis and in keeping with international standards and, accordingly, to eliminate the provisions that establish obligatory pretrial detention by type of crime.

PANAMA

- **General considerations**

719. During 2021, the IACHR took note of progress made by Panama on a number of fronts, such as public policies aimed at incorporating persons with disabilities in the workforce; the State's efforts in conjunction with civil society to provide educational and social counselling to women deprived of liberty; the initial approval by the National Assembly of Bills No. 567 and 569 on protection of children and adolescents; and the launching of the "Punto de Apoyo" Pilot Plan, to provide assistance to women and older persons who are victims of violence.

720. With regard to **challenges**, the IACHR notes with concern the persistence of violence against women; the Supreme Court's ruling regarding the regulatory framework for the sterilization of women based on stereotypical notions of women's reproductive role; the precarious living conditions and limited health care in Women's Rehabilitation Centers; the impact of the increase in the number of migrants in the Darien jungle - particularly children and adolescents - on the State's capacity to provide health care and housing; the passing of the General Adoption Law by Panama's National Assembly, which restricts joint adoptions to spouses or common-law marriages formed by "persons of different sexes"; and an increase in complaints about possible violations of the rights of the elderly.

721. The State did not reply to the request for information sent for the preparation of this chapter.

¹³³⁴ In this regard see: Official Gazette of the Federation, "[Decreto por el que se declara reformado el Artículo 19 de la Constitución Política de los Estados Unidos Mexicanos, en materia de prisión preventiva Oficiosa.](#)" April 12, 2019; Chamber of Deputies, Mexico, Note No. 9197 - [Entran en vigor reformas secundarias sobre ampliación de delitos que ameritan prisión preventiva oficiosa](#), February 19, 2021; Senate of the Republic, Mexico, [Aprueba Senado ampliación del catálogo de delitos graves para prisión preventiva oficiosa](#), February 18, 2021; and CNDH, [Pronunciamiento - Dirección General de Comunicación](#), February 23, 2021.

¹³³⁵ In this regard, see Supreme Court, Mexico, [Contenido de la versión taquigráfica de la Sesión Pública Ordinaria del pleno de la Suprema Corte de Justicia de la Nación, celebrada el lunes 25 de octubre de 2021](#), October 25, 2021; Animal Político, [Corte invalida prisión automática para contrabando, defraudación fiscal y uso de facturas falsas](#), October 25, 2021; and CNDH, [Asunto: Acción de Inconstitucionalidad](#), March 22, 2021.

- **Specific issues**

722. With regard to **democratic institutions**, the Commission took cognizance of the approval of Bill 544, amending the Electoral Code of the Republic of Panama.¹³³⁶ The Commission notes that some observations made by the Electoral Tribunal¹³³⁷ were not considered in the final version, having been eliminated or modified with respect to the original draft, which was agreed upon by the National Commission on Electoral Reforms (CNRE), made up of representatives of the political parties and civil society.

723. Regarding **human rights institutions**, the IACHR welcomes the appointment of the new Ombudsman for the 2021-2026 term.¹³³⁸ However, it notes with concern the cut in the Ombudsman's Office budget for 2022.¹³³⁹ Concerning budgets, the IACHR's position is that implementing human rights means that the State is obliged to program, allocate, and spend public resources in a manner that meets its obligations to implement international human rights treaties at all levels and in all sections of the executive, legislative, and judicial branches. In particular, the Ombudsman's Office requires budgetary allocations to guarantee the performance and sustainability of its functions.¹³⁴⁰

724. The IACHR takes note of the presentation of the 2020 management report of the Ombudsman's Office¹³⁴¹, the report to the Committee on Enforced Disappearances¹³⁴², the publication of recommendations to the government on the human rights situation of migrants in the context of COVID-19¹³⁴³, and the publication of the report and recommendations arising from the visit to care centers for the elderly.¹³⁴⁴

725. In addition, the Commission takes note of various human rights training courses conducted for justices of the peace¹³⁴⁵, as well as training for government officials, security agencies¹³⁴⁶, communities and children for public servants.¹³⁴⁷ In this regard, the IACHR is convinced that by strengthening state institutions it is possible to advance a prevention and social transformation agenda.¹³⁴⁸

726. Finally, in the area of cooperation, the IACHR takes note of the signing of an agreement between the Ombudsman's Office and UNHCR in favor of the migrant and refugee population¹³⁴⁹.

727. With regard to **persons in human mobility**, the Commission observed the situation of migrants seeking to enter Panama from the border with Colombia. According to National Migration Service (SNM) figures, as of September 30, 2021, a total of 91,305 people are thought to have entered Panamanian

¹³³⁶ General Assembly of Panama, [Bill 544 amending the Electoral Code of the Republic of Panama](#), October 22, 2021.

¹³³⁷ Electoral Tribunal, [Communiqué to the Nation on electoral reforms](#), October 17, 2021.

¹³³⁸ Office of the Ombudsman, Assembly on [April 22, 2021](#).

¹³³⁹ Ombudsman's Office, [Ombudsman's Office budget to be cut significantly in 2022](#)

¹³⁴⁰ IACHR, [Public Policy with a Human Rights Approach](#), OEA/Ser.L/V/II. Doc. 191, September 15, 2018.

¹³⁴¹ Ombudsman's Office, [Ombudsman's Office releases 2020 management report February 5, 2021](#).

¹³⁴² Ombudsman's Office, [Ombudsman presents report to the Committee on Enforced Disappearances, September 16, 2021](#).

¹³⁴³ Ombudsman's Office, [Presentation of the Report on the human rights of migrants in Panama in the context of COVID-19 February 10, 2021](#).

¹³⁴⁴ Ombudsman's Office, [Ombudsman's Office publishes investigation of senior care centers and makes recommendations June 28, 2021](#).

¹³⁴⁵ Ombudsman's Office, [Human Rights Training for Justices of the Peace in Chiriqui, July 24, 2021 and Ombudsman's Office and UNDP offer training on human rights and key populations to Justices of the Peace in Panama, October 15, 2021](#) October 15, 2021.

¹³⁴⁶ Ombudsman's Office, [Human Rights Officials Provide Training to Members of the National Police, August 19, 2021](#).

¹³⁴⁷ Ombudsman's Office, Rights April [3, 2021](#).

¹³⁴⁸ IACHR, Approach, September 15, 2018.

¹³⁴⁹ Ombudsman's Office, population August [9, 2021](#).

territory using irregular channels of entry. Of these, 56,676 are reportedly Haitians and their families.¹³⁵⁰ In this regard, the IACHR notes that the above figures represent an increase of more than 1,000% compared to 2020; and, in particular, an 800% increase in the entry of Haitian nationals and their families.¹³⁵¹ Likewise, the latest data from the SNM indicate that up by September 2021, a total of 18,935 children and adolescents entered the country irregularly; that represents an increase of more than 1,500% over the same period in 2020.¹³⁵² On that, UNICEF pointed out that the numbers recorded during 2021 represent a historical maximum that would surpass the total number of migrant children and adolescents of the past five previous years combined. It added that at least half of that population group would be under five years old¹³⁵³.

728. In this context, the IACHR learned of the agreement signed on August 9, 2021 between the governments of Panama and Colombia to control the number of people moving across their common border. In that regard, the Commission notes that, among the points of agreement reached, a quota was established to allow the daily admission of 650 persons during the month of August, and 500 persons as of September.¹³⁵⁴ In that connection, the President of Panama called for the adoption of joint strategies, based on the principle of shared responsibility, to address the current regional humanitarian crisis.¹³⁵⁵ Similarly, the International Organization for Migration (IOM) called for improved coordination between governments and international cooperation to respond to the humanitarian needs of the population in transit.¹³⁵⁶

729. The International Committee of the Red Cross (ICRC) reported that the increase in the number of migrants in the Darien jungle and the situation generated by the COVID-19 pandemic have impaired the state's response capacity to provide health care and lodging to the population in human mobility. It added that children and adolescents were reportedly in a situation of greater vulnerability due to the risk of statelessness and an increase in cases of sexual violence against adolescent girls.¹³⁵⁷

730. In the area of **human trafficking**, the Commission notes that - in the framework of the regular session of the National Commission for the Prevention of Sexual Exploitation Crimes (CONAPREDES) - the project to install Gesell cameras in the provinces of Colón, Darién, and Coclé was approved in order to strengthen investigations related to sexual crimes, avoid re-victimization, and respect the human rights of the victims.¹³⁵⁸ The Commission also takes note of the initiative of the Ministry of the Interior and the University of Panama to strengthen the Observatory on Sexual Exploitation of Children and Adolescents.¹³⁵⁹ In addition, the Commission notes that Panama and Colombia have reportedly agreed on a series of measures against human trafficking and organized crime against migrants crossing the Darien jungle.¹³⁶⁰

¹³⁵⁰ National Migration Service, Panama, [Irregulars crossing the Panama - Colombia border in 2021](#) September 30, 2021.

¹³⁵¹ National Migration Service, Panama, [Irregulars crossing the Panama-Colombia border in 2020](#) December 31, 2020.

¹³⁵² National Migration Service, Panama, [Irregulars crossing the Panama - Colombia border in 2021](#) September 30, 2021.

National Migration Service, Panama, [Irregulars crossing the Panama-Colombia border in 2020](#) December 31, 2020.

¹³⁵³ UNICEF, [2021 Records Highest Ever Number of Migrant Children Crossing the Darien Jungle Towards the US](#), October 11, 2021:

¹³⁵⁴ Euronews, ["Colombia and Panama limit passage of migrants to unblock border"](#), August 12, 2021. La Nación,

["Panama announces quotas for transit of irregular migrants from Colombia"](#), August 11, 2021. El Universo ["Some 650 migrants will be able to cross the Panama-Colombia border every day"](#), August 11, 2021. France 24, ["Colombia and Panama set daily cap of 650 migrants to cross border between the two"](#), August 12, 2021.

¹³⁵⁵ UN, [Migration to Panama grows from 800 to 30,000 people per month, its president warns](#), September 23, 2021.

¹³⁵⁶ IOM, [More Than 91,000 Migrants Have Crossed Darien Gap on Way to North America This Year](#), October 8, 2021.

¹³⁵⁷ ICRC, [Darien Scenario Planning, Panama, February 11, 2021, p. 3](#) February 11, 2021, p. 3.

¹³⁵⁸ Republic of Panama, [Report presented in the framework of the International Day Against Sexual Exploitation and Trafficking in Persons](#), September 23, 2021.

¹³⁵⁹ Republic of Panama, [Report presented in the framework of the International Day Against Sexual Exploitation and Trafficking in Persons](#), September 23, 2021.

¹³⁶⁰ Ministry of Public Security, Panama, Agreement, August 6, 2021.

731. Regarding the **rights of LGBTI persons**, the Commission followed up on the effects of the partial gender-based mobility restriction measures that were in effect during the COVID-19 pandemic. In this regard, the IACHR published a specific press release in which it recalled that such measures are, by their very nature, discriminatory and called on the State to guarantee the human rights of trans and gender-diverse persons.¹³⁶¹ Those measures expired in February 2021.

732. In the same vein, the Commission stresses that the impacts of the measures revealed the need to guarantee simple and expeditious legal mechanisms for the exercise of the right to gender identity/expression in a prioritized and straightforward manner, as demanded by civil society organizations during 2021.¹³⁶²

733. In addition, the IACHR expressed its concern at the approval by the National Assembly of Panama of the General Adoption Law, which reportedly reiterates the restriction of joint adoptions to spouses or common-law marriages formed by "persons of different sexes."¹³⁶³ According to information in the public domain, the Executive returned the law, with objections, for re-consideration by the Assembly.¹³⁶⁴ Finally, the Commission learned of the decision of the Supreme Court of Justice that did not admit an amparo request for recognition of a marriage entered into abroad between two men.¹³⁶⁵

734. Regarding the **rights of older persons**, the Commission learned of Bill No. 585 submitted to the General Assembly on March 17, 2021, approving the Inter-American Convention on the Protection of the Human Rights of Older Persons, adopted by the General Assembly of the Organization of American States on June 15, 2015. Recalling that the State of Panama was one of the main promoters and an active participant in the drawing up of the Convention, the Commission encourages the State to continue its efforts to ensure approval of Bill No.585 in the General Assembly.¹³⁶⁶

735. The Commission takes note of the report by the Ombudsman's Office regarding visits to care centers, day care centers, homes and/or shelters for the elderly nationwide¹³⁶⁷, which mentions, among its conclusions and recommendations, the need to implement public policies and social and medical programs to support older persons residing in homes or care centers. Likewise, the Ombudsman's Office reported an increase in complaints of possible violation of the rights of older persons thus far in 2021: 27 complaints in all, a figure that exceeds the combined total for the years 2019 and 2020 (24 complaints).¹³⁶⁸

736. With regard to the **rights of Afro-descendants and against racial discrimination**, the IACHR welcomes the installation by the Ministry of Education of the National Educational Commission for the Decade for People of African descent, which aims to recognize the contributions of this ethnic group and preserve their cultural heritage¹³⁶⁹, thereby contributing to the development and orientation of educational public policies to promote the human rights and social demands of the Afro-descendant community in Panama.

¹³⁶¹ IACHR, Press Release 124/21 - [The IACHR calls on the State of Panama to guarantee the human rights of trans and gender-diverse persons during partial restrictions on mobility during the COVID-19 pandemic](#). Washington D.C., February 4, 2021.

¹³⁶² TVN News, "[LGBTI community demonstrates to demand approval of gender identity law in Panama](#)", February 5, 2021;

¹³⁶³ IACHR [#IACHR]. (March 10, 2021). "[#Panama The @IACHR notes with concern that the General Adoption Law approved by the General Assembly \(pending enactment\) reiterates that joint adoptions can only be constituted by spouses or de facto marriages formed by "persons of different sexes."](#)" Twitter; National Assembly, [Bill 120:Adoptions](#) presented on September 12, 2019.

¹³⁶⁴ According to information available on the official website of the National Assembly. See also; Panama America, "[Proyectos del Legislativo para proteger a menores son detenidos por el Ejecutivo](#)" ([Legislative bills to protect minors are stopped by the Executive](#))" May 21, 2021.

¹³⁶⁵ La Prensa, rejected September 8, 2021.

¹³⁶⁶ General Assembly of Panama, Persons, retrieved on November 18, 2021.

¹³⁶⁷ Ombudsman's Office of the Republic of Panama, nationwide April-May 2021.

¹³⁶⁸ Ombudsman's Office of the Republic of Panama, "[Increase in complaints of possible violation of the rights of older adults](#)" June 14, 2021.

¹³⁶⁹ Panama America, descent, April 10, 2021

737. With regard to the **rights of persons with disabilities**, the IACHR highlights the public policies aimed at the inclusion of this population in the workforce, especially the training provided by the National Secretariat for Disability¹³⁷⁰ and the financing programs for productive projects.¹³⁷¹ The Commission also takes note of the training on the rights of persons with disabilities provided by the Ombudsman's Office¹³⁷², as well as the housing plan for this group¹³⁷³ and the efforts to vaccinate this population against COVID-19¹³⁷⁴.

738. On the other hand, the Commission learned of complaints from civil society regarding electoral reforms that were approved without the participation of persons with disabilities.¹³⁷⁵ Information was also received regarding failure to comply with the regulation that establishes that at least 2% of company personnel must be persons with disabilities.¹³⁷⁶ In addition, based on information in the public domain, the IACHR became aware of cases regarding the absence of national statistics needed to expose and respond to the situation of persons with disabilities.¹³⁷⁷

739. Regarding the **rights of children and adolescents**, the State informed the IACHR of reports of abuse and mistreatment in shelters supervised by the State. In this regard, it indicated that since 2017, 32 criminal proceedings had been initiated for possible crimes committed against children and adolescents in a number of shelters.¹³⁷⁸ It added that, as of March 1, 2021, the Public Prosecutors' Office had stepped up its efforts to clarify these facts.¹³⁷⁹ In this context, the Commission notes that through a communiqué dated February 16, 2021, the Board of Directors of the National Secretariat for Children, Adolescents and the Family requested the closure of the shelters in which very serious offenses were committed, as well as the transfer of children and adolescents lodged in those facilities.¹³⁸⁰

740. In addition, the IACHR takes note of the approval by the National Assembly -in the first round of debate- of two bills related to the protection of children and adolescents: (i) Law No. 567, which reportedly seeks to establish a comprehensive protection regime for children and adolescents; and (ii) Law No. 569, to regulate a public policy for the recognition and protection of the human rights of this group.¹³⁸¹

741. With respect to the **rights of persons deprived of liberty**, the IACHR takes note of the State's efforts to prevent and control the spread of COVID-19 in prisons through the joint work of the Ministry of Health (MinSA) and the General Directorate of the Penitentiary System. The State reports that

¹³⁷⁰ In seconds, [People with disabilities in county areas to receive training for business entrepreneurship](#), September 28, 2021.

¹³⁷¹ Republic of Panama, [Executive enacts laws in favor of persons with disabilities, and comprehensive care for children and adolescents](#), May 27, 2021.

¹³⁷² Ombudsman's Office, [Veraguense students receive virtual training on "Rights of Children and Adolescents with Disabilities"](#), September 7, 2021; Ombudsman's Office, "Persons with Disabilities receive Training regarding their Rights," March 13, 2021

¹³⁷³ Republic of Panama, months September 28, 2021.

¹³⁷⁴ La Prensa, vaccines February 27, 2021.

¹³⁷⁵ Telemetro, debate September 14, 2021.

¹³⁷⁶ Telemetro, disabilities November 23, 2021.

¹³⁷⁷ La estrella, [La discapacidad auditiva en Panamá precisa acciones inclusivas](#) [Actions needed to include persons with hearing disabilities in Panama], September 22, 2021.

¹³⁷⁸ Ministry of Foreign Affairs, Panama, Response of the Panamanian State to the request for information from the Inter-American Commission on Human Rights in light of Article 41 of the American Convention on Human Rights on the situation of shelters for children and adolescents in Panama, IACHR Archive, April 1, 2021, p. 2.

¹³⁷⁹ Ministry of Foreign Affairs, Panama, Response of the Panamanian State to the request for information from the Inter-American Commission on Human Rights in light of Article 41 of the American Convention on Human Rights on the situation of shelters for children and adolescents in Panama, IACHR Archive, April 1, 2021, p. 4.

¹³⁸⁰ Secretaría Nacional de Niñez, Adolescencia y Familia, Panama, Press Release ["Board of Directors requests Senniaf to close shelters that do not comply with supervision process"](#), February 16, 2021.

¹³⁸¹ National Assembly, Panama, ["Child protection bills approved"](#), July 27, 2021. Panama Digital, Panama, ["Ministra del MIDES califica de "histórica" la aprobación en primer debate de los proyectos de ley sobre protección social de niños, niñas y adolescentes."](#) July 30, 2021.

11,559 persons deprived of liberty have been (voluntarily) vaccinated with at least one dose, which represents 61% of the prison population.¹³⁸²

742. The IACHR also takes note of the State's efforts, in conjunction with civil society organizations, to provide educational and social guidance to women deprived of their liberty with a view to supporting their social reintegration.¹³⁸³ In addition, it takes note of the findings of inspections carried out by the Ombudsman's Office at four Women's Rehabilitation Centers regarding prison conditions for women over 60 years of age, which reported precarious living conditions, limited health care, complaints about the quality of drinking water, non-existent psychiatric and psychological care, as well as limited access to external specialists for women with psychosocial disabilities.¹³⁸⁴

743. Regarding **women's rights**, the IACHR takes note of the launching of the "Support Point" Pilot Plan, which provides free emergency buttons to assist women victims of violence and older adults.¹³⁸⁵ However, it notes with concern the persistence of violence against women; according to official figures, from January 1 to October 31, 2021 there were 17 cases of femicide, 12 attempted femicides, and 16 violent deaths of women that were not considered femicide at the discretion of the prosecutor in the case¹³⁸⁶; in the same period, 14,319 reports of domestic violence were registered, 14% more than in the previous year¹³⁸⁷, along with 5,503 reports of rape and other sexual crimes, 31% more than in the previous year.¹³⁸⁸

744. On the other hand, the IACHR welcomes the approval of Bill 223 of 2020 in February 2021, which amends Law 82 of 2013 and Law 7 of 2018 to include provisions that describe behavior constituting political violence against women and the rights that assist victims of violence in the workplace.¹³⁸⁹

745. Finally, the IACHR notes with deep concern the ruling of the Supreme Court of Justice published on March 12, 2021, regarding the regulatory framework for the sterilization of women, which declared that the provisions that allow access to sterilization in the public health sector only to women over 23 years of age, who have two or more children and have a medical recommendation, are not discriminatory. It should be noted that the regulations allow access to sterilization to men over 18 years of age, without any additional requirement.¹³⁹⁰ The IACHR notes that the considerations in the ruling are based on stereotypical notions about the reproductive role of women and ignore the disproportionate impact on women living in poverty. The IACHR has recommended that States conduct a strict scrutiny of all laws, regulations, practices, and public policies providing for differences in treatment based on sex or gender and that may have a direct or indirect discriminatory impact on women.¹³⁹¹

¹³⁸² Ministry of the Interior General Directorate of the Penitentiary System "[A total of 11,559 inmates already have their dose against Covid-19](#)", October 8, 2021.

¹³⁸³ Ministry of Social Development. track August 9, 2021.

¹³⁸⁴ Office of the Ombudsperson. age June 2, 2021.

¹³⁸⁵ Ministry of Social Development. elderly March 8, 2021.

¹³⁸⁶ The Public Prosecutors' Office, Office of the Procurator General (Procuraduría General de la Nación), level from January 1 to October 31, 2021.

¹³⁸⁷ The Public Prosecutors' Office, Office of the Procurator General (Procuraduría General de la Nación), [Number of complaints filed of crimes against the family and marital status, nationwide](#), from January 1 to October 31, 2021.

¹³⁸⁸ The Public Prosecutors' Office, Office of the Procurator General (Procuraduría General de la Nación), level, from January 1 to October 31, 2021.

¹³⁸⁹ Gaceta Oficial Digital; No. Law 202 of March 8, 2021.

¹³⁹⁰ Gaceta Oficial Digital, No. Supreme Court of Justice - Plenary, Judgment of September 10, 2020.

¹³⁹¹ IACHR, [Violence and Discrimination against Women, Girls, and Adolescents. Annex 1: Standards and Recommendations](#), OEA/Ser.L/V/II. Doc. 233, November 14, 2019, par. 9,

PARAGUAY

• General considerations

746. In 2021, the Commission took note of the progress made in Paraguay on guaranteeing political rights and access to justice for persons with disabilities, and recognized the government's actions to prevent, punish, and eradicate gender-based political violence against women. It also highlighted the measures designed to reinforce the exceptional nature of pretrial detention, and the inclusion of Afro-descendent communities in the framework for the next national census.

747. The Commission observed that the country faces challenges in preventing violent acts in electoral contexts and during demonstrations, as well as in the human rights situations of indigenous peoples and campesino communities, especially with regard to evictions against territorial claims. The IACHR also emphasized the challenges for the rights of women, LGBTI persons, and persons deprived of liberty.

748. On December 3, 2021, the State submitted its response to the request for information sent by the Commission in order to prepare this chapter.¹³⁹²

• Specific topics

749. With regard to human rights institutions, the State reported on the strengthening of the executive branch's Human Rights Network¹³⁹³ through training sessions for civil servants and the development of an action plan for the Network's work in the 2021-2023 period.¹³⁹⁴

750. Along these lines, the State reported on its commitment to further implementing the National Human Rights Plan, in view of recommendations made during the United Nations Universal Periodic Review,¹³⁹⁵ and highlighted Paraguay's "results-based planning system" for monitoring and following up on the National Plan. The State also reported on the ongoing operation of the SIMORE Plus system for implementing recommendations from international agencies.¹³⁹⁶

751. With regard to the operation of the Office of the Ombudsperson, Paraguay's national human rights institution,¹³⁹⁷ the IACHR monitored the process for the election of the head and deputy positions, and in so doing, took note of the continuing criticism of the lack of transparency in the selection and appointment process.¹³⁹⁸

¹³⁹² State of Paraguay, Note 1/41-21/MPP/OEA, *Informe del Estado paraguayo en relación con la solicitud de información en el marco de la redacción del Capítulo IV-A del Informe Anual de la CIDH* [Report of the State of Paraguay regarding the request for information in the context of the preparation of Chapter IV-A of the IACHR Annual Report], December 3, 2021.

¹³⁹³ According to the State, the Network is made up of 39 government institutions and agencies from the executive, legislative, and judicial branches, as well as other public bodies, and its purpose is to foster interagency and intersectoral organization for implementation of the National Human Rights Plan.

¹³⁹⁴ Ministry of Justice, *"El Ministerio de Justicia coordinó reunión de la Red de derechos humanos del Ejecutivo [The Ministry of Justice coordinated a meeting of the executive branch's human rights network]"*, September 6, 2021.

¹³⁹⁵ The IACHR notes that the UN Human Rights Committee expressed concern over the limited implementation of the National Human Rights Plan, among other aspects. United Nations, *"Report of the Office of the United Nations High Commissioner for Human Rights. Compilation on Paraguay"*, March 1, 2021, p. 9.

¹³⁹⁶ State of Paraguay, Note 1/41-21/MPP/OEA, *Informe del Estado paraguayo en relación con la solicitud de información en el marco de la redacción del Capítulo IV-A del Informe Anual de la CIDH* [Report of the State of Paraguay regarding the request for information in the context of the preparation of Chapter IV-A of the IACHR Annual Report], December 3, 2021.

¹³⁹⁷ Honorable Chamber of Senators. *"Llamado a Concurso para Contralor/Subcontralor y Defensor del Pueblo/Defensor del Pueblo Adjunto [Call for Candidates for Comptroller/Deputy Comptroller and Ombudsman/Deputy Ombudsman]"*, July 26, 2021.

¹³⁹⁸ The IACHR notes that civil society organizations agree with the concerns expressed in the past by the Global Alliance of National Human Rights Institutions (GANHRI) regarding the lack of transparency in the legal process for electing the Ombudsman authorities. Due to these concerns, in addition to other institutional challenges, as of the writing of this report the Office of the Ombudsman is accredited with GANHRI "B" status, since it does not fully comply with the Principles relating to the Status of National Institutions (Paris Principles). Global Alliance of National Human Rights Institutions (GANHRI), *Report and Recommendations of the*

752. With respect to democratic institutions, the IACHR recognized the partial amendment of the law that governs electoral justice.¹³⁹⁹ Moreover, in the context of the October 2021 municipal elections,¹⁴⁰⁰ the IACHR celebrates the parity of the councilperson candidate lists in at least 133 of the 261 electoral districts.¹⁴⁰¹ It also welcomes the actions taken by the government to guarantee the vote and participation of persons with disabilities, which include measures that allow them to vote from home.¹⁴⁰² That said, the Commission also logged disconcerting reports of the killing of four candidates for councilperson, as well as threats made against candidates and their families.¹⁴⁰³

753. The IACHR observed demonstrations held on March 5, 2021, in response to the government's handling of the pandemic,¹⁴⁰⁴ learned of cases of potential abuse by law enforcement personnel,¹⁴⁰⁵ and found out about other reports of violent acts¹⁴⁰⁶ and demonstrator arrests.¹⁴⁰⁷ The

[Session of the Sub-Committee on Accreditation, Geneva, 11-15 March 2019](#), pp. 10-11; GANHRI, [As of April 2022, GANHRI is composed of 120 members: 90 "A" status accredited NHRIs and 30 "B" status NHRIs](#) and [status accreditation chart](#), updated April 27, 2022.

See: National Congress, [CVI presenta petitorio sobre próxima elección del Defensor del Pueblo](#) [Truth and Justice Commission submits petition on upcoming election of the Ombudsman], September 21, 2021; Última Hora, [Preocupa que prime cuoteo en elección de la Defensoría](#) [Concern over favoritism in Office of the Ombudsman elections], October 27, 2021; Decidamos, Campaña por la Expresión Ciudadana [We Decide, Campaign for Citizen Expression], [Carta abierta: Repudiamos el proceso de reelección de Miguel Godoy como titular de la Defensoría del Pueblo de Paraguay](#) [Open letter: We reject the reelection process for Miguel Godoy as Ombudsman of Paraguay], November 5, 2021.

¹³⁹⁹ Specifically, Article 6 of the law, on the powers and duties of the Superior Court of Electoral Justice (TSJE), was amended. See: National Congress, [Law 6858 / Modifying Article 6 of Law 635/1995](#), December 16, 2021.

¹⁴⁰⁰ According to the OAS Electoral Observation Mission, the election day took place without major incidents. Cf.: [Informe preliminar de la Misión de Observación Electoral de la OEA en Paraguay](#) [Preliminary report of the OAS Electoral Observation Mission in Paraguay], October 11, 2021.

¹⁴⁰¹ According to the available information, in 133 of the country's 261 districts, the lists consisted of at least 50% women. See: Marcella Zub and Line Bareiro, Center for Documentation and Studies, [La paridad desde abajo](#) [Parity from below], October 2021. However, the OAS Electoral Observation Mission continues to emphasize the challenges to the political participation of women: OAS, [Informe preliminar de la Misión de Observación Electoral de la OEA en Paraguay](#) [Preliminary report of the OAS Electoral Observation Mission in Paraguay], October 11, 2021.

¹⁴⁰² Superior Court of Electoral Justice, TSJE Resolution 24/2021, [Reglamento del voto accesible para las elecciones municipales del año 2021](#) [Regulations for accessible voting in the 2021 municipal elections], March 9, 2021.

¹⁴⁰³ OAS, [Informe preliminar de la Misión de Observación Electoral de la OEA en Paraguay](#) [Preliminary report of the OAS Electoral Observation Mission in Paraguay], October 11, 2021; and ABC, [Elecciones municipales 2021: violencia, sicariato y amenazas](#) [Municipal elections 2021: violence, contract killings, and threats], October 10, 2021.

¹⁴⁰⁴ The New York Times, [Rage spreads in Paraguay as virus surges, exposing corruption](#), March 11, 2021.

¹⁴⁰⁵ The National Mechanism for the Prevention of Torture registered situations involving excessive police force, mistreatment, abuse, verbal abuse, denigrating treatment, and discrimination, and reported them to the Office of the Prosecutor General for criminal investigation, and to the National Police Headquarters, to open administrative inquiries. See: Paraguay National Mechanism for the Prevention of Torture, [Informe intervención en el contexto de las manifestaciones sucesivas en el país](#) [Report on intervention in the context of the continuing demonstrations in the country], April 13, 2021.

¹⁴⁰⁶ In light of the reports of violence, including police violence, rubber bullet hits, and adverse impacts on journalists, the IACHR, exercising its powers under Article 41(d) of the American Convention on Human Rights, requested information from the State on what took place during the public demonstrations, including detailed information on how the authorities acted in response to the demonstrations, the action protocols for the protection of children and adolescents participating in or watching the protests, and the number of reports from people who were injured and arrested, including the reasons behind their arrests and their current detention status, as well as the investigations brought against security agents involved in violent acts.

¹⁴⁰⁷ Villalba, Sara Mabel: *Crisis Sanitaria, Movilización Social y Concentración de Poder* [The health crisis, social mobilization, and the concentration of power]. In: *Derechos Humanos en Paraguay 2021* [Human rights in Paraguay 2021], edited by Codehupy, December 2021, p. 23.

National Mechanism for the Prevention of Torture¹⁴⁰⁸ and civil society organizations expressed their concern over the circumstances of these arrests.¹⁴⁰⁹

754. The State informed the IACHR that 38 persons reported that they had been injured between March 5 and 7, 2021, and it provided information on the start of the investigations into government agents' participation in these violent acts as well as details on the reported arrests. The State also reiterated its commitment to international standards on protests and human rights.¹⁴¹⁰

755. The Commission also continued to monitor the citizen security situation in northern Paraguay. The IACHR is aware that the Joint Task Force (FTC) was created in that area due to the presence of groups engaging in criminal acts, and that it continues to perform citizen security work there.¹⁴¹¹ On July 31, 2021, the Commission repudiated an explosives attack against an FTC military entourage that resulted in the death of three members.

756. The IACHR is aware that civil society organizations have expressed their concern over the lingering security challenges in the north of the country.¹⁴¹² In 2021, the IACHR learned of the demands made by various organizations and family members of individuals who had been kidnapped in that area, calling for State action for their release.¹⁴¹³

757. Regarding access to justice and judicial independence, the State reported on the ongoing implementation of the "National Houses of Justice Program," the objective of which is to guarantee access to justice for vulnerable persons through mobile justice days, among other measures.¹⁴¹⁴ Along these

¹⁴⁰⁸ The National Mechanism indicated that it held in-depth interviews with 47 of the individuals who had been imprisoned, in which 64% stated that they had been hit and/or suffered verbal abuse. Most asserted that they had suffered physical violence; had received blows when they were already handcuffed or immobilized; had been thrown to the floor, punched, bludgeoned, kicked, toed, and buttstroked; and booted in their heads, feet, and backs by the police officers. Psychological violence was also used against them: they were made to strip naked in front of everyone at the police station; it was put on record that they were drunk even though they were not; and they suffered verbal abuse. Cf. Paraguay National Mechanism for the Prevention of Torture, *Informe intervención en el contexto de las manifestaciones sucesivas en el país* [Report on intervention in the context of the continuing demonstrations in the country], April 13, 2021.

¹⁴⁰⁹ Villalba, Sara Mabel: *Crisis Sanitaria, Movilización Social y Concentración de Poder* [The health crisis, social mobilization, and the concentration of power]. In: *Derechos Humanos en Paraguay 2021* [Human rights in Paraguay 2021], edited by Codehupy, December 2021, p. 23.

¹⁴¹⁰ State of Paraguay, Verbal Note 385-21/MPP/OEA, *Respuesta del Estado a la solicitud de información de la CIDH realizada a la luz del artículo 41 de la CADH sobre la respuesta estatal a las protestas de marzo de 2021* [State response to the IACHR request for information on the government response to the March 2021 protests, made under Article 41 of the American Convention on Human Rights], April 14, 2021. In IACHR files.

¹⁴¹¹ The Commission took note of interventions by government security forces in the country's north and observed that, as per Ministry of the Interior statements, the FTC will continue to act against the self-designated Paraguayan People's Army (*Ejército del Pueblo Paraguayo*, EPP) and against organized crime in general. These statements are available at: ABC, *Guizzio dice que son conscientes de que "llevará su tiempo" eliminar al EPP* [Guizzio says they know it will "take time" to eliminate the EPP], December 16, 2021. In addition, according to official information, the FTC works with Armed Forces of Paraguay combat elements in internal defense operations, in the departments of Concepción, San Pedro, and Amambay, to ensure domestic security within the legal framework established in Law 5036/13, which amends Law 1337/00 on national defense and domestic security. See: Executive branch, Decree 103/13, August 24, 2013. See also: La Nación, *El ACA prácticamente fue anulado para la FTC, según vocero* [According to spokesman, for the FTC the ACA has essentially been eliminated], November 21, 2021; Yahoo Noticias, *Paraguay detiene a un miembro de la "brigada indígena" de la guerrilla EPP* [Paraguay arrests a member of the "indigenous brigade" of the EPP guerrilla group], July 26, 2021.

¹⁴¹² Acevedo, Vidal and Karina Cuevas. *Persiste la impunidad en zonas militarizadas* [Impunity persists in militarized zones]. In: *Derechos Humanos en Paraguay 2021* [Human rights in Paraguay 2021], edited by Codehupy, December 2021, pp. 370-376.

¹⁴¹³ The IACHR will continue to monitor information on the kidnappings of Félix Urbieta, Edelio Morínigo, and Oscar Denis. See: Última Hora, *Familia de Óscar Denis vota y pide información de secuestrados* [Family of Óscar Denis votes and requests information on kidnappers], October 10, 2021; *Hijas de Óscar Denis reclaman ayuda internacional y tomar en serio amenaza del EPP* [Óscar Denis's daughters request international aid and that the EPP threat be taken seriously], August 9, 2021. La Nación, *Familiares de Félix Urbieta reiteran a secuestradores abrir un canal de comunicación* [Relatives of Félix Urbieta repeat their request for the kidnappers to open communications], July 6, 2021, and *Madre de Edelio exige investigar mensaje sobre los restos de su hijo* [Edelio's mother calls for message about her son's remains to be investigated], October 22, 2021.

¹⁴¹⁴ The State provided statistical information showing the number of attendees and their membership in specific groups or communities. State of Paraguay, Note 1/41-21/MPP/OEA, *Informe del Estado paraguayo en relación con la solicitud de información en el marco de la redacción del Capítulo IV-A del Informe Anual de la CIDH* [Report of the State of Paraguay regarding the request for information in the context of the preparation of Chapter IV-A of the IACHR Annual Report], December 3, 2021.

lines, the IACHR emphasizes the agreement made by the National Secretariat for the Human Rights of Persons with Disabilities (SENADIS) and the Office of the Ombudsperson to establish mechanisms that will enable persons with disabilities to access the justice system on equal footing.¹⁴¹⁵

758. With regard to the rights of indigenous peoples, the Commission took note of the reform of the Criminal Code that increased sentences for the crime of “invasion of another’s property,”¹⁴¹⁶ which, according to civil society organizations, would have differentiated negative impacts on indigenous and campesino communities,¹⁴¹⁷ in a context of challenges for indigenous communities’ claims to their traditional territories.¹⁴¹⁸

759. The IACHR continued to receive information on the challenges faced by indigenous peoples as a result of agroindustry and third-party activities leading to evictions, threats, and pollution of their lands. The IACHR is especially concerned that, according to public information, between May and July 2021 the following indigenous communities were evicted from their ancestral lands: Cerrito, of the Avá Guaraní people, Minga Porã, Alto Paraná; Yvy Porã, from Santa Rosa del Aguaray, department of San Pedro; Acaraymi, of the Avá Guaraní people, district of Hernandarias, Alto Paraná; Ka’a Poty 1, of the Avá Guaraní people, Itakyry zone, Alto Paraná; Cristo Rey, of the Avá Guaraní people, from Ybyrarobana, in Canindeyú; Ka’avusu, of the Avá Guaraní people, district of Itakyry, Alto Paraná; Yvypyte, of the Pa’i Tavyterã people, Amambay.¹⁴¹⁹

760. The Commission also observed that on October 12, 2021, marches were held in Asunción and in some departments; these marches were convened by the Articulación Nacional Indígena por una Vida Digna [National Indigenous Cooperative Association for a Decent Life] (ANIVID) to call for the restitution, regularization, and legal securing of their lands; an increase of funds in the 2022 National Budget; implementation of the National Plan for Indigenous Peoples 2020-2030; and the construction of housing.¹⁴²⁰

761. The Commission also takes note of the views issued by the United Nations Human Rights Committee, which conclude that Paraguay violated the rights of the Campo Agua’ẽ indigenous community of the Avá Guaraní people, located in the district of Curuguaty, department of Canindeyú, to their traditional lands due to the failure to prevent and control the toxic pollution of their lands caused by the intensive use of pesticides by nearby agricultural companies.¹⁴²¹

¹⁴¹⁵ National Secretariat for the Human Rights of Persons with Disabilities (SENADIS), [Convenio marco de cooperación interinstitucional entre la Secretaría Nacional por los Derechos Humanos de las Personas con Discapacidad y el Ministerio de la Defensa Pública](#) [Framework agreement for interagency cooperation between the National Secretariat for the Human Rights of Persons with Disabilities and the Ministry of Public Defense], September 15, 2021.

¹⁴¹⁶ National Congress, [Law 6830 / Modifying Article 142 of Law 1160/1997](#), October 5, 2021. Likewise, the IACHR monitored the legislative processing of the bill to reform the agricultural statute. While the bill did not pass, the Commission took note of the rejections that were based on the potential harmful effects it would have had on indigenous peoples’ claims against the usurpation and illegal transfers of their lands. Chamber of Deputies of the National Congress of Paraguay, [Archivan intención de modificar Ley del Estatuto Agrario](#) [Attempt to amend the Agricultural Statute Law is shelved], September 1, 2021; and Chamber of Senators of the National Congress of Paraguay, [Inició mesa de trabajo para analizar la reforma del estatuto](#) [Work group established to analyze the reform of the agricultural statute], May 4, 2021.

¹⁴¹⁷ CODEHUPY, *Informe Anual de Derechos Humanos 2021* [2021 Annual Report on Human Rights], December 2021, p. 269.

¹⁴¹⁸ The IACHR has been closely following the land ownership and eviction situation in Paraguay. As part of this monitoring, the Commission held a thematic hearing during its 150th Regular Session at which civil society organizations presented information on the historical context in which the evictions are carried out, emphasizing the systemic irregularities in land ownership, impacts of monocropping, and lack of progress in implementing the agricultural reform provided for in Paraguay’s constitution. At this hearing, the IACHR stressed the need for the State to have mechanisms in place for resolving land ownership conflicts, with a human rights perspective. On December 21, 2021, the IACHR requested updated information from the State of Paraguay on this situation.

¹⁴¹⁹ La Nación, [Violentos desalojos a comunidades indígenas en pandemia](#) [Violent evictions of indigenous communities during the pandemic], July 12, 2021.

¹⁴²⁰ Tierraviva, [Pueblos indígenas de Paraguay emplazan al Estado para que atienda sus demandas](#) [Indigenous peoples of Paraguay urge the State to meet their demands].

¹⁴²¹ In this respect, the Committee observed that the State did not exercise adequate control over broadly documented illegal polluting activities, and determined that the State of Paraguay was obliged to investigate the facts, prosecute the parties responsible,

762. With regard to the situation of persons deprived of liberty, the Commission salutes the decision made by the Supreme Court of Justice on March 26, 2021, calling for the exceptional use of pretrial detention, presenting a guide for the use thereof, and promoting the sua sponte review of this preventive custody measure.¹⁴²²

763. The foregoing is of particular relevance as, according to data from the National Mechanism for the Prevention of Torture, 70.71% of the persons deprived of liberty in Paraguay are subject to pretrial detention.¹⁴²³ The Commission notes with concern that Paraguay is the country in the region with the second highest usage of pretrial detention,¹⁴²⁴ and that this is one of the main causes behind the overcrowding of detention centers.

764. Along these lines, the IACHR is also concerned about the level of overcrowding in the Paraguayan prison system. Specifically, on October 29, the prison population was 15,049 persons,¹⁴²⁵ which amounts to overcrowding of 58.23%, given that the official stated capacity of the prison system on that date was 9,511 persons.¹⁴²⁶

765. The IACHR also followed, with concern, the acts of violence that took place on February 16 in the Tacumbú National Prison. According to the information available, during a riot that lasted almost 24 hours, at least 7 prisoners lost their lives, and 19 prison guards were taken hostage.¹⁴²⁷

766. With regard to women's human rights, the IACHR took note of the presentation of the bill to prevent, punish, and eradicate gender-based political violence against women, the aim of which is to ensure the protection of women activists, candidates, elected candidates, public servants, against diverse manifestations of gender violence, and to establish mechanisms for punishment in electoral and administrative matters.¹⁴²⁸

redress the victims and the community, repair the environmental degradation in consultation with the community, and adopt measures to ensure nonrepetition. See: Human Rights Committee, [Dictamen aprobado por el Comité a tenor del artículo 5, párrafo 4, del Protocolo Facultativo, respecto de la comunicación núm. 2552/2015 \[Views approved by the Committee under Article 5, paragraph 4 of the Optional Protocol, regarding communication no. 2552/2015\]](#), October 12, 2021.

¹⁴²² Supreme Court of Justice, Order 1511/21, Order indicating the need to apply pretrial detention only as an exceptional measure, March 26, 2021.

¹⁴²³ National Mechanism for the Prevention of Torture, [Personas privadas de libertad en Paraguay - Octubre 2021 \[Persons deprived of liberty in Paraguay - October 2021\]](#), November 12, 2021, p. 6.

¹⁴²⁴ World Prison Brief, Institute for Crime & Justice Policy Research, [Highest to Lowest - Pre-trial detainees / remand prisoners](#).

¹⁴²⁵ National Mechanism for the Prevention of Torture, [Personas privadas de libertad en Paraguay - Octubre 2021 \[Persons deprived of liberty in Paraguay - October 2021\]](#), November 12, 2021, p. 14.

¹⁴²⁶ National Mechanism for the Prevention of Torture, [Personas privadas de libertad en Paraguay - Octubre 2021 \[Persons deprived of liberty in Paraguay - October 2021\]](#), November 12, 2021, p. 14.

¹⁴²⁷ Under the powers established in Article 41 of the Convention, the Commission requested information from the State on these acts. In its response, the State provided information on the timeline of the acts and explained the measures taken to: (i) re-establish security at the center; (ii) investigate what happened and determine potential administrative and criminal liabilities; (iii) prevent reoccurrences; (iv) prevent criminal action by prisoners; and (iv) reduce overcrowding. See: IACHR, *Información contenida en solicitud de información al Estado, con base en el artículo 41 de la Convención Americana sobre Derechos Humanos* [Information contained in the request for information from the State, based on Article 41 of the American Convention on Human Rights], March 10, 2021; and Government of Paraguay, Diplomatic Note 348-21/MPP/OEA, April 6, 2021.

¹⁴²⁸ Legislative Information System, [Ficha Técnica del Expediente de Proyecto de Ley "para prevenir, sancionar y erradicar la violencia política contra las mujeres por razones de género \[Data sheet on the bill "to prevent, punish, and eradicate gender-based political violence against women"\]](#), April 22, 2021; Honorable Chamber of Senators, [Ley contra la violencia política hacia las mujeres fue debatido en evento internacional \[Law against political violence against women was debated at international event\]](#), August 26, 2021; Ministry for Women's Affairs, [Socializaron el Proyecto de Ley sobre Violencia Política \[Political violence bill was publicized\]](#).

767. The IACHR also noted the launch of the National Survey on the Situation of Women in Paraguay. This survey is designed to provide information on the health, educational level, employment and family status of women over eighteen, etc.¹⁴²⁹

768. With regard to sexual and reproductive rights, the Commission observed that training sessions were held for health sector personnel to improve their care response to gender-based violence.¹⁴³⁰

769. However, the IACHR expressed its concern over the increase in maternal deaths during the COVID-19 pandemic, primarily in April and May 2021.¹⁴³¹

770. The IACHR is also concerned about Paraguay's high child and adolescent pregnancy rates; according to available public information, from January to September 2021, 8,827 child and adolescent pregnancies were registered. Of those, 290 were in girls aged 10 to 14 and 8,357 in adolescents aged 15 to 19.¹⁴³² Notably, the Ministry of Education's prohibition on the dissemination and use of comprehensive sexual education and gender-perspective materials continues to be in force,¹⁴³³ as does the absolute criminalization of the voluntary termination of pregnancy except in cases in which the pregnant person's life is in danger.¹⁴³⁴

771. Lastly, the IACHR is troubled by the persistence of femicide and sexual and domestic violence. According to official data, in 2021, 35 acts of femicide were committed and 20 were attempted. In addition, 1,193 support services were provided to women victims of violence; of those, 133 were for sexual violence, 226 were for domestic violence, 354 for physical violence, and 639 for psychological violence.¹⁴³⁵

772. On the situation of Afro-descendants and the fight against racial discrimination, the Commission welcomed the National Statistics Institute's announcement that Afro-descendent communities will be included in the framework of the activities for preparing the next National Population and Housing Census 2022.¹⁴³⁶

773. With regard to the rights of LGBTI persons, according to information gathered from civil society, at least 80 cases of violence against trans persons were reported in 2021, as were other acts of discrimination based on sexual orientation and gender identity and expression.¹⁴³⁷ The IACHR also noted

¹⁴²⁹ Ministry for Women's Affairs, [Encuesta Nacional para conocer Situación de la Mujer en el Paraguay \[National Survey to Study the Situation of Women in Paraguay\]](#), October 4, 2021.

¹⁴³⁰ Ministry of Public Health and Social Welfare, [Personal de Salud se adiestrará en atención a la violencia sexual y basada en género \[Healthcare personnel will receive training on sexual and gender-based violence\]](#), November 7, 2021.

¹⁴³¹ According to official data, by the end of May, 76 maternal deaths had been registered; 60% of them were confirmed COVID-19 cases. By July of 2021, the number of deaths had increased to 118, of which 81 were due to COVID-19. See: Ministry of Public Health and Social Welfare, [Embarazo en tiempos de pandemia \[Pregnancy in pandemic times\]](#), June 1, 2021, and La Nación, [Preocupan 81 muertes por COVID-19 entre embarazadas en lo que va del año \[Concern over 81 COVID-19 deaths among pregnant women so far this year\]](#), July 30, 2021.

¹⁴³² Juan Rassmuss Echecopar Foundation, [Recordamos el Día Mundial de prevención del embarazo no intencional en adolescentes \[We commemorate World Contraception Day\]](#), September 23, 2021.

¹⁴³³ IACHR, Press release no. 208/17, [IACHR Regrets Ban on Gender Education in Paraguay](#), December 15, 2017; Ministry of Education and Science, [Resolution 29664](#), October 5, 2017; Ministry of Education and Science, [Resolution 1761](#), March 6, 2019.

¹⁴³⁴ National Congress Library and Central Archive, [Law 1160/Criminal Code](#), Articles 323, 349-353.

¹⁴³⁵ Ministry for Women's Affairs, [Observatory on Women to monitor violence against women](#).

¹⁴³⁶ Paraguayan Information Agency, [INE implementa «prueba conceptual» de campo, con miras al Censo Nacional 2022 \[National Statistics Institute implements "conceptual" field test, with a view to the 2022 National Census, October 6, 2021\]](#).

¹⁴³⁷ Posa Guinea, Rosa, Lía Benítez Flecha, and Carolina Robledo (from Aireana, pro-lesbian rights group), Mariana Sepúlveda (from Panambí, association of transvestites, transsexuals, and transgender people), Walter Morínigo (from Presencia Joven), and Erwing Augsten, [Movilización Social y Concentración de Poder \[Social Mobilization and the Concentration of Power\]](#). In: *Somos fuerza, resistencia y comunidad aún sin un Estado garante de derecho* [We are strength, resistance, and community even without

that trans, nonbinary, and gender-diverse persons demonstrated against the judicial branch, demanding that their gender identities be reflected on their civil records.¹⁴³⁸

774. Furthermore, the Commission recognizes the concerns expressed by civil society organizations on the dissemination of stigmatizing speech that could, in certain cases, foster or create an environment favorable to discrimination,¹⁴³⁹ given the aforementioned context of the prohibition against teaching with a gender perspective. Such a perspective is in fact necessary to ensure that education will be imparted without stereotypes based on ideas of inferiority or subordination.

775. With regard to the rights of persons with disabilities, the IACHR welcomes the agreement between the Ministry of Justice and SENADIS, designed to guarantee comprehensive care practices and policies for persons with disabilities who have been deprived of their liberty.¹⁴⁴⁰

776. On the other hand, the IACHR expressed its concern over the reports of the failure to prioritize persons with disabilities in the National Vaccination Plan,¹⁴⁴¹ as well as the challenges in access to the education system, particularly for students with visual impairments.¹⁴⁴²

777. Regarding persons in a situation of human mobility, the Commission observes that Paraguay would have activated vaccination against COVID-19 only for migrants with documents that certify their stays in the country as legal.¹⁴⁴³ Individuals who entered Paraguayan territory outside the regular channels will need to justify their stays by passing through migration control.¹⁴⁴⁴

778. With regard to human trafficking, the Commission emphasizes the positive nature of the actions carried out by the Ministry for Women's Affairs and the Gender Department of the Ministry of Public Health and Social Welfare to strengthen the care protocol for women, children, and adolescents affected by trafficking, with the aim of holding outreach seminars to raise awareness with community agents and care professionals from the Family Health Department.¹⁴⁴⁵

a State guarantor of rights], edited by Codehupy, December 2021, p. 87. Agencia Presentes, [Seis hombres secuestraron y torturaron a una joven trans en Paraguay \[Six men kidnapped and tortured a young trans women in Paraguay\]](#), March 17, 2021.

¹⁴³⁸ Agencia Presentes, [Personas trans exigen al Poder Judicial de Paraguay que reconozca sus identidades \[Trans people call on Paraguay's judicial branch to recognize their identities\]](#), October 15, 2021.

¹⁴³⁹ ABC, [Codehupy pide al defensor del pueblo que se retracte de afirmaciones contra derechos de personas trans \[Codehupy asks the Ombudsman to retract his statements against the rights of trans people\]](#), April 29, 2021; ABC, [Rechazan a candidata a la Corte que reconoció que en Paraguay hay niños y adolescentes trans \[Candidate for the Court who recognized the existence of trans children and adolescents in Paraguay is rejected\]](#), October 27, 2021; Posa Guinea, Rosa, Lía Benítez Flecha, and Carolina Robledo (from Aire ana, pro-lesbian rights group), Mariana Sepúlveda (from Panambi, association of transvestites, transsexuals, and transgender persons), Walter Morínigo (from Presencia Joven) and Erwing Augsten, *Movilización Social y Concentración de Poder [Social Mobilization and the Concentration of Power]*. In: *Somos fuerza, resistencia y comunidad aún sin un Estado garante de derecho [We are strength, resistance, and community even without a State guarantor of rights]*, edited by Codehupy, December 2021, p. 88.

¹⁴⁴⁰ Ministry of Justice, [Fortalecen asistencia integral a personas con discapacidad en contexto de encierro \[Comprehensive care strengthened for imprisoned persons with disabilities\]](#), May 5, 2021.

¹⁴⁴¹ ABC, [Urgen vacunas para personas con síndrome de Down \[Call for vaccines for persons with Down's syndrome\]](#), June 14, 2021.

¹⁴⁴² El País, [La educación que quiere llegar a todos los niños de Paraguay \[Education to reach all children in Paraguay\]](#), March 25, 2021.

¹⁴⁴³ Ministry of Public Health and Social Welfare, [Procedimiento para vacunación a extranjeros en nuestro país \[Procedure for vaccinating foreigners in our country\]](#), June 30, 2021.

¹⁴⁴⁴ Ministry of Public Health and Social Welfare, [Procedimiento para vacunación a extranjeros en nuestro país \[Procedure for vaccinating foreigners in our country\]](#), June 30, 2021.

¹⁴⁴⁵ Ministry for Women's Affairs, [Asistencia integral a mujeres víctimas de trata \[Comprehensive care for women trafficking victims\]](#).

779. The IACHR also salutes the initiatives taken by the Ministry for Women's Affairs to combat trafficking in persons, like "Ñande Ko'é"¹⁴⁴⁶ and "Atlas," which aims to provide information on the comprehensive care and protection programs for victims, among other aspects.¹⁴⁴⁷

780. With regard to the rights of children and adolescents, the State reported the development of an interagency protocol to protect children and adolescents participating in public demonstrations.¹⁴⁴⁸ However, the IACHR observed that according to the most recent National Statistics Institute statistics, over 36% of children and adolescents in Paraguay live in poverty or extreme poverty.¹⁴⁴⁹ The Commission also expressed its concern about the official data indicating that child labor had increased 30% during the COVID-19 pandemic.¹⁴⁵⁰

781. The Commission also noted that between January 2020 and June 2021 the Ministry for Children and Adolescents provided protection for 1,904 indigenous children and adolescents, giving them food, comprehensive health care, psychological support, education, recreation, clothing, community reintegration, and hygiene services.¹⁴⁵¹ However, the Commission noted that, according to public data, at least 500 indigenous children and adolescents were living on the streets.¹⁴⁵²

PERU

• General Considerations

782. Regarding **progress**, the Commission took note of steps taken, especially the adoption of a policy on the rights of older persons, measures to facilitate labor market integration and the exercise of voting rights among persons with disabilities, and measures to address violence against women and sexual and reproductive rights.

783. In terms of **challenges**, the IACHR reiterated its concern about the difficulties facing democratic institutions, in particular the constitutional process of presidential impeachment and the processes for selecting justice operators. The Commission also observed challenges related to access to justice for victims of forced sterilizations and indigenous leaders who defend their territory and the environment and face acts of violence. The Commission also noted the increase in femicide, disappearances of women, girls, and female adolescents, and discrimination and violence against LGBTI persons.

784. The State did not respond to the request for information that was sent in preparation for this chapter.

¹⁴⁴⁶ Ministry for Women's Affairs, [Asistencia integral a mujeres víctimas de trata \[Comprehensive care for women trafficking victims\]](#).

¹⁴⁴⁷ Ministry for Women's Affairs, [Se reúnen para reinstalar comisión contra la trata en Central \[Meeting held to reinstall anti-trafficking commission in Central\]](#).

¹⁴⁴⁸ State of Paraguay, Verbal Note 385-21/MPP/OEA, *Respuesta del Estado a la solicitud de información de la CIDH realizada a la luz del artículo 41 de la CADH sobre la respuesta estatal a las protestas de marzo de 2021* [State response to the IACHR request for information on the government response to the March 2021 protests, made under Article 41 of the American Convention on Human Rights], April 14, 2021. In IACHR files.

¹⁴⁴⁹ National Statistics Institute, [Indicadores de la Niñez y Adolescencia \(0 a 17 Años\) \[Indicators for Children and Adolescents \(0 to 17 years\)\]](#), August 2021, p. 11.

¹⁴⁵⁰ Paraguayan Information Agency, [Minna presentó acciones para la erradicación del trabajo infantil en Paraguay \[Ministry for Children and Adolescents presented actions to eradicate child labor in Paraguay\]](#), June 11, 2021.

¹⁴⁵¹ Paraguayan Information Agency, [Minna presentó acciones para la erradicación del trabajo infantil en Paraguay \[Ministry for Children and Adolescents presented actions to eradicate child labor in Paraguay\]](#), June 11, 2021.

¹⁴⁵² ABC, [Jueza aboga por acciones preventivas para cuidar a niños y adolescentes indígenas \[Judge advocates for preventive measures to care for indigenous children and adolescents\]](#), July 21, 2021.

- **Specific topics**

785. With regard to **human rights institutions**, the Commission acknowledges the work carried out by the Office of the Ombudsman throughout the 2021 presidential elections, during which it issued several press releases emphasizing its confidence in the country's electoral institutions, condemning harassment of election officials, and calling on citizens to exercise their right to vote.¹⁴⁵³ The Commission welcomes the progress made in the creation of the 2021-2025 National Action Plan on Businesses and Human Rights, the first of its kind in Peru and the third in Latin America and the Pacific Alliance.¹⁴⁵⁴ However, the IACHR shares the concerns of the United Nations High Commissioner for Human Rights regarding proposed budget cuts to human rights institutions in Peru.¹⁴⁵⁵

786. With respect to **democratic institutions**, the IACHR has viewed with concern the tensions between the legislative and executive branches, including mutual accusations of corruption, which has created political instability and undermined governance. Further, the Commission has expressed concern over the lack of an objective definition of presidential impeachment for moral incapacity more than a year after the political crisis triggered by the presidential impeachment on November 9, 2020.¹⁴⁵⁶ It also notes the legislative reforms concerning the President of the Republic's constitutional authority to dissolve Congress if it censures or expresses a lack of confidence in the Cabinet.¹⁴⁵⁷ The IACHR became aware that on October 19, 2021, Congress passed an ordinary law to limit the issue of confidence so that it may only be invoked for matters under presidential jurisdiction and not for the passage of laws or constitutional reforms.¹⁴⁵⁸ According to public information, this limitation may represent an imbalance of powers and should have been addressed through constitutional reform and not an ordinary law.¹⁴⁵⁹

787. The IACHR reiterates the importance of the separation and limitation of powers in constitutional democracy and of access to and exercise of power under the Rule of Law to ensure that the removal of a democratically and constitutionally elected leader cannot be left to a discretionary political decision by other branches of government.¹⁴⁶⁰

788. The Commission also notes with concern that the government has imposed certain limits on the freedom of press and information that limit the plurality of information and the full exercise of a free press.¹⁴⁶¹

789. In terms of **citizen security**, the IACHR learned that in April 2021, Congress passed a bill that recognizes Self-Defense and Rural Development Committees and incorporates them into the citizen security system. It classifies these committees as civilian democratic organizations in indigenous and rural communities and authorizes them to take actions to prevent crime and "the infiltration of narcoterrorism," promote social and development projects, and undertake other activities in coordination with the National

¹⁴⁵³Office of the Ombudsman, [Statement No. 07/DP/2021](#), June 15, 2021.

¹⁴⁵⁴Ministry of Justice and Human Rights, "[MINIUSDH presenta a la comunidad nacional e internacional el Plan de Acción sobre Empresas y Derechos Humanos](#)," June 24, 2021; Office of the Ombudsman, "[Nos reunimos con el MINIUSDH para conocer avances en elaboración del plan de acción sobre empresas y DD. HH.](#)" April 30, 2021.

¹⁴⁵⁵United Nations, "[Bachelet alarmada por los intentos de socavar las instituciones nacionales de derechos humanos en América Latina y el Caribe](#)," May 6, 2021.

¹⁴⁵⁶[The IACHR Stresses Its Concern About the Lack of an Objective Definition of Presidential Impeachment in Peru](#), December 10, 2021. IACHR, Press Release 270/20. [The IACHR Calls on the State of Peru to Protect Democratic Institutions and the Rule of Law After President's Impeachment](#), Washington, D.C., November 11, 2020; IACHR, Press Release 290/20. [IACHR Ends Working Visit to Peru](#), Washington, D.C., December 7, 2020; IACHR, Press Release 335/21.

¹⁴⁵⁷[Constitution of Peru](#), Article 134.

¹⁴⁵⁸La República, [Congreso rompe el equilibrio de poderes con el Ejecutivo](#), October 19, 2021.

¹⁴⁵⁹La República, [Congreso rompe el equilibrio de poderes con el Ejecutivo](#), October 19, 2021.

¹⁴⁶⁰IACHR, Press Release No. 290/20, [IACHR Ends Working Visit to Peru](#), December 7, 2020.

¹⁴⁶¹Office of the Ombudsman, "[Gobierno debe cesar todo acto que limite la libertad de prensa](#)," August 8, 2021.

Police.¹⁴⁶² This bill also authorizes the Committees to use firearms and munitions and to receive funding from local and regional governments, as well as the State.¹⁴⁶³

790. The IACHR notes with concern that this could endanger autonomous processes and authorities of indigenous peoples and create internal conflict within communities.¹⁴⁶⁴ Therefore, the Commission believes it is important for the State to promote forums for intercultural dialogue and coordination on issues such as security, protection, and the administration of justice in indigenous lands and territories, while respecting the rights of indigenous peoples to consultations, consent, and self-determination.¹⁴⁶⁵

791. As for **access to justice**, the IACHR welcomes the adoption by the Council for Justice System Reform of the proposed justice system reform policy that aims to deliver effective, rapid, and transparent justice for the people.¹⁴⁶⁶ It also notes that the Ministry of Justice and Human Rights has been implementing public policies to help civilian, police, and military victims of the violence that took place between 1980 and 2000 as part of its Comprehensive Reparations Plan. Of particular note are those policies concerning the search for missing persons and individual and collective reparations.¹⁴⁶⁷ The Commission also notes that the State passed the National Plan for the Search for Missing Persons through 2030, a tool that will bolster its work in this area under the leadership of the Ministry of Justice.¹⁴⁶⁸

792. The IACHR also notes that victims of forced sterilizations in the 1990s have criticized the delay in determining whether former president Alberto Fujimori and his health ministers will be investigated for allegedly ordering those sterilizations.¹⁴⁶⁹

793. Regarding **human rights defenders**, the Commission welcomes the creation of the inter-sectoral mechanism for the protection of human rights defenders created on April 22, 2021, through Supreme Decree 004-2021, which incorporates inter-American standards for risk prevention and the protection of human rights defenders.¹⁴⁷⁰ The goal of this mechanism will be to ensure prevention as well as protection and access to justice for human rights defenders in the face of risks that arise as a result of their activities.

794. Despite this progress, the Commission was made aware of several murders of human rights defenders in Peru. The Commission learned of the murders of Yenes Ríos Bonsano and Herasmo García Grau, on February 14 and 26, respectively, in the Amazonian regions of Ucayali and Huánuco.¹⁴⁷¹ The Asháninka indigenous leader Estela Casanto Mauricio from the Shankivironi native community was murdered on March 13, 2021. Ms. Cansanto Mauricio was an advocate her community's territorial

¹⁴⁶² [Bill Recognizing the Self-Defense and Rural Development Committees and Incorporating Them into the Citizen Security System](#), 2021, Articles. 4, 5, and 6.

¹⁴⁶³ [Bill Recognizing the Self-Defense and Rural Development Committees and Incorporating Them into the Citizen Security System](#), 2021, Articles. 8 and 9.

¹⁴⁶⁴ Noticia SER.PE, [El paramilitarismo: el otro golpe al Estado](#), April 29, 2021; Cutivalú, [La creación de comités de autodefensa rural provocará conflictos con las rondas campesinas](#), May 6, 2021; ANDINA, [Organizaciones campesinas e indígenas rechazan ley de comités de autodefensa](#), May 4, 2021.

¹⁴⁶⁵ IACHR, [Right to Self Determination of Indigenous and Tribal Peoples](#), OEA/Ser.L/V/II, December 28, 2021, p. 365.6.a.b.

¹⁴⁶⁶ Ministry of Justice and Human Rights, ["Consejo para la Reforma del Sistema de Justicia aprueba la 'Propuesta de Política Pública de Reforma del Sistema de Justicia'."](#) February 26, 2021.

¹⁴⁶⁷ Ministry of Justice and Human Rights, ["MINIUSDH destaca fortalecimiento de políticas públicas para víctimas civiles, policiales y militares del periodo de violencia 1980-2000."](#) May 21, 2021.

¹⁴⁶⁸ Ministry of Justice and Human Rights. ["Gobierno aprueba Plan Nacional de Búsqueda de Personas Desaparecidas al 2030."](#) July 13, 2021.

¹⁴⁶⁹ Amnesty International, [Esterilizaciones forzadas: sistema de justicia no puede hacer esperar más a las víctimas en su búsqueda de verdad y justicia](#), November 12, 2021; National Human Rights Coordinator, [Esterilizaciones forzadas: víctimas exigen investigar a juez por dilatar decisión sobre Fujimori y exministros](#), November 2021.

¹⁴⁷⁰ IACHR, Press Release No. 111/21, [IACHR Welcomes the Creation of the Intersectoral Mechanism to Protect Human Rights Defenders in Peru](#), May 3, 2021.

¹⁴⁷¹ El País, [Asesinados en la Amazonía de Perú dos líderes indígenas que denunciaban al narco](#), February 27, 2021; Mongabay, [Perú: dos nuevos asesinatos de indígenas cacataibo en zona tomada por el narcotráfico](#), March 1, 2021.

integrity.¹⁴⁷² Mario Marco Lopez Huanca, an Ashaninka environmental advocate from the Shirarine native community in the district of Puerto Bermudez was murdered on June 28.¹⁴⁷³

795. Regarding **justice operators**, the Commission observed several challenges in 2021 that made it difficult for them to fulfill their duties independently. The Commission granted precautionary measures to prosecutor José Domingo Pérez Gómez and his immediate family, believing that they were in a serious and urgent situation, as they risked suffering irreparable harm to their rights in Peru.¹⁴⁷⁴

796. Furthermore, the IACHR expressed its concern about the communique from the Congress of the Republic, in which it agreed to proceed with its session and vote to appoint justices to the Constitutional Court, despite the court ruling that ordered that the process be stayed. The Commission also emphasized that selecting and appointing justice operators through an inappropriate process would endanger their independence and urged the State to comply with the judicial rulings that were issued and ensure due process in the selection of Constitutional Court justices.¹⁴⁷⁵

797. Regarding **memory, truth, and justice**, the IACHR acknowledges the efforts of the Executive Secretariat of the High-Level Multisector Commission of the Ministry of Justice and Human Rights and the Institute of Democracy and Human Rights of the Pontificia Universidad Católica del Peru to open the online platform “Memorias en Diálogo” [Memories in Dialogue] to the public. The platform will gather input from civil society organizations and the wider population for the development of the National Plan for Memory, Peace, and Reconciliation.¹⁴⁷⁶

798. Regarding **the rights of older persons**, the Commission [welcomed](#) Peru’s deposit of the instrument of accession of the Inter-American Convention on Protecting the Human Rights of Older Persons on March 1, 2021.¹⁴⁷⁷ The IACHR also highlights the promotion by the Executive Branch of the Multisector National Policy for Older Adults through 2030,¹⁴⁷⁸ which established five priority goals around the right to care and good treatment for a life without discrimination; healthy aging; contributory and non-contributory benefits; continuous access to a full high-quality education at all levels and across all modalities, and social, economic, and political engagement.

799. As to the rights of **persons with disabilities**, the Inter-American Commission welcomes the ruling of the Constitutional Court of Peru on July 1, 2021, that requires jurisdictional bodies to avoid the use of pejorative terms for persons with disabilities.¹⁴⁷⁹ It also highlights efforts to ensure that persons in this group can access public transportation free of charge.¹⁴⁸⁰ The Commission received information about the goal of increasing the number of persons with disabilities formally employed in Peru, which currently stands at 7,600,¹⁴⁸¹ and the creation of the “Employment and Persons with Disabilities” platform to promote accessibility of information and labor market integration.¹⁴⁸² The IACHR learned about the

¹⁴⁷² ONAMIAP, [Condenamos asesinato de lideresa asháninka Estela Casanto Mauricio](#), March 13, 2021; CARETAS, [Asesinan a Estela Casanto Mauricio, dirigente asháninka en el valle del Perene](#), March 13, 2021.

¹⁴⁷³ Ojo Público, [Crimen en la Amazonía: muere el líder asháninka que recibió un disparo en la cabeza](#), July 1, 2021; Resumen Latinoamericano, [Perú. Mario López Huanca, séptimo líder indígena asesinado en un año de pandemia](#), July 2, 2021.

¹⁴⁷⁴ IACHR, Press Release No. 193/21, [IACHR Grants Precautionary Protection Measures in Favor of Prosecutor José Domingo Pérez Gómez and His Immediate Family in Peru](#), July 26, 2021.

¹⁴⁷⁵ IACHR [@CIDH](July 7, 2021). [CIDH expresa su preocupación ante el comunicado del Congreso de la República que acuerda continuar con la sesión y votación para la designación de Magistrados del Tribunal Constitucional](#) [Tweet]. Twitter

¹⁴⁷⁶ Ministry of Justice and Human Rights, [“MINJUSDH y PUCP lanzan plataforma web “Memorias en Diálogo” para la construcción del Plan Nacional de Memoria, Paz y Reconciliación.”](#) January 20, 2021.

¹⁴⁷⁷ IACHR, Press Release 55/21, [IACHR Welcomes Peru's Ratification of the Inter-American Convention on the Protection of the Human Rights of Older Persons](#), March 9, 2021.

¹⁴⁷⁸ Supreme Decree No. 006-2021-MIMP adopting the [National Multisector Policy for Older Adults through 2030](#), June 4, 2021.

¹⁴⁷⁹ Constitutional Court, [Plenum Judgement 729/2021](#), July 1, 2021.

¹⁴⁸⁰ Perú 21, [Personas con discapacidad severa podrán usar el transporte público de forma gratuita](#), September 7, 2021.

¹⁴⁸¹ Andina, [Gobierno busca aumentar empleo formal en personas con discapacidad](#), June 7, 2021.

¹⁴⁸² Tvpe, Noticias, [Ejecutivo lanza sitio web “Empleo y personas con discapacidad.”](#) June 3, 2021.

construction of 13,574 special tables for 356,007 citizens with disabilities, the use of 12,300 Braille screens throughout Peru, and the assistance provided to voters with disabilities on election days to ensure that COVID-19 safety and prevention protocols were followed.¹⁴⁸³

800. The Commission views with special concern reports from civil society organizations that the the bill intended to replace the General Law on Persons with Disabilities would have an impact on existing rights were it to pass.¹⁴⁸⁴ They report that this bill was drafted without public consultation with organizations of persons with disabilities.¹⁴⁸⁵ Regarding immunization against COVID-19, the Commission learned of complaints about various obstacles that persons with disabilities have faced, especially those who require more intensive support.¹⁴⁸⁶

801. Regarding the **human rights of women**, the IACHR values the State's efforts toward preventing violence against women and assisting and protecting victims. It welcomes the approval in February 2021 of the Strategic Guidelines for the Prevention of Gender-based Violence Against Women. The objective of these guidelines is to steer the joint multisectoral, multilevel prevention initiative, with an emphasis on primary prevention, and contribute to the eradication of such violence.¹⁴⁸⁷ The Commission also notes the approval in March 2021 of the new care protocol for the Women's Emergency Center (CEM), which aims to optimize and improve services for cases of violence, with a focus on avoiding revictimization and the adopting prevention strategies based on the risk and urgency of each case.¹⁴⁸⁸ The Commission also welcomes the publication in April 2021 of Law 31156, which permanently enables the use of technology channels to report incidents of violence against women to the National Police, criminal or family prosecutors, and family judges.¹⁴⁸⁹

802. Nonetheless, the Commission observes with extreme concern the increase in femicide and cases of missing women, girls, and female adolescents compared to the previous year. According to data from the Office of the Ombudsman, 132 femicides were recorded between January and November 2021, while 127 were recorded over that same period in 2020. Between January and October 2021, 4,904 alerts for missing women, girls, and female adolescents were recorded, 9% more than the previous year; 35% of those were for adult women and 65% for girls and female adolescents. The IACHR observes that in 15 of the femicide cases, the victims had previous been reported as missing, demonstrating the link between these two forms of violence.¹⁴⁹⁰ In that same vein, the Commission notes the records of support services for victims of violence provided by the Women's Emergency Center, which indicate an increase in psychological, physical, sexual, and economic violence: a total of 114,495 cases were recorded in 2020,

¹⁴⁸³ National Office of Electoral Processes, [Personas con discapacidad tendrán facilidades para la emisión del sufragio](#), June 2, 2021.

¹⁴⁸⁴ Human Rights Watch, [Perú: Disability Rights at Risk with New Bill](#), March 17, 2021.

¹⁴⁸⁵ Human Rights Watch, [Letter to Chair of the Commission of Social Inclusion and People with Disability of Peru RE: Draft Law for People with Disabilities](#), March 17, 2021.

¹⁴⁸⁶ El comercio, [Vulnerables sin vacunas: personas con discapacidad siguen esperando fecha de vacunación](#), May 6, 2021.

¹⁴⁸⁷ Republic of Peru. Report of the Republic of Peru in accordance with Article 41 of the Inter-American Convention – Sexual and Reproductive Rights, Document submitted to the IACHR in September 2021, p. 11. Archived at the IACHR; Ministry of Women and Vulnerable Populations. [Strategic Guidelines for the Prevention of Gender-based Violence against Women](#), February 26, 2021.

¹⁴⁸⁸ Republic of Peru. Report of the Republic of Peru in accordance with Article 41 of the Inter-American Convention – Sexual and Reproductive Rights, Document submitted to the IACHR in September 2021, p. 7. Archived at the IACHR; Ministry of Women and Vulnerable Populations, [Ministerial Decision No. 100-2021-MIMP. Adoption of the "Women's Emergency Center Care Protocol."](#) March 29, 2021.

¹⁴⁸⁹ Republic of Peru. Report of the Republic of Peru in accordance with Article 41 of the Inter-American Convention – Sexual and Reproductive Rights, Document submitted to the IACHR in September 2021, p. 13. Archived at the IACHR; Diario Oficial del Bicentenario El Peruano, [Law 31156](#), April 2021.

¹⁴⁹⁰ Office of the Ombudsman. [Report on Equality and Non-violence No. 21](#), October 2021; Defensoría del Pueblo, [urgen acciones integradas para la prevención y atención de los casos de femicidio](#), November 18, 2021; Office of the Ombudsman. Defensoría del Pueblo: [urge una intervención eficaz para que desapariciones de mujeres no terminen en feminicidios](#), November 11, 2021.

while 136,782 cases were recorded between January and October of 2021. Of the victims, 85.8% were women.¹⁴⁹¹

803. In terms of **sexual and reproductive rights**, the Commission notes positively the introduction in March 2021 of Bill 7298, which aims to regulate access to elective abortion until the fourteenth week of pregnancy—longer if the pregnancy is the result of rape or if the life or health of the pregnant person is in danger—and ensure pre- and post-abortion care within the health system.¹⁴⁹² However, it also notes the findings of a report from the Office of the Ombudsman stating that the majority of first- and second-level health facilities either are unfamiliar with or have not received quality training from the Ministry of Health regarding the [Technical Guidelines](#) that regulates therapeutic abortion. This creates a barrier to abortion access for girls and adolescents who are survivors of sexual violence.¹⁴⁹³

804. The IACHR takes note of Ministerial Decisions 450-2021 and 653-2021 from the Ministry of Health, published in March and May of 2021, respectively, whose purpose is to ensure access to sexual and reproductive health services in the context of the COVID-19 health emergency and to help reduce maternal morbidity and mortality;¹⁴⁹⁴ however, the IACHR observes that 165 maternal deaths were recorded between January and April of 2021, of which 38.6% had COVID-19 listed as an indirect cause of death.¹⁴⁹⁵

805. Lastly, the IACHR notes the progress in implementing the National Care Work System through the publication in June 2021 of the Conceptual Framework, which aims to recognize and redistribute care work and eradicate gender inequalities.¹⁴⁹⁶ It also welcomes the publication in April 2021 of Act 31155, which prevents and punishes harassment of women in political life, with the goal of ensuring that they have full exercise of their political rights in equal conditions.¹⁴⁹⁷ However, the Commission recognizes the challenges that remain to reach substantial parity in political representation, as only 22% of those at the top of party lists in the most recent congressional elections were women.¹⁴⁹⁸

806. Regarding the **rights of children and adolescents**, the Commission welcomes the passage of Vice-ministerial Decision 169-2021-MINEDU, which incorporates “Guidelines for Comprehensive Sex Education for Primary Education.” The IACHR notes that the purpose of this document is to establish guidelines for the relevant and timely implementation of comprehensive sex education in institutions and educational programs at the primary education level, in order to enable an experience of sexuality that is safe, responsible, and healthy, based on the developmental stage and maturity of the student.¹⁴⁹⁹ The Commission also learned that 15,802 children and adolescents had benefited from economic assistance for children orphaned by COVID-19 as of November 5, 2021, based on data from the Ministry for Women and Vulnerable Populations (MIMP).¹⁵⁰⁰

¹⁴⁹¹ Ministry for Women and Vulnerable Populations. [MIMP Statistics on Support Services](#), accessed November 25, 2021.

¹⁴⁹² Congress of the Republic, [Bill No. 7298/2020 Recognizing the Right to Freely Decided Maternity](#), received March 9, 2021.

¹⁴⁹³ Office of the Ombudsman. [Report on Oversight of Comprehensive Care in Health Establishments for Girls and Teenagers Who Became Pregnant due to Sexual Violence](#), Special Report No. 009-2021-DP, July 2021; UNFPA, [Urge garantizar la atención integral de salud a niñas y adolescentes víctimas de violencia sexual](#), July 20, 2021.

¹⁴⁹⁴ Ministry of Health, [Ministerial Decision No. 450-2021/MINSA](#), March 31, 2021; Ministry of Health, [Ministerial Decision No. 653-2021/MINSA](#), May 19, 2021.

¹⁴⁹⁵ Ministry of Health. [Epidemiological Situation of Maternal Mortality in Peru](#), Undated.

¹⁴⁹⁶ Ministry for Women and Vulnerable Populations. [Conceptual Framework Technical Document](#), June 2021

¹⁴⁹⁷ Diario Oficial del Bicentenario El Peruano, [Law No. 31155](#), April 7, 2021.

¹⁴⁹⁸ Office of the Ombudsman [Defensoría del Pueblo: deben erradicarse obstáculos para promover la participación política de las mujeres](#), September 7, 2021

¹⁴⁹⁹ Ministry of Education, Peru, [Vice-ministerial Decision 169-2021-MINEDU](#), June 3, 2021.

¹⁵⁰⁰ Plataforma digital única del Estado Peruano, [“MIMP: Más de 15 mil niñas, niños y adolescentes acceden a la Asistencia Económica por Orfandad de la COVID”](#), November 5, 2021.

807. The IACHR highlights its concern over data on the incidence of online sexual exploitation of children and adolescents and the increase in this kind of abuse in the context of the pandemic.¹⁵⁰¹

808. Regarding the rights of **LGBTI persons**, the Commission welcomes the adoption by the National Office of Electoral Processes of a protocol to ensure that transgender persons have the right to vote in elections.¹⁵⁰² The IACHR also takes note of the favorable opinion of the gender identity bill issued by the Congressional Committee on Women and the Family.¹⁵⁰³ Finally, the Commission acknowledges reports of discrimination and violence against LGBTI persons, including the murder of transgender women.¹⁵⁰⁴

809. With regard to the rights of **persons of African descent and against racial discrimination**, the Inter-American Commission positively observed the inclusion of six regions of the country in the creation of the National Policy of the Afro-Peruvian Community (PNPA). The Ministry of Culture has scheduled several workshops to collect input from regional and local authorities, civil servants, representatives of Afro-Peruvian organizations, and the wider public to improve the proposed public policy.¹⁵⁰⁵

810. The IACHR welcomed the meeting between the Ministry for Women and Vulnerable Populations and the Afro-Peruvian Women Working Group to set a priority work agenda for gender equality with the objective of promoting the rights of Afro-Peruvian women. According to available sources, the meeting was an opportunity to receive requests and lists of priority needs from the leaders of the organizations who were part of the working group, who experience complex discrimination due to intersecting factors of ethno-racial origin and gender.¹⁵⁰⁶

811. Regarding the **rights of indigenous peoples**, the IACHR continued to receive reports that people in leadership roles and indigenous leaders who defend human rights of their peoples and communities in Peru's Amazon region are still subjected to threats, assaults, and murder. This is happening in a context of a rise in illicit economies and activities from the region's extractive and agricultural industries, which affect indigenous peoples' rights to their ancestral territories and self-determination.¹⁵⁰⁷

812. In that vein, the Commission received information from the State about serious incidents related to the investigations into the deaths of Estela Casanto Mauricio, Yenes Ríos Bonsano, and Herasmo García Grau that particularly impacted the native Shankivironi, Puerto Nuevo y Sinchi Roca, and Santa Clara de Uchunya communities. The Commission also learned of the measures that have been taken to combat the structural causes of the risks faced by advocates and members of the native communities of the Peruvian Amazon and the attacks against them.

813. The Commission also noted that the legislative session in Congress included four bills concerning the rights of indigenous or native and Afro-Peruvian peoples, which sought to recognize legal personhood for indigenous or native and Afro-Peruvian peoples; grant amnesty to prosecuted authorities and members of indigenous peoples; bring about intercultural coordination between indigenous peoples' judicial systems and State institutions, and promote the titling of territorial property of indigenous or native and Afro-Peruvian peoples.

¹⁵⁰¹ CHS Alternativo, [Los Desafíos de la Explotación Sexual de Niñas, Niños, y Adolescentes en Línea](#), November 30, 2021.

¹⁵⁰² National Office of Electoral Processes, [Lead Committee Decision 000062-2021-JN/ONPE](#), March 8, 2021.

¹⁵⁰³ Perú 21, "[Ley de identidad de género queda en manos del Pleno](#)" March 30, 2021.

¹⁵⁰⁴ La República, "[Loreto: mujer trans fue asesinada en posible crimen de odio](#)" May 11, 2021; Perú 21, "[Mujer de 25 años es víctima de transfeminicidio en el Callao](#)" September 21, 2021; Infobae, "[Tiktoker es víctima de agresión homofóbica en Miraflores](#)" October 5, 2021.

¹⁵⁰⁵ El Peruano, [Mincul: Propuesta de Política Nacional del Pueblo Afroperuano recibe aportes de 6 regiones](#), August 27, 2021

¹⁵⁰⁶ Andina, [MIMP promueve agenda prioritaria para los derechos de las mujeres afroperuanas](#), October 26, 2021

¹⁵⁰⁷ AP News. [Perú: nativos protestan por títulos y avance de narcotráfico](#), October 20, 2021.

814. Regarding **persons deprived of liberty**, according to the National Penitentiary Institute, the prison population was 87,332 as of August 2021.¹⁵⁰⁸ Considering that the official capacity of the penitentiary system in August 2021 was 41,123 people, the overpopulation level stood at 112%.¹⁵⁰⁹ The IACHR was informed of barriers to verifying detention conditions. For example, the IACHR received reports that the National Mechanism for the Prevention of Torture (MNPT) suspended its supervisory visits to all detention centers when mandatory social distancing measures took effect. According to those reports, the Mechanism only resumed in-person visits in other places of deprivation of liberty such as holding jails for requisitories, police stations, and residences for children and older adults.¹⁵¹⁰

815. Regarding the situation of **persons in human mobility**, the Commission notes the decision of the National Superintendency of Migration and the Ministry of Health to include all persons in a situation of mobility, regardless of their immigration status, in the National Registry for Universal Vaccination to obtain the COVID-19 vaccine.¹⁵¹¹

816. Regarding **human trafficking**, the Commission notes the passage of the National Policy against Trafficking in Persons and its Forms of Exploitation through 2030, which proposes a multisector strategy to address and fight these crimes.¹⁵¹² The IACHR also acknowledges the bilateral agreement between Bolivia and Peru to reinforce efforts against human trafficking, migrant smuggling, and related crimes, which aims to build cooperation and coordination between the parties through the establishment of mechanisms for prevention, prosecution, assistance, and the reintegration of victims.¹⁵¹³

SAINT VINCENT AND THE GRENADINES

- **General considerations**

817. As for **progress**, the IACHR welcomes the efforts of the State to update the National Action Plan to combat human trafficking. Additionally, it notes the State's efforts to provide gender-sensitive responses in contexts of natural disasters. It further takes note of the State's efforts to examine national policies and systems relating to persons displaced by climatic and environmental factors.

818. With regard to **challenges**, the Commission notes the failure to establish a national human rights institution in accordance with the Paris Principles. The IACHR is also concerned about reports of excessive use of force by agents of the Royal Saint Vincent and the Grenadines Police Force. Additionally, it notices challenges faced by children with disabilities in accessing education. Lastly, it notes the State's lack of progress in decriminalizing consensual sex acts between same sex partners, and with respect to the abolition of the death penalty.

819. The State did not respond to the request for information submitted to it for preparation of this chapter.

¹⁵⁰⁸ National Penitentiary Institute, Peru, [August 2021 Statistical Report](#), 2021.

¹⁵⁰⁹ National Penitentiary Institute, Peru, [August 2021 Statistical Report](#), 2021.

¹⁵¹⁰ IACHR, Public hearing "[Human Rights Situation of Persons Deprived of Liberty in the Americas](#)," 181st Period of Sessions, October 28, 2021. Information provided by civil society.

¹⁵¹¹ National Superintendency of Migration, Peru, Communique 007-2021, April 4, 2021. Ministry of Health, Peru, Communique No. 608 - [No existe impedimento para vacunación de personas extranjeras](#), July 14, 2021.

¹⁵¹² Government of Peru, <https://www.gob.pe/institucion/embajada-del-peru-en-suiza/noticias/512087-aprobacion-de-la-politica-nacional-frente-a-la-trata-de-personas-y-sus-formas-de-explotacion-al-2030>, August 18, 2021.

¹⁵¹³ Government of Peru, [Bilateral Agreement Between the Republic of Peru and the Plurinational State of Bolivia to Reinforce Efforts against Human Trafficking, Migrant Smuggling, and Related Crimes](#) January 28, 2021.

- **Specific issues**

820. In relation to the crosscutting pillar of **human rights institutions**, the IACHR is concerned about the failure to establish a national human rights institution in accordance with the Paris Principles.¹⁵¹⁴ In this context, the Commission notes that, in the framework of the Universal Periodic Review (UPR), the State expressed its intention to conduct a study on the most feasible way to establish the NHRI, and the need to have a National Human Rights Action Plan in place in order to advance, promote and protect human rights.¹⁵¹⁵ On this score, the Commission expresses its willingness to provide technical assistance, in order to move forward in the process of human rights institution building.

821. Additionally, the IACHR has said that the analysis of the State's fiscal and budget policies to fund human rights institutions is supplementary to such a framework. Thus, the Commission takes note of the information published and the measures taken by the Ministry of Finance, Economic Planning, Sustainable Development and Information Technology to promote transparency in budget planning.¹⁵¹⁶ The IACHR recalls that the same human rights approach taken in every public policy formulation cycle, should also be followed in the process of formulating the budget.¹⁵¹⁷

822. As for **democratic institutions**, the Commission observes that according to the Rule of Law Index, issued by the World Justice Project, the State placed fifth out of 32 countries of the region of Latin America and the Caribbean; and 38th out of 139 countries worldwide. This global ranking is based on the State's adherence to the universal principles of accountability, absence of corruption, compliance with the law, open government and civil justice, among other factors.¹⁵¹⁸

823. In the area of **citizen security**, the Commission takes note of the violence that took place during demonstrations in Kingstown, and the reports of excessive use of force by the Royal Saint Vincent and the Grenadines Police Force (RSVGPF). The IACHR notes that demonstrations were held to protest the announcement of amendments to the Public Health Act, which proposed mandatory COVID-19 vaccination for certain categories of frontline workers serving the public.¹⁵¹⁹ On August 5, these demonstrations turned violent and left the Prime Minister injured.¹⁵²⁰ In this context, the Commission and its Special Rapporteurs for Freedom of Expression condemned the acts of violence and the assault on the Prime Minister. They also urged the state to investigate the events with due diligence and adopt the measures necessary to ensure that the right to protest is exercised in accordance with Inter-American human rights standards.¹⁵²¹

824. Additionally, in the framework of the third Universal Periodic Review, the State expressed its intention to enhance further the human rights component of the RSVGPF academy curriculum, and

¹⁵¹⁴Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/39/VCT/2, August 18, 2021.

¹⁵¹⁵United Nations Human Rights Council, National Report submitted pursuant to paragraph 5 of the annex to Resolution 16/21 of the Human Rights Council, A/HRC/WG.6/39/VCT/1, October 14, 2021.

¹⁵¹⁶Ministry of Finance, Economic Planning, Sustainable Development and Information Technology, Publications, [Budget](#), 2021.

¹⁵¹⁷IACHR, Public Policies with a Human Rights Approach, OEA/Ser.L/V/II. Doc. 191 September 15, 2018.

¹⁵¹⁸World Justice Project, [WJP Rule of Law Index 2021 performance](#), 2021, pg. 157; News784, [St. Vincent and the Grenadines ranked 38 out of 139 countries on rule of law](#), October 14, 2021.

¹⁵¹⁹Office of the Prime Minister of Saint Vincent and the Grenadines, [Press Release: Objective Of The Public Health \(Amendment\) Bill 2021](#), July 30, 2021. Jamaican Observer, [St. Vincent gov't moving to amend Public Health Bill to make vaccine mandatory for frontline workers](#), August 2, 2021.

¹⁵²⁰iWitness News, [PM Gonsalves injured during protest in Kingstown](#), August 5, 2021; News748, [St. Vincent's PM Ralph Gonsalves Injured During Protest In Kingstown](#), August 5, 2021.

¹⁵²¹CIDH-IACHR [@CIDH]. (August 6, 2021). #SaintVicentANDTheGrenadines The#IACHR and @RELE_CIDH condemn the attack against Prime Minister Ralph Gonsalves who was wounded when entering the Legislative Assembly headquarters, on #AUG5, during protests related to measures on vaccines against #COVID19. Twitter. <https://twitter.com/cidh/status/1423778161901412356?lang=en>.

provide additional training to officers about how to defuse violent situations.¹⁵²² Nonetheless, the IACHR received public information about incidents relating to the excessive use of force by the RSVGPF agents, which led to at least three individuals requiring medical care.¹⁵²³

825. As for the **rights of children and adolescents**, the IACHR notes the measures to raise awareness about child abuse and the lack of inclusion of children with disabilities in the education system. As for child abuse awareness-raising measures, the Commission welcomes the launching of “Child Abuse Prevention Awareness Month” by the Childhood Development Division. Under the slogan “Watch! Suspect! Talk! Protect our children during Covid-19,” this campaign is aimed at bringing about great awareness among the population about child abuse and neglect during the COVID-19 pandemic and to encourage reporting such incidents.¹⁵²⁴

826. The IACHR is also concerned that, according to a report of United Nations Educational Scientific and Cultural Organization (UNESCO), children with disabilities are not being included in regular classes and, consequently, they are being denied an equal right to education. Additionally, there are only three education facilities for children with disabilities on the island, and their locations are not conveniently located to where this population resides. Moreover, the aforementioned report notes that there is a shortage of teachers with the necessary skills to teach children with special educational needs.¹⁵²⁵

827. With respect to **human mobility**, the Commission notes that, along with the other Members states of the Organization of Eastern Caribbean States (OECS), Saint Vincent and the Grenadines is working with the International Organization for Migration (IOM) to analyze policies and national systems for the management and submission of information relating to the movement of persons resulting from climatic and environmental factors.¹⁵²⁶

828. In the area of **forced internal displacement**, the Commission notes that according to the most up-to-date United Nations data, the eruption of *La Soufrière* volcano, on April 9, 2021, led to the forced displacement of at least 20,000 persons. This figure represents 20% of the total population of the country.¹⁵²⁷ In this context, the IACHR is concerned that the government set up 85 emergency shelters to provide resources in the short term, even though some people were unable to return to their homes within such a time period.¹⁵²⁸

829. As for **trafficking in persons**, the IACHR observes that the State is working on updating the 2021-2025 National Plan of Action to combat human trafficking.¹⁵²⁹ Additionally, it takes note of the efforts it made to build the capacity of the security forces to prevent human trafficking, as well as to educate officers and victims about available resources.¹⁵³⁰

830. The Commission further notes that the Office of the United Nations High Commissioner for Human Rights recommended Saint Vincent and the Grenadines to implement human trafficking prevention in a more effective manner, its 2011 Law and national plan, since fewer victims have been

¹⁵²²UNHRC, Thirty-ninth session, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Saint Vincent and the Grenadines](#), A/HRC/WG.6/39/VCT/1, 1–12 November 2021, para. 37.

¹⁵²³ iWitness News, [Woman says she almost died after police beating](#), June 3, 2021. Loop News, [SVG: Protest turns sour, opposition senator's husband roughed up](#), September 10, 2021; Winn Media SKN, [SVG Protest: Husband of Opposition Senator choked by police, now arrested](#), September 10, 2021.

¹⁵²⁴VC3 – Facebook, [Launch of Child Abuse Awareness Prevention Month - St. Vincent & the Grenadines](#), April 8, 2021; SVG – Child Development Division – Facebook, [Launch of the Child Abuse Awareness and Prevention Month](#), April 16, 2021.

¹⁵²⁵UNESCO, [Global Education Monitoring Report – Saint Vincent and the Grenadines](#), August 25, 2021.

¹⁵²⁶ IOM, [“IOM hosts Successful Workshop on Human Mobility & Climate Change in the OECS”](#), 2 February 2021.

¹⁵²⁷UN, [St. Vincent & the Grenadines: La Soufrière Volcano Situation Report No. 07](#), May 14, 2021, p.1.

¹⁵²⁸Direct Relief, [Volcanic Explosion in St Vincent and the Grenadines](#), April 19, 2021.

¹⁵²⁹United Nations Human Rights Council, National Report pursuant to paragraph 5 of the annex to resolution 16/21 of the Human Rights Council, A/HRC/WG.6/39/VCT/1, October 14, 2021.

¹⁵³⁰Searchlight, [SVG police receive digital training in their fight against human trafficking](#), Searchlight, July 16, 2021, [St Vincent and the Grenadines receives digital training in their fight against Human Trafficking](#), Police Force press, July 8, 2021.

identified, and a lower number of traffickers have been investigated, prosecuted and convicted.¹⁵³¹ In addition, it urged the State to ensure that business enterprises and their subsidiaries operating or managed out of Saint Vincent and the Grenadines, particularly in child sex tourism and trade, are held criminally liable.¹⁵³²

831. With respect to **the human rights of women**, the IACHR welcomes the State's efforts, in conjunction with United Nations agencies in the framework of the EnGenDER Program, to provide gender sensitive responses in contexts of natural disasters, such as the eruption of *La Soufrière* volcano in April 2021. In particular, the Commission takes note of a report that explains the risk of gender-based violence at shelters, as well as the recommendations to mitigate such risks. It further takes note of the awareness-raising workshops on gender violence given at emergency shelters to disseminate information about how to obtain care and assistance services.¹⁵³³

832. As for the rights of **LGBTI persons**, the Commission is concerned about the lack of progress in decriminalizing the offenses of "sodomy" and "lewd practices between persons of the same sex", as established in the Criminal Code, which are punished with jail terms of up to ten years, even when they are carried out in the private sphere. In this regard, the IACHR reiterates that provisions of law punishing a particular group of persons of the same gender for participating in a consensual sex act or practice are not acceptable, inasmuch as they are at odds with the ban on sexual orientation-based discrimination.¹⁵³⁴ Additionally, the IACHR stresses that these laws reinforce existing social prejudices and considerably magnify the negative effects these prejudices have on the lives of LGBTI persons.¹⁵³⁵

833. With respect to the rights of **persons deprived of liberty**, the Commission welcomes the measures taken by the State to improve the treatment of persons deprived of liberty in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). According to information provided by the State during its third Universal Periodic Review, the Government seeks: i) to introduce a Prisoner Classification System whereby offenders are classified based on factors such as offense and age; ii) to facilitate greater access to medical care for persons deprived of liberty; and iii) to implement programs aimed at rehabilitation. Additionally, it is building a new prison for women that is expected to provide a more appropriate setting for rehabilitation.¹⁵³⁶

834. With regard to the **death penalty**, the Commission expresses its concern over the lack of progress in abolishing this punishment, even though no executions have been carried out since 1995.¹⁵³⁷ The IACHR also notes that the courts have not imposed any further death sentences, though it views with concern that at least one person remains on death row.¹⁵³⁸ The IACHR emphasizes that the death penalty is a violation of the right to life, and that the States must take measures to abolish it.

¹⁵³¹United Nations General Assembly, [Compilation on Saint Vincent and the Grenadines Report of the Office of the United Nations High Commissioner for Human Rights](#), August 18, 2021, p.5, para. 34.

¹⁵³²United Nations General Assembly, [Compilation on Saint Vincent and the Grenadines Report of the Office of the United Nations High Commissioner for Human Rights](#), August 18, 2021, p.9, para. 67.

¹⁵³³EnGenDER. [Confronting Gender Disparities and Multiple Hazard Events: A Caribbean Reality Newsletter Edition 3](#), August, 2021.

¹⁵³⁴IACHR. Report Informe No. 81/13, Case 12.743. Merits. Homero Flor Freire. Ecuador. November 4, 2013, par. 114.

¹⁵³⁵IACHR. Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas. OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, pars. 56, 74 and 75.

¹⁵³⁶UNHRC, Thirty-ninth session, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Saint Vincent and the Grenadines](#), A/HRC/WG.6/39/VCT/1, November 1 - 12, 2021, para. 38.

¹⁵³⁷Cornell Law School, [Cornell Center on the Death Penalty Worldwide Database – Saint Vincent and the Grenadines](#), November 2021.

¹⁵³⁸World Coalition Against the Death Penalty, [Saint Vincent and the Grenadines](#), August 30, 2021.

SAINT LUCIA

- **General considerations**

835. As regards **progress**, the IACHR takes note of the State's commitment to fight corruption. The Commission also observes the actions implemented by the State to strengthen the capacity of the police to respond to the prevalence of the violence related to firearms. In addition, the IACHR welcomes the implementation of the project to provide specialized training to students with disabilities and their teachers. The Commission further takes note of the State's efforts to improve comprehensive care for the survivors of gender-based violence. The IACHR also highlights the measures aimed at analyzing the national policies and systems in relation to persons displaced by climatic and environmental factors. Finally, the Commission notes the incorporation of the Inter-American SIMORE (System for Monitoring Recommendations) to the work of the National Coordinating Committee for Human Rights.

836. As for the **challenges**, the IACHR observes with concern the high unemployment rate among women, as well as their low representation in the House of Assembly. In addition, the Commission notes persistent criminalization of consensual sexual acts between persons of the same sex. In addition, it notes the lack of progress towards abolishing the death penalty.

837. The State did not respond to the request for information submitted for the drafting of this chapter.

- **Specific Issues**

838. As regards the **human rights institutional framework**, the Commission observes that Saint Lucia has an Office of the Ombudsman and that it is a member of the Caribbean Ombudsman Association. Nonetheless, it has not been recognized as a national human rights institution. The Commission also takes note of the creation of a mechanism for interinstitutional coordination to monitor and report on the human rights situation in the country, in keeping with its international obligations in respect of human rights. Thus, the Commission welcomes the work of the National Coordinating Committee for Human Rights¹⁵³⁹, which serves as a national mechanism for presenting reports and follow-up, with the mandate of surveilling and reporting on the national human rights situation.¹⁵⁴⁰ In addition, the Commission welcomes the incorporation of the Inter-American SIMORE as one of the tools for working and monitoring that has been adopted by the National Coordinating Committee for Human Rights.¹⁵⁴¹

839. As regards Saint Lucia's initiative to request technical assistance to strengthen its officials' capabilities in 2020, the IACHR notes that on May 28, 2021, the second training session was held on inter-American standards to fight racial discrimination and discrimination against women, led by Commissioner Margarete Macaulay. It included the participation of officials from the Ministry of External Affairs, other representatives of the State, and the resident representative of the OAS in the country. The IACHR reiterates its willingness to continue providing technical cooperation in this area and to work on a joint agenda with the State to ensure continued opportunities for capacity-building; and it urges the State to continue its efforts to establish a national human rights institution.

840. As regards the **democratic institutional framework**, the IACHR notes that general elections were held on July 26, 2021¹⁵⁴², and that the State has continued efforts to fight corruption. As for the general elections, the opposition Labour Party of Saint Lucia won 13 of the 17 legislative districts in the country, with approximately 54% of the electorate participating in the elections.¹⁵⁴³ According to

¹⁵³⁹ United Nations Human Rights Council, [Report of the Working Group on the Universal Periodic Review, Saint Lucia](#), April 14, 2021, A/HRC/47/9.

¹⁵⁴⁰ United Nations Human Rights Council, [Report of the Working Group on the Universal Periodic Review, Saint Lucia](#), April 14, 2021, A/HRC/47/9.

¹⁵⁴¹ [Annual Report of the National Coordinating Committee for Human Rights 2019-2020](#).

¹⁵⁴² Caribbean Community, [Saint Lucians Vote for Change](#), July 27, 2021.

¹⁵⁴³ Saint Lucia Electoral Department, [2021 Election Results](#), October 27, 2021.

information provided to the OAS Observation Mission, in all 174,270 names were included in the voter rolls used in the 2021 general elections. This figure appears to be quite high in light of Saint Lucia's estimated population (184,000). Moreover, the OAS mission observed that while the law ordered a periodic updating of the voter rolls, no effective procedure has been adopted to do so. Accordingly, the Mission recommended that the Elections Act be amended to provide for performing a complete house-by-house registration to replace the existing voter rolls, and subsequently allow for periodic verification of the rolls.¹⁵⁴⁴

841. With respect to the State's efforts to fight corruption, according to publicly-available information, the State is seeking to strengthen the Integrity Commission so that it can take more significant measures against civil servants and politicians involved in acts of corruption. In addition, it would propose the appointment of a special prosecutor to investigate the reports of corrupt acts committed in previous years.¹⁵⁴⁵ The IACHR also observes that according to the Rule of Law Index presented by the World Justice Project, the State ranked ninth out of 32 countries of the Latin American and Caribbean region for absence of corruption.¹⁵⁴⁶ This factor measures the prevalence of bribery and other incentives in the provision of public services; whether public procurement and public works contracts are awarded by an open and competitive bidding process; and whether government officials refrain from embezzling public funds.¹⁵⁴⁷

842. In the area of **citizen security**, the IACHR observes the actions implemented by the State in response to the prevalence of violence related to firearms. According to publicly-available information, persons have been affected by several cases of homicides related to firearms.¹⁵⁴⁸ In response, the Royal Saint Lucia Police Force (RSLPF) undertook a number of exercises to fight crime, including increasing patrols and searches in specific places, which resulted in the seizure of illegal firearms.¹⁵⁴⁹ In addition, the IACHR notes that the State, in collaboration with the United Nations Office on Drugs and Crime (UNODC) and the Caribbean Community Implementation Agency for Crime and Security, has trained officers of the RSLPF to detect firearms trafficking.¹⁵⁵⁰ Finally, the Commission takes note of the State's commitment to the 2020 Caribbean Firearms Roadmap, which promotes the adoption of sustainable solutions to control the unlawful possession and use of firearms and munitions.¹⁵⁵¹

843. Regarding the **rights of the child**, the Commission highlights the implementation of the specialized training project for students with disabilities and their teachers. The IACHR observes that the State, in collaboration with the United Nations Educational, Scientific and Cultural Organization (UNESCO), provided pilot training on the use of a specialized system of online reading for students and teachers from six national schools attended by children with disabilities. According to the official information, the objective of that project is to train teachers to support students with disabilities in their own learning styles. In addition, it will contribute to equitable access to education for the children of Saint Lucia.¹⁵⁵²

844. As regards the **human rights of women**, the IACHR values the efforts of the State together with United Nations agencies to improve comprehensive care for the survivors of gender violence,

¹⁵⁴⁴ OAS, [Preliminary Statement of the OAS Electoral Observation Mission for the General Elections of July 26, 2021 in Saint Lucia](#), July 27, 2021.

¹⁵⁴⁵ St. Lucia Times, [Special Prosecutor To Probe Allegations of Corruption Under Former Saint Lucia Government](#), August 18, 2021; Nation News, [St Lucia Government to probe allegations against former administration](#), August 20, 2021.

¹⁵⁴⁶ World Justice Project, [WJP Rule of Law Index 2021 performance](#), 2021, p. 156.

¹⁵⁴⁷ World Justice Project, [WJP Rule of Law Index 2021 performance](#), 2021, p. 16.

¹⁵⁴⁸ Jamaica Observer, [St. Lucia rocked by second double murder in a day](#), May 26, 2021; The Voice St. Lucia, [Family Rocked as Loved One is Murdered](#), June 22, 2021; Loop News St. Lucia, [Gun violence claims the life of Marchand man](#), September 25, 2021.

¹⁵⁴⁹ Loop News St. Lucia, [Police recovers guns, ammunition; three charged](#), April 15, 2021; St. Lucia Times, [Police Seize High Powered Weapon, Other Guns In Vieux Fort Operation](#), May 12, 2021; St. Lucia Times, [Police Lay 68 Charges After Seizing Illegal Guns, Ammunition In Vieux Fort](#), May 18, 2021; The Voice St. Lucia, [RSLPF Resolute in Reducing Crime in Anse la Raye/ Marigot](#), September 8, 2021.

¹⁵⁵⁰ Government of St. Lucia, [Police undergo firearms detection training](#), September 28, 2021.

¹⁵⁵¹ United Nations Regional Centre for Peace, Disarmament and Development (UNLIREC) and Caribbean Community Implementation Agency for Crime and Security (CARICOM IMPACS), [The Caribbean Priority Actions on the Illicit Proliferation of Firearms and Ammunition across the Caribbean in a Sustainable Manner by 2030 \(Caribbean Firearms Roadmap\)](#), October 2020.

¹⁵⁵² Government of St. Lucia, [Government provides training to enhance support for special needs students](#), October 11, 2021.

including timely access to professional services and up-to-date information on where to routes of care services.¹⁵⁵³ In addition, it observes that unemployment among women as of the second quarter 2021 was 25.3%, whereas the unemployment rate for men was 20.9%.¹⁵⁵⁴ Finally, it takes note of the low level of representation of women in the House of Assembly, as they hold only 11.76% of the seats after the general elections held in July 2021.¹⁵⁵⁵

845. With respect to **persons in human mobility**, the Commission observes that Saint Lucia, together with the other member states of the Organization of Eastern Caribbean States (OECS), is working with the International Organization for Migration (IOM) to analyze policies and national systems for the management and presentation of relevant information related to the forced displacement of persons due to climatic and environmental factors.¹⁵⁵⁶

846. As regards **LGBTI persons**, the Commission observes with concern that the Criminal Code continues to include the crimes of “buggery” and “gross indecency,” which have a the effect of stigmatizing this population.¹⁵⁵⁷ The IACHR reiterates that provisions that punish a given group of persons for participating in a consensual sexual act or practice with another person of the same sex are not admissible, since they are directly at odds with the prohibition on discrimination on grounds of sexual orientation.¹⁵⁵⁸ In addition, the IACHR recalls that these laws reinforce already-existing social prejudices and considerably increase the negative effects that these prejudices have on the lives of LGBTI persons.¹⁵⁵⁹

847. With respect to the **rights of persons deprived of liberty**, the IACHR observes that in response to outbreaks of COVID-19 within the prisons the authorities have applied the health protocols in place, provided medical care, and isolated the persons who test positive. In addition, they are working to contain internal transmission of the virus.¹⁵⁶⁰

848. As regards the **death penalty**, the IACHR observes that no progress has been made towards abolishing this penalty, even though no executions have been carried out since 1995, and as of August 2021 no person had been sentenced to death. In addition, the Commission observes that no one is on death row.¹⁵⁶¹ In this context, civil society organizations have appealed to the State to abolish the death penalty.¹⁵⁶² The IACHR notes that this penalty is a violation of the right to life and the obligation of the states to adopt measures to abolish it.

SAINT KITTS AND NEVIS

• General considerations

849. In terms of **progress**, the Commission highlights the vaccination of approximately 50 percent of the persons deprived of their liberty at the country’s prison. The IACHR also takes note of the State’s efforts to analyze national policies and systems in relation to persons displaced by climate-related and environmental factors.

¹⁵⁵³ Government of Saint Lucia. [Gender-Based Violence referral pathways for Saint Lucia](#), July 21, 2021.

¹⁵⁵⁴ Saint Lucia Central Statistical Office. [Labour Force Survey 2nd Quarter 2021 Statistical Snapshot](#), 2021.

¹⁵⁵⁵ OAS, [Preliminary Statement of the OAS Electoral Observation Mission for the General Elections of July 26](#), 2021 in Saint Lucia, July 27, 2021, p. 14.

¹⁵⁵⁶ IOM, [“IOM hosts Successful Workshop on Human Mobility & Climate Change in the OECS.”](#) February 2, 2021.

¹⁵⁵⁷ Criminal Code, Section 132 (“Gross indecency”) and Subsection 133 (“Buggery”)

¹⁵⁵⁸ IACHR. Report No. 81/13, Case 12,743. Merits. Homero Flor Freire. Ecuador. November 4, 2013, para. 114.

¹⁵⁵⁹ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, paras. 56, 74 and 75.

¹⁵⁶⁰ Ministry of Home Affairs, Justice and National Security, [BCF COVID-19 outbreak response continues](#), October 26, 2021.

¹⁵⁶¹ World Coalition Against the Death Penalty, [Saint Lucia](#), August 30, 2021. Cornell Law School, [Cornell Center on the Death Penalty Worldwide Database – Saint Lucia](#), November 2021.

¹⁵⁶² St. Lucia Times, [Mary Francis Renews Call For Abolition Of Death Penalty](#), October 9, 2021.

850. With respect to **challenges**, the IACHR notes with concern the failure to establish a national human rights institution in accordance with the Paris Principles. It is also troubled by excessive use of force by the Royal St. Christopher and Nevis Police Force. In addition, the Commission is concerned about the continued criminalization of consensual sexual acts between persons of the same sex. It also expresses its concern over reports of an increase in the number of women who are victims of domestic violence¹⁵⁶³ and regrets the lack of progress with the abolition of the death penalty.

851. The State did not respond to a request for information for the preparation of this chapter.

- **Specific issues**

852. With respect to the cross-cutting issue of **human rights institutions**, the Commission notes that St. Kitts and Nevis has an ombudsperson's office. The office is a member of the Caribbean Ombudsman Association and the Commonwealth Forum of National Human Rights Institutes. However, to date, the State has not complied with the recommendation to establish a national human rights institution in accordance with the Paris Principles.¹⁵⁶⁴

853. In terms of **democratic institutions**, the IACHR notes that according to the Rule of Law Index prepared by World Justice Project, Saint Kitts and Nevis ranks seventh out of 32 countries in the Latin American and Caribbean region, and fortieth out of 139 worldwide. This global ranking is based on the State's adherence to universal principles of accountability, fair laws, absence of corruption, regulatory enforcement, open government, civil justice, and conflict resolution, among other factors.¹⁵⁶⁵

854. With regard to **citizen security**, the IACHR is concerned about the excessive use of force by the Royal St. Christopher and Nevis Police Force (RSKNPF). According to public information, during a demonstration against the COVID-19 vaccine in August, members of the police force used tear gas to disperse the crowd. This reportedly resulted in respiratory problems for several of the protesters, who needed medical attention.¹⁵⁶⁶

855. As for **access to justice**, the Commission welcomes the opening of an annex to the Sir Lee L. Moore Judicial Complex. According to the State, the incorporation of the annex is expected to strengthen the services provided at the Judicial Complex. In addition, by housing a third magistrates' court and a mediation center for criminal and family matters, the annex is intended to increase access to justice.¹⁵⁶⁷

856. Regarding **children's rights**, the IACHR takes note of the training provided to counselors on the treatment of juvenile substance abuse in March 2021. In this regard, the State's National Council on Drug Abuse Prevention trained officials on methods of assisting and supporting youths struggling with substance abuse.¹⁵⁶⁸

857. With regard to **persons in situations of human mobility**, the Commission notes that St. Kitts and Nevis, along with the other member states of the Organization of Eastern Caribbean States (OECS), is reportedly working with the International Organization for Migration (IOM) to analyze policies and

¹⁵⁶³ "Reference is made to domestic violence because it is the term used by the State. The IACHR understands this to be gender-based violence against women that occurs in the family environment."

¹⁵⁶⁴ United Nations, Compilation on Saint Kitts and Nevis, [Report of the Office of the United Nations High Commissioner for Human Rights](#), October 29, 2020.

¹⁵⁶⁵ World Justice Project, [WJP Rule of Law Index 2021](#), p. 155.

¹⁵⁶⁶ Loop News, [Protest in St Kitts leads to arrests](#), August 20, 2021; News784, [Peaceful protest in St Kitts leads to several arrests + Video](#), August 30, 2021.

¹⁵⁶⁷ St. Kitts and Nevis Information Service, [New Court Annex to Help in Speedy Administration of Justice in St. Kitts and Nevis](#), January 13, 2021.

¹⁵⁶⁸ St. Kitts and Nevis Information Service, [Guidance Counsellors, Probation and Child Protection Officers Trained to Better Assist Youth Dealing with Substance Abuse](#), March 10, 2021.

national systems for the management and reporting of relevant information on the forced displacement of persons as a result of climatic and environmental factors.¹⁵⁶⁹

858. In relation to the rights of **LGBTI persons**, the Commission expresses its concern about the lack of progress on the decriminalization of consensual sexual relations between persons of the same sex. The IACHR reiterates that provisions that punish a particular group of persons for engaging in a consensual sexual act or practice with another person of the same gender are unacceptable, as they are in direct conflict with the prohibition of discrimination on the basis of sexual orientation.¹⁵⁷⁰ Furthermore, it recalls that such laws reinforce existing social prejudice and significantly increase the adverse effects of such prejudice on the lives of LGBTI people.¹⁵⁷¹

859. Regarding **women's human rights**, the IACHR is concerned about the increase in cases of domestic violence. According to information from the Ministry of Social Development and Gender Affairs, a total of 443 cases were registered by September 2021, compared with 357 cases reported in 2020 as a whole.¹⁵⁷²

860. In relation to **persons deprived of their liberty**, the IACHR notes that as of July 2021, approximately 50 percent of the 179 persons detained at Her Majesty's Prison had received at least one dose of the COVID-19 vaccine.¹⁵⁷³ The Commission recalls that, in accordance with its Resolution No. 01/2021, States should prioritize the vaccination of persons at greater risk of infection. In addition, they should consider the special situation of vulnerability faced by persons in contexts of deprivation of liberty, including persons detained in prisons or jails.¹⁵⁷⁴

861. Regarding the **death penalty**, the IACHR is concerned about the lack of progress with its abolition, despite the fact that no executions have been carried out since 2008.¹⁵⁷⁵ It further notes that there is currently no one awaiting execution and no new death sentences have been imposed by the country's courts.¹⁵⁷⁶ In this context, the Commission takes note of the commitment made by the State during its third Universal Periodic Review to give due consideration to the recommendations made on the abolition of the death penalty.¹⁵⁷⁷ In this regard, the IACHR recalls that the death penalty is a violation of the right to life, and that States should adopt measures to abolish it.

SURINAME

- **General considerations**

862. In terms of the State's **progress**, the IACHR notes that post-election discussion forums were held to assess the 2020 general elections. It also notes that the first national risk assessment on corruption in government agencies was carried out. The Commission welcomes the Constitutional Court's decision that declared the unconstitutionality of the amendment to the 2012 Amnesty Law, as well as the Court's commitment to the protection of fundamental human rights. Moreover, the IACHR notes the measures taken to train school personnel to identify child abuse, and the establishment of committees to

¹⁵⁶⁹ IOM, "[IOM hosts Successful Workshop on Human Mobility & Climate Change in the OECS](#)", 2 February 2021.

¹⁵⁷⁰ IACHR, Report No. 131/17, Case 11.678, Merits, Homero Flor Freire, Ecuador, November 4, 2013, par. 114.

¹⁵⁷¹ IACHR, [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), OEA/Ser.L/V/II.rev.1, Doc. 36, November 12, 2015, pars. 56, 74, and 75.

¹⁵⁷² St Kitts & Nevis Observer, [Nevis Junior Gender Affairs Minister's Address on Elimination of Violence Against Women](#), November 29, 2021.

¹⁵⁷³ St. Kitts and Nevis Information Service, [Around 50 Percent of the Prison Population at HMP Vaccinated with the First Dose, says PS Petty](#), July 4, 2021.

¹⁵⁷⁴ IACHR, Resolution No. 01/2021, [COVID-19 Vaccines and Inter-American Human Rights Obligations](#), April 6, 2021, par. 8.

¹⁵⁷⁵ Cornell Law School, [Cornell Center on the Death Penalty Worldwide Database – Saint Kitts and Nevis](#), November 2021.

¹⁵⁷⁶ World Coalition Against the Death Penalty, [Saint Kitts and Nevis](#), August 30, 2021.

¹⁵⁷⁷ UNHRC, Forty-seventh session, Universal periodic review, [Report of the Working Group on the Universal Periodic Review* Saint Kitts and Nevis](#), Agenda Item 6, A/HRC/47/7, 21 June–9 July 2021, para. 79.

prevent suicide among adolescents. Lastly, the IACHR welcomes the high proportion of women serving at the High Court of Justice.

863. As for **challenges**, the Commission notes with concern the lack of headway in launching the National Human Rights Institute and appointing an official to lead it. The IACHR also expresses concern over the reports of sexual violence against women. The Commission regrets that the voluntary interruption of pregnancy continues to be fully criminalized and expresses concern over reports of sex trafficking of indigenous girls. The IACHR notes that indigenous and tribal peoples in the country have not been legally recognized. Lastly, the Commission calls attention to the absence of social reintegration programs for persons deprived of liberty.

864. The State did not respond to a request for information to prepare this chapter.

- **Specific issues**

865. On the crosscutting issue of **human rights institutions**, the IACHR notes that, while the National Human Rights Institute was established in 2016 to promote and protect human rights in Suriname, to date, no official has been appointed to lead it, and the institution has not been made operational.¹⁵⁷⁸ The State reported to the Commission that it was considering the possibility of establishing an Office of the Ombudsman.¹⁵⁷⁹ In that regard, the IACHR has stressed the importance of having an independent body to promote and protect human rights at the national level and places its technical cooperation mechanism at the disposal of the State to help strengthen institutions in this area.

866. The Commission also notes that, as part of its Universal Periodic Review, the State reported that the Ministry of Home Affairs, in coordination with the UNDP, had offered training workshops to law enforcement officers on gender, women's rights and violence against security agents. The State also reported that seminars on discrimination and violence against LGBTI persons had been held.¹⁵⁸⁰

867. Regarding **democratic institutions**, the Commission notes that post-election discussion forums were held, and the State's first national risk assessment was conducted. The objective of the discussion forums was to assess the general elections held in May 2020. The forums brought together numerous political parties, representatives of the Independent Electoral Council and the Central Polling Station, and district commissioners, who contributed to the discussion on measures to improve the organization of elections. The IACHR notes that a list of recommendations compiled at these forums was reportedly examined more closely by the General Secretariat of Elections for its implementation. Based on information from official sources, these recommendations aim to improve the management of the electoral process and reduce the number of invalid ballots.¹⁵⁸¹ On this matter, the Commission stresses that political rights are conducive to the strengthening of democracy and political pluralism, and emphasizes the direct relationship between the exercise of political rights and the concept of democracy as a way of organizing the state.¹⁵⁸² The Commission also emphasizes that strengthening political rights is essential for democracy in accordance with Article XX of the American Declaration.¹⁵⁸³

868. The Commission also notes that the State performed its first national risk assessment on corruption in government agencies, which was submitted in March 2021. This report includes detailed information on how drug trafficking, robbery, and fraud are the greatest threat to the State. The report also points out that bribery and corruption are deeply engrained in numerous government agencies, which

¹⁵⁷⁸ Suriname response to Chapter IV, PVOAS/SUR/560/20, September 3, 2020.

¹⁵⁷⁹ IACHR, 177TH Period of Sessions: Meeting with CARICOM, September 29, 2020. Human Rights Council, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), August 2021.

¹⁵⁸⁰ Human Rights Council, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), August 2021.

¹⁵⁸¹ Suriname Ministry of Home Affairs, [Introduction and Discussion of Post-Election Activities](#), January 1, 2021; [Biza and Stakeholders Evaluate Elections 2020](#), March 21, 2021.

¹⁵⁸² IACHR, [Situation of Human Rights in Venezuela](#), OEA/Ser.L/V/II. Doc. 209, December 31, 2017, para. 148.

¹⁵⁸³ Article XX of the [American Declaration of the Rights and Duties of Man](#).

allows criminals to evade detection and enforcement actions and avoid punishment.¹⁵⁸⁴ Given this, the IACHR welcomes the fact that the State has consulted all stakeholders on the implementation of the recommendations in this report, in order to fight corruption and increase transparency.¹⁵⁸⁵

869. On **access to justice**, the IACHR takes note of the Constitutional Court's ruling that the 2012 amendment to the Amnesty Law was unconstitutional, as well the Court's commitment to the protection of fundamental human rights. Regarding the unconstitutionality of the 2012 amendment to the Amnesty Law, public information shows that seven members of the National Assembly filed a motion for review of the amendment,¹⁵⁸⁶ arguing that it violated Articles 8 (right to equality before the law), 10 (right to a fair trial), 14 (right to life), and 131 (prohibition on interference in investigations and trials) of the Constitution of Suriname.¹⁵⁸⁷ The petitioners also held that the amendment violated Articles 1 (obligation to respect rights), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention on Human Rights.¹⁵⁸⁸ Based on information available to the Commission, the 2012 amendment to the Amnesty Law granted immunity to former president Desiré Bouterse and 24 other individuals who were on trial for the alleged abduction and murder of 15 prominent political opponents in December 1982.¹⁵⁸⁹

870. In its ruling issued on July 22, 2021, the Constitutional Court found that the Amnesty Law violated Articles 8 and 10 of Suriname's constitution because it infringed upon the people's right to equal protection before the law, since individuals suspected of committing other crimes did not have access to an equal provision or means of being granted amnesty.¹⁵⁹⁰ The Court also discussed decisions handed down by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.¹⁵⁹¹ In particular, the Court held that the law violated Articles 8 and 25 of the American Convention, as it sought to terminate any criminal proceedings or sentence related to the crimes committed, thereby violating the right of individuals to access to justice in the event of a violation of their rights. In this context, the Commission notes that in August 2021, the National Assembly voted to repeal the 2012 amendment to the Amnesty Law.¹⁵⁹² The IACHR also emphasizes that, in cases of grave human rights violations, amnesty laws are expressly incompatible with the American Convention. The Inter-American Court, for its part, has established that these laws constrain the investigation and punishment of those responsible for serious human rights violations and, consequently, impede the access of victims and their families to the truth of what happened, and to appropriate reparations, thereby hindering the full, timely, and effective rule of justice in the relevant cases, which favors impunity and arbitrariness.¹⁵⁹³

871. Regarding the commitment to address demands related to the protection of fundamental human rights, the Commission notes that the Constitutional Court plans to launch an educational campaign to make the general public aware of its right to file motions with the Court. In particular, the IACHR notes that the Court would seek to form a national level network with various civil society organizations to strengthen the protection of human rights. The President of the Court has also stated that the power to

¹⁵⁸⁴ Suriname Herald, [NRA report: "Drug trafficking, robberies and fraud are high threats to Suriname"](#), March 2, 2021; DWT Online, [Drugs, Corruption, Cars and Gold Biggest Money Laundering Threats](#), March 2, 2021.

¹⁵⁸⁵ Cabinet of the President of the Republic of Suriname, [NRA Report presented to President Santokhi](#), March 9, 2021; Carib Report, [Suriname: President Santokhi informed about follow-up NRA report](#), April 21, 2021.

¹⁵⁸⁶ National Assembly of Suriname, [Amnesty Law 2012](#), April 5, 2012. Star Nieuws, [NDP faction has the Amnesty Law reviewed by the Constitutional Court](#), May 12, 2020.

¹⁵⁸⁷ [Constitution of Republic of Suriname](#), 1987, Articles 8, 10, 14 and 131.

¹⁵⁸⁸ OAS, [American Convention on Human Rights](#), November 22, 1969, Articles 1, 8 and 25.

¹⁵⁸⁹ IACHR, [Annual Report 2020](#), para. 656; IACHR, [Annual Report 2019](#), para. 567; Human Rights Watch, [Suriname: Revoke Amnesty Legislation](#), April 18, 2012.

¹⁵⁹⁰ De West, [Amnesty law in violation of the Constitution and international treaties](#), July 22, 2021; DWT Online, [No amnesty for December murders](#), July 22, 2021; Suriname Herald, [CHof: "Amended Amnesty Law in violation of the Constitution"](#), July 22, 2021. National Assembly of Suriname, [Amnesty Act 2012](#), April 5, 2012.

¹⁵⁹¹ Communication Service Suriname - YouTube, [The Constitutional Court 22.07.2021](#), August 6, 2021.

¹⁵⁹² Waterkant, [Amnesty Law 2012 in violation of the Constitution and repealed in DNA](#), August 28, 2021.

¹⁵⁹³ IACHR, [Report The Right to Truth in the Americas](#), August 13, 2014, para. 88.

review administrative decisions that violate fundamental rights would offer an additional layer of protection for the rights of the people.¹⁵⁹⁴

872. In terms of **the rights of children and adolescents**, the IACHR notes that the National Action Plan for Children 2019-2021 has been established, facilitators have been trained to identify child abuse, and a committee to prevent suicide among young people has been formed. Regarding the National Action Plan, the Ministry of Social Affairs and Housing stated that the plan aims to facilitate, coordinate, and integrate the implementation of laws, policies, and programs with the goal of creating optimal development opportunities for children.¹⁵⁹⁵

873. The IACHR also notes that the State took the initiative to train childcare facilitators and coordinators to identify and put a stop to child abuse. This training included coordinators from various primary schools, school counselors, and special education teachers of children and adolescents.¹⁵⁹⁶

874. The Commission takes note of the creation by the State of the Committee on Suicide Prevention and Psychosocial Counseling. This committee brings together representatives of several ministries and, among other things, seeks to develop an action plan to provide advisory support for the creation of a policy that effectively prevents suicides among young people.¹⁵⁹⁷

875. In terms of **persons in situations of human mobility**, the IACHR notes that, based on the most up-to-date information from the Global Detention Project (GDP), Suriname faces a complex situation as a country of origin, transit, and destination of mixed migratory movements. The GDP has been unable to determine the following: (i) whether the State's detention centers are also used to detain persons being penalized under the Immigration Act; and (ii) whether during the COVID-19 pandemic, measures were taken to protect individuals in immigration custody or those that may require international protection.¹⁵⁹⁸

876. As for **human trafficking**, the Commission notes with concern that, based on the Suriname Report of the Office of the United Nations High Commissioner for Human Rights, children in the country were subjected to sex trafficking, in particular, girls from Amerindian communities in regions where mining and forestry operations were taking place, who were reportedly coerced to engage in commercial sex, sex tourism, prostitution, and forced labor.¹⁵⁹⁹ The Commission also notes that the aforementioned report urges the State to: (i) investigate, prosecute, and adequately punish perpetrators; (ii) ensure that victims of trafficking and prostitution were exempted from criminal liability; and (iii) provide victims with adequate protection, remedies, and reparations, including temporary residence permits, medical care, psychosocial counseling, rehabilitation, and reintegration support and compensation.¹⁶⁰⁰

877. In relation to the **human rights of women**, the IACHR welcomes the significant participation of women at the High Court of Justice, where they make up 55% of its members.¹⁶⁰¹ The Commission also views positively the fact that the Bureau of Gender Affairs is joining the United Nations 16 Days of Activism against Gender-based Violence campaign in order to call on ministries, government agencies, and other stakeholders to take measures to raise awareness of and reduce violence against

¹⁵⁹⁴ Suriname Herald, [Constitutional Court will also consider fundamental rights](#), June 1, 2021.

¹⁵⁹⁵ Human Rights Council, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), August 2021.

¹⁵⁹⁶ Suriname Herald, [Education and Vanguard College join forces against child abuse](#), June 24, 2021.

¹⁵⁹⁷ Suriname Herald, [AW and J is committed to suicide prevention and psychosocial guidance](#), July 23, 2021.

¹⁵⁹⁸ Global Detention Project, [Suriname](#), March 22, 2021.

¹⁵⁹⁹ Human Rights Council Working Group on the Universal Periodic Review, Thirty-ninth session, [Compilation on Suriname Report of the Office of the United Nations High Commissioner for Human Rights](#), August 12, 2021, p.4.

¹⁶⁰⁰ Human Rights Council Working Group on the Universal Periodic Review Thirty-ninth session, [Compilation on Suriname Report of the Office of the United Nations High Commissioner for Human Rights](#), August 12, 2021, p.4.

¹⁶⁰¹ Rechtspraak Suriname, [Viertewintig Jaar Vrouwelijke rechters in Suriname](#), 2021.

women.¹⁶⁰² The Commission also notes with concern that, based on public information, in 2021, incidents involving sexual violence against women and girls took place.¹⁶⁰³ Lastly, the IACHR laments that the voluntary interruption of pregnancy continues to be fully criminalized; nonetheless, it takes note of the statements made by the Minister of Health on the need to discuss the potential decriminalization of this procedure.¹⁶⁰⁴

878. Regarding women deprived of liberty, the IACHR received official information about this population while preparing a report on the subject. In particular, the State reported that through February 2021, there were 15 women deprived of liberty in the country, which accounted for 5.6% of the total prison population. It added that women were held individually, which, according to the State, ensured their safety and privacy. The State also reported that it had provided access to a medical clinic within the women's area. Despite this, the IACHR is concerned over the lack of social reintegration programs in the country's men's and women's jails.¹⁶⁰⁵ The Commission stresses that these programs are essential to the rehabilitation of persons deprived of liberty and help to reduce recidivism.

879. As for the **rights of indigenous peoples**, the Commission notes that the draft Law on the Collective Rights of Indigenous and Tribal Peoples and the proposed constitutional amendment that would seek to recognize indigenous and tribal peoples—submitted to the Council of Ministers on October 1, 2019—have been under consideration by the Parliament since April 8, 2020.¹⁶⁰⁶ The Commission notes that these proposals are the result of a “formal, participatory albeit still government-led process for developing legislation on the rights of Indigenous and Tribal Peoples ...”.¹⁶⁰⁷ The IACHR urges the State to recognize indigenous and tribal peoples and their rights in its Constitution, and to pass legislation to recognize and protect their lands and natural resources. By doing so, the State would address a long-standing demand of these peoples, while complying with judgements handed down by the Inter-American Court of Human Rights in the cases of the *Saramaka* peoples and *Kaliña* and *Lokono* peoples, both against Suriname.

TRINIDAD AND TOBAGO

• General Considerations

880. In terms of **progress**, the Commission welcomes the strengthening of justice institutions through the creation of the Princes Town Family Court, the decrease in cases of sexual violence against women, and the legislative reforms adopted by the State to protect victims of gender-based violence. The IACHR also takes note of the measures adopted to protect Venezuelan migrants, and of laws passed to criminalize the recruitment of children and adolescents by illicit groups.

881. Regarding **challenges**, the IACHR notes with concern the reports of police abuse and the abuse of children in public institutions charged with their care. The Commission is also concerned about the detention and deportation of persons seeking asylum—including children—and the increase in domestic violence and acts of abuse against older persons. Lastly, the IACHR notes the persistent deplorable conditions faced by persons deprived of liberty and the lack of progress made in eliminating the death penalty from the State's laws.

¹⁶⁰² Bureau Gender Affairs, [Sixteen Days of Activism Against Gender Based Violence Campaign](#), 2021.

¹⁶⁰³ WaterKant, [Soldiers arrested for kidnapping, robbery, assault and rape](#), April 1, 2021; WaterKant, [Man arrested for raping 17-year-old student](#), July 9, 2021; DWT Online, [Woman raped during robbery](#), August 6, 2021; StarNieuws, [Woman robbed and raped](#), October 9, 2021; WaterKant, [Woman robbed and raped after house burglary, 28-year-old man arrested](#), Nov 4, 2021; WaterKant, [Woman raped while husband is dancing at party](#), Nov 7, 2021.

¹⁶⁰⁴ Suriname Online, [Minister Ramadhin brengt oriëntatiebezoek aan Stichting Lobi Health Center](#), March 11, 2021.

¹⁶⁰⁵ Government of Suriname, Responses of the State of Suriname to the Questionnaire of the Inter-American Commission on Human Rights entitled: " Women Deprived of Liberty in the Americas". February 2021.

¹⁶⁰⁶ Global Americans, [Maroons and Indigenous people in Suriname: the struggle for land rights](#), December 9, 2020.

¹⁶⁰⁷ IWGIA, [Indigenous World 2020: Suriname](#).

882. The State did not respond to the request made in relation to the preparation of this chapter.

- **Specific topics**

883. Regarding **human rights institutions**, Trinidad and Tobago has an Office of the Ombudsman, which is incorporated into its parliament. The ombudsman is appointed by the president after consultation with the prime minister and leader of the opposition.¹⁶⁰⁸ The Commission takes note of the appointment of the fifth ombudsman, Rajmanlal Joseph, who began serving his three-year term in May of this year.¹⁶⁰⁹

884. As for **democratic institutions**, the IACHR notes that the State held elections for the House of Assembly of Tobago on January 25 and December 6, 2021.¹⁶¹⁰ For the January 2021 elections, the official results published by the Elections and Boundaries Commission show that the People's National Movement and Progressive Democratic Patriots—the two main political parties—each won 6 of the 12 electoral districts, resulting in an unprecedented tie.¹⁶¹¹ This reportedly led to a situation where the twelve recently elected members of the House were unable to agree on the election of a presiding officer, thus, the House of Assembly could not be properly established.¹⁶¹² To resolve this situation, on March 2, 2021, the Parliament of Trinidad and Tobago passed an amendment to the Tobago House of Assembly Act that allowed the Elections and Boundaries Commission to review and redefine the electoral boundaries to create 15 electoral districts.¹⁶¹³ Subsequently, on December 6, 2021, Tobago held new elections, which resulted in the Progressive Democratic Patriots winning 14 of the 15 electoral districts.¹⁶¹⁴

885. In terms of **citizen security**, according to public information, in the month of September, there were 27 homicides with the alleged involvement of the police.¹⁶¹⁵ The Commission also takes note of the recent investigation conducted by the Police Complaints Authority that revealed that two individuals in custody charged with kidnapping allegedly lost their lives due to torture and acts of violence perpetrated by the police.¹⁶¹⁶

886. With respect to **access to justice**, the IACHR welcomes the fact that justice institutions have been strengthened through the creation of the Princes Town family court—the first court devoted to family cases in the southern region—, which seeks to assist families, children, and adolescents in the communities of Princes Town, Mayaro, Rio Claro, New Grant, and Tableland.¹⁶¹⁷

887. In relation to the **human rights of women**, the IACHR takes note of the decrease in cases of sexual violence compared to the previous year. According to official information, from January to October 2021, there were 301 cases of rape, incest, and sexual assault, while over the same period in 2020, there were 372 cases.¹⁶¹⁸ Nevertheless, the Commission notes with concern that domestic violence has increased; according to official information, from January to March 2021, there were 826 cases, while over the same

¹⁶⁰⁸ Parliament of the Republic of Trinidad and Tobago, [The Ombudsman](#), 2021.

¹⁶⁰⁹ Parliament of the Republic of Trinidad and Tobago, [The Ombudsman](#), 2021.

¹⁶¹⁰ Trinidad and Tobago Newsday, [THA elections on January 25](#), December 8, 2020.

¹⁶¹¹ Elections and Boundaries Commission, [Report of the Elections and Boundaries Commission on the Tobago House of Assembly Elections Held on Monday 25th January, 2021](#), and August 9, 2021; Trinidad and Tobago Newsday, [PDP ropes in PNM: THA 6-6 tie leaves uncertainty](#), January 26, 2021.

¹⁶¹² Trinidad and Tobago Express, [THA remains in deadlock](#), January 28, 2021.

¹⁶¹³ Office of the Parliament of Trinidad and Tobago, [Tobago House of Assembly \(Amendment\) Act, 2021](#), March 2, 2021.

¹⁶¹⁴ Elections and Boundaries Commission, [Preliminary Results of the December 6, 2021 THA Elections and recounts in two electoral districts](#), December 7, 2021; [No change to the outcome after recounts in THA elections](#), December 8, 2021.

¹⁶¹⁵ CNC3 Television, [Police killing leads to protests in Diego](#), September 8, 2021.

¹⁶¹⁶ Police Complaints Authority, [Suspects Tortured and Killed in Police Custody](#), October 12, 2021.

¹⁶¹⁷ Judiciary Trinidad and Tobago, [Operationalisation of the Family Court, Princes Town, and The Trinidad South District-Princes Town Court](#), July 3, 2021.

¹⁶¹⁸ Trinidad and Tobago Police Service, [Total Crime by Offence Comparative Report](#), consulted on December 1, 2021.

period in 2020, there were 556 cases.¹⁶¹⁹ Despite this, the IACHR welcomes the efforts made to provide training through the Spotlight Initiative, which seeks to equip frontline healthcare workers with skills to identify violence in a clinical context and offer support to survivors.¹⁶²⁰

888. The IACHR notes that, in order to prevent sexual violence, the State established the National Sex Offender Register and the Public Sex Offender Website to compile information on individuals convicted of crimes including rape and sexual assault, as well as human trafficking.¹⁶²¹

889. In terms of the **rights of persons in the context of human mobility**, the Commission welcomes the Venezuelan migrant re-registration exercise initiated by the State in March, which allows Venezuelans who registered in 2019 to extend their immigration status for six months. It also authorizes them to continue working formally and protects them from deportation.¹⁶²² The IACHR takes note of the voluntary repatriation of least 700 Venezuelans that took place in April and June.¹⁶²³

890. Nonetheless, the IACHR continues to note with concern that persons seeking asylum, including children and adolescents, have been summarily detained and deported.¹⁶²⁴ During the public hearing "Situation of the Human Rights of Migrant Persons and Individuals who are Deprived of Liberty in Trinidad and Tobago," held at the 180th Period of Sessions, the petitioning organization reported to the Commission that any person who entered the country irregularly, including Venezuelans who were seeking asylum, was charged with illegal entry in accordance with the Immigration Act of 1976. These persons were detained and then placed on supervised release or deported to their country of origin. The organization also stated that conditions at the country's jails and detention centers were deplorable, and that there was overcrowding and a lack of adequate sanitary installations to prevent the spread of COVID-19. It also noted that migrant children were often detained for prolonged periods and placed in cells with adults. Lastly the petitioning organization requested that the policy of detaining migrants be reformed in line with international human rights standards.¹⁶²⁵

891. Regarding the **rights of children and adolescents**, the Commission notes the decrease in reports of sexual abuse, the ongoing persecution of this population by organized criminal groups, and the deaths of two adolescents under the care of the Children's Authority. According to public information, Child Protection Unit of the Police Service reported a decrease in child sexual abuse; from January to July 2021, there were 1,016 sex crimes, while over the same period in 2020 there were 1,210. The Child Protection Unit stated that such a drop could be attributed to COVID-19 containment measures, since acts of abuse were reported at educational centers.¹⁶²⁶

892. The Commission also notes with concern the reports of criminal groups that seek to recruit children and adolescents. According to information provided by the police commissioner to a parliamentary committee, organized criminal groups were said to have actively recruited members as young as 14 and equipped them with firearms.¹⁶²⁷ In this context, the IACHR notes that the State enacted

¹⁶¹⁹ Statement by Senator the Honourable Donna Cox, Minister of Social Development and Family Services, on the [Incidence of Violent Crimes against Women and Girls](#), April 27, 2021.

¹⁶²⁰ PAHO. [PAHO Trinidad and Tobago builds capacity to respond to gender-based violence under the Spotlight Initiative](#), August 20, 2021.

¹⁶²¹ Office of the Parliament of Trinidad and Tobago, [Sexual Offences \(Amendment\) Act, 2021](#), July 19, 2021.

¹⁶²² Ministry of National Security, Trinidad and Tobago, [Venezuelan Re-registration exercise extended](#), March 29, 2021. Loop News, ["Gov't approves Venezuelan re-registration process."](#) March 2, 2021. Trinidad and Tobago Newsday, [13,800 Venezuelans so far want to re-register](#), March 29, 2021.

¹⁶²³ Venezuelan Ministry of Foreign Affairs (@CancilleriaVE). (July 18, 2021). *Arriban a Venezuela más de 700 venezolanos, provenientes de Trinidad y Tobago, en el primer Plan Vuelta a la Patria realizado por vía marítima.* [Tweet]. Twitter. <https://twitter.com/CancilleriaVE/status/1416772114942660608?s=20>.

¹⁶²⁴ Humans Rights Watch, ["The Deportation of Venezuelan Kids Should Stop."](#) February 3, 2021.

¹⁶²⁵ IACHR, [Public Hearing "Situation of the human rights of migrant persons and individuals who are deprived of liberty in Trinidad and Tobago."](#) 180th Period of Sessions, June 24, 2021.

¹⁶²⁶ Trinidad and Tobago Guardian, [CPU head: Lockdown forces decline in sex abuse reports against children](#), July 12, 2021.

¹⁶²⁷ Trinidad and Tobago Newsday, [CoP: Gangs recruiting 14-year-old boys](#), February 16, 2021.

the Anti-Gang Act in 2021, which criminalizes the recruitment of this population by organized criminal groups.¹⁶²⁸

893. The Commission also notes that, in response to the murders of two adolescents who absconded from a Child Support Center under the Children's Authority in March,¹⁶²⁹ as well as the reports of abuse taking place in this type of home, the Ministry of Gender and Child Affairs designated an independent team to investigate reports of abuse in, and abscondment from, children's institutions.¹⁶³⁰

894. In terms of the rights of **persons deprived of liberty**, the Commission notes the efforts of modernization undertaken by the State to increase access of detainees to legal defense. For example, the Office of the Attorney General set up virtual prison visits for the Public Defenders' Department to make it easier for inmates held at the Golden Grove Remand Prison who are receiving legal assistance to sign documents. According to public information, this initiative will speed up judicial processes, especially during the COVID-19 pandemic.¹⁶³¹

895. In relation to the **death penalty**, the IACHR notes that the State has failed to make progress in removing this sentence from the State's laws. The courts continue to sentence individuals convicted of capital crimes to death. According to public information, a recent example of the use of the death penalty occurred on July 28, when a man convicted of murder was reportedly hanged.¹⁶³² In June of this year, the IACHR referred two cases involving mandatory death sentences to the Inter-American Court: *Reshi Bissoon and Foster Serrette*, and *Kevin Dial and Andrew Dottin*. The Commission reaffirmed that the mandatory imposition of the death penalty for all homicides violates the right to life (Article I), the right to a fair trial (Article XVIII), and the right to due process of law (Article XXVI) of the American Declaration on the Rights and Duties of Man. It also fails to individualize the sentence based on the nature of the offense, as well as the degree of involvement and culpability of the accused.¹⁶³³

896. Regarding the **rights of older persons**, the Commission notes with concern that there has been a 13% increase in reports of abuse of older persons. According to information from the Ministry of Social Development and Family Services' Division of Ageing, 174 cases of elderly abuse were reported in the first five months of 2021, compared to 153 cases reported over the same period in 2020.¹⁶³⁴ The IACHR also notes the webinar series on elderly abuse hosted by the Ministry of Social Development and Family Services in an effort to raise the population's awareness on preventing abuse of older persons.¹⁶³⁵

UNITED STATES

• General considerations

897. With respect to **progress**, the IACHR highlights the effective functioning of electoral and democratic institutions following the acts of violence against democratic institutions and procedures committed on January 6, 2021, in the Capitol of the United States of America. It also appreciates the efforts

¹⁶²⁸ Office of the Parliament of Trinidad and Tobago, [Anti-Gang Act, 2021](#), April 27, 2021; Loop News, [Opposition no-show in Parliament, Anti-Gang Bill passed](#), April 9, 2021.

¹⁶²⁹ Trinidad and Tobago Newsday, [Murder of runaway teens – Children's Authority admits security lapse at safe house](#), March 30, 2021.

¹⁶³⁰ Ministry of Gender and Child Affairs of Trinidad and Tobago, [An Investigation into Child Abuse at Children's Homes](#), July 8, 2021.

¹⁶³¹ Trinidad and Tobago Television [@tttliveonline]. (April 23, 2021). Launch of Virtual Prison Visits of the Public Defenders' Department. Twitter: <https://twitter.com/tttliveonline/status/1385670713760157696>

¹⁶³² Trinidad and Tobago Newsday, [Tobago man sentenced to death for murdering teenagers](#), July 28, 2021.

¹⁶³³ IACHR, [Cases in the Court](#), 2021; IACHR, Press Release No. 166/21, [IACHR refers case on Trinidad and Tobago to the Inter-American Court](#), July 6, 2021; IACHR, Press Release No. 173/21, [IACHR refers case on Trinidad and Tobago to the Inter-American Court](#), July 12, 2021.

¹⁶³⁴ Ministry of Social Development and Family Services, [Ministry of Social Development and Family Services observes World Elder Abuse Day 2021](#), June 15, 2021; Trinidad and Tobago Newsday, [Ministry: Elder abuse reports in 2021 overtake 2020 statistics](#), July 15, 2021.

¹⁶³⁵ Loop News, [Ministry hosts day three of elder abuse webinar](#), July 26, 2021.

made during the year to rigorously investigate the facts and find the persons responsible. The IACHR welcomes the State's efforts to achieve a rapprochement with the international community on human rights and its return to the United Nations Human Rights Council.

898. In relation to **challenges**, situations that were previously observed such as racially biased police violence against people of African descent, the application of the death penalty, and mass shootings throughout the country, continue to be of particular concern. In addition, with respect to persons in a situation of human mobility, the IACHR expresses its concern about the difficulty the State is facing with amending restrictive migration policies and their impact on the guarantees of persons in a situation of human mobility. This is despite the diagnoses, public statements and executive orders issued by the State expressing concern and documenting a series of violations and risks generated by said policies.

899. The State did not reply to the request for information sent for the preparation of this chapter.

- **Specific issues**

900. With respect to the **COVID-19 pandemic**, in 2021, the Commission kept track of the measures adopted by the United States to combat the pandemic, its recovery efforts, and their impact on the comprehensive protection of the human rights of all persons under its jurisdiction. During the year, the Commission observed the challenges inherent in expanding vaccination rates and the persistence of high infection and death rates, especially in connection with the spread of new variants of the disease, such as the Delta and Omicron variants. Also of concern is the existence of anti-vaccine movements and groups, as well as the disproportionate effects faced by groups at special risk, such as indigenous people, people of African descent, older adults, migrants, and asylum seekers.

901. With regard to combating the pandemic, the IACHR followed up on the measures adopted and observed, at the end of 2021, an irregular pattern of recovery from the pandemic, with impacts on the economic and social rights of the population, and the resumption of local containment measures such as restrictions and the imposition of testing and vaccination certification as travel requirements in the context of the outbreak of the Omicron variant of COVID-19. More broadly, the IACHR notes widely varying infection and death rates in the territory during the period, and a concentration of cases in areas with lower vaccination indicators¹⁶³⁶. On infection and death rates, according to information from the Johns Hopkins University Coronavirus Resource Center, the United States continues to be the country in the world with the highest total number of infections and deaths from the COVID-19 virus. According to reported data, by the end of 2021 the country had recorded more than 50 million cases of contagion and almost 806,000 deaths¹⁶³⁷.

902. With respect to the cross-cutting issue of **human rights institutions**, the IACHR notes that the United States does not directly have a domestic institution at the federal level dedicated exclusively to the protection of human rights.¹⁶³⁸ At the same time, it welcomes the country's reintegration into the UN Human Rights Council elected in October 2021 for the three-year term beginning in 2022,¹⁶³⁹ after having left that Council in 2018¹⁶⁴⁰.

903. Regarding the robustness of **democratic institutions**, the Commission has been closely monitoring the acts of violence that occurred on January 6, 2021, the speeches and actions questioning the legitimacy of the electoral results for the federal government, as well as the investigation, punishment, and

¹⁶³⁶ Centers for Disease Control and Prevention, [Monitoring Incidence of COVID-19 Cases, Hospitalizations, and Deaths, by Vaccination Status - 13 U.S. Jurisdictions, April 4-July 17, 2021](#), September 17, 2021.

¹⁶³⁷ Johns Hopkins University, Coronavirus Report Center <https://coronavirus.jhu.edu/map.html> data as of December 20, 2021.

¹⁶³⁸ The Leadership Conference and Columbia Law School. [The Road to Rights: Establishing a Domestic Human Rights Institution in the United States](#).

¹⁶³⁹ US Department of State, [Election of the United States to the UN Human Rights Council \(HRC\)](#), October 14, 2021.

¹⁶⁴⁰ US [Mission to International Organizations in Geneva, Remarks by Mike Pompeo, Secretary of State and Nikki Haley, U.S. Permanent Representative to the United Nations](#), 21 June 2018.

non-repetition measures adopted in response. It also notes with concern that, according to press reports, at least 33 bills in 19 states that could create legal or practical limitations on access to voting had been passed by October 2021.¹⁶⁴¹ Likewise, the IACHR is concerned about gerrymandering: the redesign of electoral districts with discriminatory effects on specific social groups, and other practices that could affect the right of universal access to citizenship and competitive representative democracy, generating risks of electoral underrepresentation of social groups that have historically been victims of discrimination.

904. As regards **citizen security**, the Inter-American Commission appreciates the efforts of civil society and the organs of the justice system to try and punish those responsible for acts of racially biased police violence in the country, such as the trial of the security agents involved in the murder of George Floyd and Daunte Wright¹⁶⁴²; as well as steps taken to compensate the families of the victims of police violence and racism.¹⁶⁴³ However, the Commission observed with concern the continued acts of systemic police violence, especially against Afro-descendants, as well as the impunity surrounding such acts. In this regard, the IACHR highlights the need for comprehensive and structural changes in citizen security policies, programs, and actions, with a focus on prevention and non-repetition of those violations of rights.

905. The IACHR is also concerned about the persistence of the endemic phenomenon of armed violence, particularly in connection with hate crimes and shoot-outs¹⁶⁴⁴, as well as the absence of readily available, homogeneous, and disaggregated official information on subject. According to information from the press¹⁶⁴⁵ and civil society¹⁶⁴⁶, as of December 21, 2021, a total of 20,067 people were killed by firearms in the United States; in comparison with the 19,481 lethal gun victims in 2020, previously considered the deadliest year in history.

906. With respect to the **rights of Afro-descendants and against racial discrimination**, the IACHR highlights the approval of the "George Floyd Police Justice Act 2021" by the House of Representatives; currently being processed in the Senate. The objective of the law is to improve accountability in the police system and to try to combat racial bias in the actions of security and police officers.

907. The Commission also noted progress on reparations for the African American population. In this context, the IACHR highlights the passing by the U.S. Congress of the H.R. 40 bill on reparations for the transatlantic slave trade. The bill calls for the creation of a federal commission to study the legacy of slavery in the United States and develop proposals for reparation for African Americans. The Commission also took note of the enactment of the bill that declared June 19 as a federal holiday to commemorate the end of slavery of African Americans. This date would be known as "Juneteenth". The IACHR encourages the United States to continue advancing comprehensive reparation measures for Afro-descendants for serious human rights violations in connection with discrimination and related forms of intolerance based on ethnic-racial origin.

908. In addition, the Commission continued to monitor the George Floyd case and, in that context, noted the conviction of former police officer Derek Chauvin, who was charged with three counts in the death of George Floyd. On April 20, 2021, the jury sentenced Chauvin to up to 40 years in prison. Subsequently, the IACHR took note that, according to publicly available information, on June 25, 2021, Derek Chauvin was sentenced to 22 and a half years in prison for the unintentional homicide of George

¹⁶⁴¹ CNN, [19 states passed this year laws to restrict voting, new tally finds](#), October 4, 2021.

¹⁶⁴² IACHR, pronouncement on social network, available at <https://twitter.com/CIDH/status/1382124649434202115>, April 13, 2021.

¹⁶⁴³ IACHR, pronouncement on social network, available at <https://twitter.com/CIDH/status/1384877851929976833>, April 21, 2021.

¹⁶⁴⁴ IACHR, pronouncement on social network, available at <https://twitter.com/CIDH/status/1377733261225525251>, April 1, 2021.

¹⁶⁴⁵ Washington Post, [2020 was the deadliest gun violence year in decades. So far, 2021 is worse](#), June 14, 2021.

¹⁶⁴⁶ Gun Violence Archive, [Deaths by homicide/murder/defensive use of guns in 2020/2021](#), December 21, 2021.

Floyd. Under Minnesota law, Chauvin must serve two-thirds of his prison sentence (15 years), and then would be eligible for supervised release for the remaining time.

909. Nevertheless, the IACHR continues to observe challenges related to the persistence of cases of police violence against Afro-descendants. In this regard, the Commission condemned the excessive use of force against African American women, girls and adolescents, particularly the events of January 29, 2021, where a 9-year-old girl was pepper-sprayed by police officers in New York; and January 26, 2021, where 16-year-old Taylor Bracey was brutally body-slammed by a school resource officer in Florida. The IACHR also condemned the death of Brittany Kittrell on January 19, 2021, in North Carolina, four days after she was arrested and booked into jail; and the death of Andre Hill, shot by a police officer on December 22, 2020, in Ohio.

910. The Commission also expressed concern about the deaths of African American individuals: (i) Daunte Wright, who was allegedly shot during a police operation in Minnesota on April 11, 2021; (ii) Ramona Cooper and David Green, on June 26, 2021, in Boston, when they were allegedly shot and killed by a man known for his white supremacist rhetoric; and, (iii) Clifford Owensby, a person disabled by paraplegia, who was allegedly violently removed from his vehicle by police officers on September 30, 2021, in Ohio.

911. Regarding the facts described above, the IACHR calls on the United States to continue the investigations in a diligent and exhaustive manner, to punish those responsible, and to make full reparations to the victims and their families.

912. In relation to the situation of the **rights of migrants, asylum seekers, and refugees**, the Commission closely monitored the policies, actions, and speeches of authorities and their impact on the rights of people in contexts of human mobility during 2021. In its monitoring, the IACHR noted with particular concern the obstacles to implementing changes to policies and restrictive measures during and prior to the response to the pandemic, despite speeches and federal executive orders that identify the failures, risks, and harm generated by such policies. In contrast, it values the State's efforts to mitigate the effects of the family separation policy implemented in the previous period and to seek family reunification, as well as strategies to compensate the families directly affected and to promote non-repetition. In this regard, it highlights the publication of the Presidential Executive Order of February 2, 2021, establishing the interagency task force to reunite children separated from their families at the U.S.-Mexico border.¹⁶⁴⁷

913. According to official information, in February 2021, the federal administration issued an executive order for federal agencies to review actions that limit access to the legal immigration system¹⁶⁴⁸. In June 2021, the IACHR welcomed the release of a memorandum from the Department of Homeland Security¹⁶⁴⁹ announcing the termination of the Migration Protection Protocols (MPP) Program. In its press release of June 25, 2021, it reiterated its concern about the human rights effects of the implementation of migration policies that, in recent years, have reportedly sought to deter irregular movements to the United States, through the adoption of measures aimed at securitization and externalization of borders, the implementation of the zero tolerance policy, as well as the criminalization of those who move outside the regular entry points to the territory.¹⁶⁵⁰

914. However, the IACHR expresses concern about the reinstatement of the MPPs on December 6, 2021. According to official information, the process of reinstatement of the program was the result of a determination of the Federal Court for the Northern District of Texas on August 13, 2021, because the termination of the program had allegedly not been issued in accordance with the procedures provided for

¹⁶⁴⁷ White House, United States, [Executive Order on the Establishment of Interagency Task Force on the Reunification of Families](#), February 2, 2021.

¹⁶⁴⁸ White House, [Americans](#), February 2, 2021.

¹⁶⁴⁹ Department of Homeland Security, [memorandum](#) of June 1st 2021.

¹⁶⁵⁰ IACHR, Press Release No. 158/21, [IACHR welcomes termination of the "Migrant Protection Protocols" and calls on the United States to adopt migration policies that incorporate a human rights approach](#), June 25, 2021.

in the country's legislation.¹⁶⁵¹ In addition, according to the Department of Homeland Security's memorandum "Guidance on Court Ordered Reimplementation of the Migrant Protection Protocols" issued on December 2, 2021,¹⁶⁵² individuals from any country in the Western Hemisphere, with the exception of Mexico, could be processed under this program, which would represent an expansion of the program.

915. In addition, the Commission notes that on July 16, 2021, the U.S. District Court for the Southern District of Texas maintained that the DACA program was unlawful; however, such a decision would have suspended effects with respect to individuals who obtained access to the DACA program on or before July 16, 2021, including those individuals with renewal applications.¹⁶⁵³

916. At the same time, in 2021, the IACHR observed the situation along the southern border of the country and made a statement on the growing indicators of arrival of migrant children and adolescents, frequently separated or unaccompanied, to the territory of the United States.¹⁶⁵⁴ Likewise, in its Press Release of September 17, 2021,¹⁶⁵⁵ the IACHR followed up on the intensification of mixed migratory movements, mainly with regard to the return of persons, and the changes in migration patterns in North and Central America. It also noted with concern the implementation of expedited expulsion procedures from the United States to Mexico's northern and southern borders.

917. Likewise, the IACHR warned, in the same Press Release of September 2021, that the implementation of accelerated expulsion procedures, specifically as a result of the application of the so-called "Title 42", would be carried out in a manner that would hinder adequate evaluation of possible protection needs, without ensuring access to migration, asylum, or protection procedures in the territory of the States and without the application of corresponding sanitary protocols to prevent the spread of COVID-19. The IACHR took note of the joint communiqués of 11 August by the United Nations High Commissioner for Refugees (UNHCR)¹⁶⁵⁶ and other agencies such as UNICEF, UNHCHR, UN Women and IOM,¹⁶⁵⁷ in which they expressed their concern about the effects on persons in human mobility derived from the application of Title 42. The implementation of this U.S. administrative order, which, based on public health interest, prohibits the entry of certain individuals into the United States, would appear to increase the risk of chain refoulement of vulnerable individuals, in contravention of international law and the humanitarian principles of the 1951 Convention Relating to the Status of Refugees. In addition, the IACHR emphasizes, in line with the observations of United Nations agencies, that the protection of public health - in the context of the COVID-19 pandemic - and the guarantee of access to asylum must be fully compatible.

918. In addition to the above, the Inter-American Commission was also able to express, jointly¹⁶⁵⁸ with the United Nations Special Rapporteur on the Human Rights of Migrants, its condemnation of the excessive use of force against migrants from Haiti in Del Rio, Texas, as well as the removals and expulsions carried out from the southern border of the United States to Mexico and directly to Haiti. In this regard, the IACHR and the United Nations rapporteur urged the United States to investigate this situation

¹⁶⁵¹ Department of Homeland Security, [Reimplementation of Court Ordered Migrant Protection Protocols](#), undated, undated.

¹⁶⁵² Department of Homeland Security, https://www.dhs.gov/sites/default/files/publications/21_1202_plcy_mpp-policy-guidance_508.pdf, December 2, 2021.

¹⁶⁵³ US Citizenship and Immigration Services, [DACA Decision in State of Texas, et al., v. United States of America, et al., 1:18-CV-00068, \(S.D. Texas July 16, 2021\) \("Texas II"\)](#).

¹⁶⁵⁴ IACHR, pronouncement on social network, available at <https://twitter.com/CIDH/status/1423398525459734530>, August 5, 2021.

¹⁶⁵⁵ IACHR, Press Release No. 243/21, [The IACHR Expresses Concern about the Expulsion of People in a human mobility context from the United States and Mexico and calls on States to Ensure the Effective Protection of Their Rights](#), September 17, 2021.

¹⁶⁵⁶ UNHCR, [UNHCR expresses concern about US removal flights related to COVID-19 asylum restrictions](#), August 11, 2021.

¹⁶⁵⁷ UNHCR, [UN agencies express concern over deteriorating humanitarian conditions for migrants and asylum-seekers at Mexico's northern and southern borders](#), August 11, 2021.

¹⁶⁵⁸ IACHR, Press release No. 260/21. [IACHR and UN's Special Rapporteur Condemn Excessive Use of Force and Deportations of Migrants from Haiti at the United States' Southern Border](#), October 4, 2021.

with due diligence, punish all persons identified as responsible, and guarantee the non-repetition of this type of incident.

919. Structurally, the Commission is concerned that the State, despite presenting a detailed diagnosis of the harm and damage done by previously implemented public policies and administrative practices, has not managed to establish a change of direction with respect to the maintenance and strengthening of programs that allow for the regularization of migratory status, broader access to fundamental rights for the migrant population in its territory, as well as conditions for access and the mechanisms for evaluating protection needs in accordance with Inter-American standards and principles on the matter.

920. In relation to children and adolescents in the context of human mobility, the IACHR observes that, according to official information from the Department of Health and Human Services (HHS), their shelters received more than 122 thousand girls, boys, and adolescents, in fiscal year 2021 alone – this is, up to the month of October. According to public information, in response to the increase in the number of unaccompanied children, the State converted convention centers, military installations, labor camps and other facilities into "emergency admission sites" to quickly process and house this population, which was closely monitored by the IACHR.

921. In relation to **human trafficking**, the Commission notes the launch of the "disclaimer page on core competencies for human trafficking response in health care and behavioral health systems." According to official information, the measure would provide health professionals with the tools to identify, respond to, and care for people who are experiencing or are at risk of being victims of forced labor or commercial sexual exploitation. In addition, the Commission notes that the U.S. Attorney's Office has reportedly created a police task force focused on combating human trafficking.

922. With regard to **persons deprived of their liberty**, the IACHR welcomes the approval of the Humane Alternatives to the Long-Term Confinement Act (HALT, S. No. 2836) by the State of New York. According to official information, this law: (i) limits the use of segregated confinement to 15 days; (ii) implements alternative rehabilitation measures including the creation of Residential Rehabilitation Units (RRUs); (iii) expands the definition of segregated confinement to include any form of cell confinement where an individual is held for more than 17 hours a day; iv) requires additional out-of-cell time and establishes rehabilitation programs; and, v) prohibits the use of confinement for vulnerable populations, including persons 21 years of age or younger; 55 years of age or older, persons with disabilities, and persons who are pregnant up to eight weeks postpartum, or who care for children in a facility.

923. In addition, the Commission notes that several States are adopting measures to prioritize vaccination of this population. In this regard, the *COVID Prison Project* reported that: i) 34 states included persons deprived of liberty as the highest priority population for vaccine distribution; ii) four states accorded medium priority to immunization; iii) two classified this population as low priority; and iv) 13 states did not include these persons in the vaccination programs. In addition, the *COVID Prison Project* reported that as of December 20, 2021, a total of 1,301,486 persons deprived of liberty had received at least one dose of the COVID-19 vaccine.

924. With regard to application of the **death penalty**, the IACHR continues to monitor its application and, despite observing progress towards its abolition, reiterates that the United States is the only country in the Western Hemisphere that executes persons sentenced to death. In this context, in a press release dated March 24, 2021, the IACHR welcomed the passage of HB 2263, a bill that repealed the death penalty in the state of Virginia and noted that this measure made Virginia the first state in the Southern United States to abolish the death penalty. Currently, 23 states have reportedly abolished the death penalty. The Commission also welcomed the decision of the governor of Oklahoma to commute the death sentence of Julius Jones, a beneficiary of precautionary measures granted by the IACHR on November 17, 2021.

925. However, the Commission notes with deep concern that according to the *Death Penalty Information Center*, as of December 9, 2021, a total of 11 persons deprived of their liberty were executed in the United States.

926. On the **rights of lesbian, gay, bisexual, trans and gender diverse and intersex (LGBTI) people**, the Commission welcomed the enactment of an Executive Order on January 20, 2021, which directs government agencies to take action to prevent and combat discrimination based on gender identity or sexual orientation, including revising regulations and policies.¹⁶⁵⁹ This order, based on constitutional protections and the Civil Rights Act, Title VII, 2, recognizes multiple factors of discrimination against LGBT persons, including ethnic-racial origin and disability status. In addition, the IACHR welcomed the passage in the House of Representatives of the *Equality Act* which, if passed by the Senate, would prohibit discrimination on the basis of sex, including sexual characteristics, gender identity, and sexual orientation¹⁶⁶⁰.

927. Despite the progress made at the federal level, the Commission observed various initiatives and bills of a discriminatory nature processed in state congresses to the detriment of trans, non-binary, and gender-diverse people. These initiatives contain limitations on access to, or use of, public and private facilities based on gender identity, as well as impediments to the participation of children and adolescents in sports teams in accordance with their gender identity, including the obligation to prove the sex assigned at birth to allow participation in such teams. The IACHR also notes with concern that some of these bills reportedly seek to penalize families and medical personnel for providing puberty blockers and hormone therapy to trans, non-binary, and gender-diverse adolescents under the age of 21.

928. Finally, the IACHR expresses its concern over reports of increased violence against trans, non-binary, and gender-diverse persons. According to civil society organizations, during 2021, 49 violent deaths were identified, compared to 44 reported in 2020.

929. In relation to the rights of **persons with disabilities**, the IACHR takes note of the measures aimed at guaranteeing the social and economic rights of this population; in particular, the resources and regulations for health services, employment, housing and other programs aimed at mitigating the effects of the COVID-19 pandemic. The Commission has also registered complaints from students with disabilities about difficulties with accessing distance education courses.

930. The Commission was apprised of the report published by the Department of Justice in November 2021 entitled *Crime Against Persons with Disabilities, 2009-2019 - Statistical Tables*.¹⁶⁶¹ According to the report, which presents information on events that occurred between 2017 and 2019, persons with disabilities were victims of 26% of all non-fatal violent crimes, representing about 12% of the population; the rate of violent victimization against persons with disabilities (46.2 per 1,000 aged 12 and older) was nearly four times higher than the rate for persons without disabilities (12.3 per 1,000); one in three victims of robbery (33%) had at least one disability; among the disability types measured, persons with cognitive disabilities had the highest rate of violent victimization (83.3 per 1,000). The report also highlights that 19% of rapes or sexual assaults against people with disabilities were reported to the police, compared to 36% of those suffered by people without disabilities.

931. Regarding the situation of **women's human rights**, the IACHR welcomes the establishment of the Gender Policy Council and the adoption of the National Strategy on Gender Equity and Equality to incorporate a gender perspective and an intersectional approach in all the work of the Executive Branch. The IACHR also welcomes the repeal of federal policies that impeded access to sexual and reproductive health information and services, particularly the Global Gag Rule and the National Gag Rule, as well as the restoration of funding to the United Nations Population Fund, UNFPA.

932. However, the IACHR notes with extreme concern the adoption -in 2021- of more than one hundred laws restricting access to voluntary termination of pregnancy, such as SB8 in Texas, which prohibits the termination of pregnancy from the time a fetal heartbeat is detected. In this context, the

¹⁶⁵⁹ IACHR, pronouncement on Twitter, available at: <https://twitter.com/cidh/status/1352382767603003395?lang=en>, 21 January, 2021.

¹⁶⁶⁰ IACHR, pronouncement on twitter, available at: <https://twitter.com/CIDH/status/1366774225076387841>, 2 March, 2021.

¹⁶⁶¹ US Department of Justice Bureau of Statistics, [Crime Against Persons with Disabilities, 2009-2019 - Statistical Tables](#), November 2021.

IACHR takes note that two cases challenging the constitutionality of SB8, *Whole Women's Health v. Jackson* and the *United States v. Texas*, are pending before the U.S. Supreme Court.

933. From an intersectional perspective, the IACHR observes the specific risk of violence faced by some women in the country; in this regard, the IACHR strongly condemns the attacks that occurred in Atlanta in March 2021, where 6 women of Asian origin lost their lives, as well as the incidents of police brutality that occurred in January 2021 against African American women, girls, and adolescents.

934. Regarding the rights of **indigenous peoples**, the IACHR welcomes the specific measures announced by the State for the economic and social recovery of indigenous peoples in the context of the COVID-19 pandemic, as well as to move ahead with reducing inequalities and the factors that render them disproportionately vulnerable to human rights violations.¹⁶⁶²

935. Through its various monitoring mechanisms, the Commission observed a number of incidents and the need to deepen policies for comprehensive protection of the rights of indigenous peoples, including their territories and the protection of their natural resources. In this regard, it was informed of caravans carried out in June by representatives of native peoples seeking to promote solutions to protect natural resources in their settlements. The Commission was also briefed on the protests held in October 2021 to demand that President Biden freeze fossil fuel extraction and declare a climate emergency and response to the fossil fuel industry and its impacts on lands and natural resources.¹⁶⁶³

936. Regarding the **rights of the older adults**, the Commission notes with concern the persistent prevalence of COVID-19 infections and deaths in long-term care homes. According to data from the Centers for Medicare and Medicaid Services (CMS), as of December 16, there were 740,034 confirmed cases of COVID-19 among seniors living in those facilities and 141,084 deaths. In this regard, the IACHR notes that 87% of the residents have reportedly been vaccinated.¹⁶⁶⁴ Likewise, according to CDC data, as of December 16, the number of infections according to age range was 5.7% for people between 65 and 74 years old, 2.8% between 75 and 84 years old and 1.5% from the age of 85.¹⁶⁶⁵ Persons 65 years of age and older account for 74.2% of all COVID-19 deaths in the United States.¹⁶⁶⁶ In addition, the Commission notes that, as of December 20, 2021, approximately 47,929,690 people over the age of 65 were fully vaccinated.¹⁶⁶⁷ The IACHR emphasizes that, according to Resolution No. 01/2021, priority should be given to vaccinating those at the highest risk of infection. States have an obligation to consider the special situation of vulnerability faced by older persons, especially in the context of older persons confined to residences and shelters.¹⁶⁶⁸ In this regard, the IACHR calls on the State to continue taking steps to prioritize the administration of vaccines and the application of tests to older adults who face an increased risk of acquiring COVID-19 due to pre-existing health conditions.

937. The Commission notes the allocation of \$1.4 billion in funding under the American Rescue Plan Act of 2021 for welfare programs under the Older Americans Act. The IACHR welcomes the fact that the programs supported by these funds include programs to support immunization outreach and coordination, address social isolation, provide support to family caregivers, and offer nutritional support to the elderly.¹⁶⁶⁹ In addition, the IACHR notes the proclamation of May 2021 as Older Americans Month, a

¹⁶⁶² White House, [Fact Sheet: Building A New Era of Nation-to-Nation Engagement](#), November 15, 2021.

¹⁶⁶³ Independent, [Indigenous activists lead protests in Washington DC to demand that Biden declare a climate emergency](#), October 12, 2021.

¹⁶⁶⁴ Centers for Medicare and Medicaid Centers, [COVID-19 Nursing Home Dataset](#), December 21, 2021.

¹⁶⁶⁵ Centers for Disease Control and Prevention, [COVID Data Tracker](#), December 21, 2021.

¹⁶⁶⁶ Centers for Disease Control and Prevention, [COVID Data Tracker](#), December 21, 2021.

¹⁶⁶⁷ Centers for Disease Control and Prevention, [COVID-19 Vaccinations in the United States](#), December 21, 2021.

¹⁶⁶⁸ IACHR, Resolution No. 01/2021, [COVID-19 vaccines and inter-American Human rights obligations](#), April 6, 2021, par. 8.

¹⁶⁶⁹ U.S. Congress, [American Rescue Plan Act of 2021](#), March 11, 2021, sec. 2921; U.S. White House, [Fact Sheet: Biden-Harris Administration Delivers Funds to Support the Health of Older Americans](#), May 3, 2021.

move intended to honor older adults for their continued contributions to the development of the country.¹⁶⁷⁰

URUGUAY

- **General Considerations**

938. In 2021, the IACHR observed **progress** in human rights in Uruguay, specifically in the areas of citizen security, protection against gender-based violence, and women's right to a life free from discrimination, as well as the recognition and protection of the rights of people of African descent, persons in situations of human mobility and the prevention of violence against older persons.

939. With regard to the **challenges identified**, the IACHR expressed concern about initiatives or bills seeking to change measures imposed on persons charged with or convicted for crimes deemed to be serious human rights violations or crimes against humanity. It also noted allegations of legal and *de facto* barriers to the exercise of sexual and reproductive rights, and reports of discrimination and lack of health care for persons with disabilities in certain facilities, including mental health institutions in which children are placed.

940. The Government answered the IACHR's information request for drafting this chapter.¹⁶⁷¹

- **Specific Issues**

941. In the area of **human rights institutions**, the IACHR took note of the presentation of a public policy titled "*Plan Nacional de Acción en Derechos Humanos*" (National Plan of Action on Human Rights),¹⁶⁷² which seeks to build and strengthen policy planning with a human rights focus.¹⁶⁷³ According to official information, this plan addresses six central issues: non-violence and public security, inclusion, non-discrimination and equality, universal access to rights, commitment to human rights, memory, truth, justice and reparation policies, and democracy and human rights.¹⁶⁷⁴

942. With regard to the National Institution for Human Rights and the Office of the Ombudsperson (INDDHH from the Spanish), the Commission noted that the budget for its 2020-2024 operations has been adopted¹⁶⁷⁵ and that its President has been appointed for a one-year term.¹⁶⁷⁶

943. Regarding **democratic institutions**, the Commission took note of the call for a referendum against 135 articles of the "*Ley de Urgente Consideración*" (Bill for Urgent Consideration), to be held on March 27, 2022, pursuant to a decision by the Electoral Court.¹⁶⁷⁷ This law includes reforms in various areas, including public security, strategic intelligence, education, economics, labor rights, public enterprises, and the right to demonstration.⁸ The IACHR has taken note of the concerns of civil society organizations regarding the human-right impacts of these reforms, such as extending the maximum term,

¹⁶⁷⁰ U.S. White House, [A Proclamation on Older Americans Month, 2021](#), May 3, 2021.

¹⁶⁷¹ Oriental Republic of Uruguay, Note No. 130/2021, Report of the Uruguayan Government in response to the information request for drafting Chapter IV-A of the 2021 Annual Report of the IACHR, September 14, 2021.

¹⁶⁷² Instituto Nacional de Derechos Humanos y Defensoría del Pueblo, "[Presentación del Plan Nacional de Acción en Derechos Humanos \(PNADH\)](#)," July 22, 2021.

¹⁶⁷³ President of the Republic, [Llegó la hora: Presentación del Plan Nacional de Acción en Derechos Humanos](#), April 15, 2021.

¹⁶⁷⁴ Secretaría de Derechos Humanos, "[Presentación del Plan Nacional de Acción en Derechos Humanos \(PNADH\)](#)," July 22, 2021.

¹⁶⁷⁵ Subrayado, [Institución de DDHH recibió partida anual de \\$ 32,5 millones para búsqueda de desaparecidos](#), May 26, 2021.

¹⁶⁷⁶ Instituto Nacional de Derechos Humanos y Defensoría del Pueblo, "[Juan Faroppa asume como presidente de la INDDHH](#)," August 31, 2021.

¹⁶⁷⁷ Corte Electoral de Uruguay, Circular No. 11250, December 8, 2021, available at <https://www.corteelectoral.gub.uy/interposicion-recurso-de-referendum>.

from 5 to 10 years, that adolescents in conflict with criminal justice can be deprived of liberty, potential restrictions on strikes, and others.¹⁶⁷⁸

944. With regard to **citizen security**, the IACHR noted that the Ministry of the Interior published a reported reduced criminal activity at February 2021, including a 20.5% drop in homicides. According to official data, there were 400 murders from March 2019 to February 2020, and 328 over the same period from 2020 to 2021.¹⁶⁷⁹

945. Furthermore, the Government informed the Commission of the measures taken to ensure **access to justice** within the context of the pandemic. These measures included suspending procedural deadlines in certain areas, strengthening remote means for judicial proceedings, and adopting a special work regime to ensure justice in emergency cases and for persons in situations of vulnerability.¹⁶⁸⁰ The Government also provided statistical information on persons who received legal assistance from the National Public Defense Office in 2021.¹⁶⁸¹

946. As for **memory, truth and justice**, the IACHR [highlighted](#) the ruling issued by the 27th Criminal Court of Montevideo that ordered the prosecution and imprisonment of seven military personnel for crimes against persons held at the Battalion No. 13 and 300 Carlos centers. The Commission found that this ruling referred to the jurisprudence of the Inter-American Court in the Gelman case regarding the State obligation to ensure that the Amnesty Law will never again obstruct the investigation of serious human rights violations.

947. However, the Inter-American Commission monitored, with concern, the legislative processing of an initiative that would reform the Code of Criminal Procedure to establish, *ex officio*, the house arrest of persons over age 65 charged with or convicted of crimes, including serious human rights violations or crimes against humanity.¹⁶⁸²

948. The IACHR notes that civil society organizations, victims and international entities have expressed concerns for and rejection of the impacts that such a reform could have on the fight against impunity for crimes committed during the civil-military dictatorship.¹⁶⁸³ Accordingly, the Commission urges the Government to take into account that, according to inter-American standards, any measures that seek to obstruct the investigation and punishment of those responsible for such serious crimes are unacceptable.¹⁶⁸⁴

949. In addition, civil society organizations reported on hurdles faced by survivors of sexual torture during the civil-military dictatorship seeking to access truth, justice and reparation. They

¹⁶⁷⁸ The IACHR highlighted the concerns of civil society organizations regarding the potential impacts of the Law for Urgent Consideration in its [2020 Annual Report](#), Chapter IV-A, para. 723. See also: [Yo firmo.uy](#), accessed on January 18, 2022.

¹⁶⁷⁹ Ministry of the Interior, [Cifras de delito en el primer año de gobierno](#), March 2021.

¹⁶⁸⁰ Oriental Republic of Uruguay, Note No. 130/2021, Report of the Uruguayan Government in response to the information request for drafting Chapter IV-A of the IACHR Annual Report for 2021, September 14, 2021, Annex 1.

¹⁶⁸¹ The Government reported that the Public Defense Office assisted 56,834 people in the first quarter of 2021. Oriental Republic of Uruguay, Note No. 130/2021, *Informe del Estado de Uruguay en respuesta a la solicitud de información para la redacción del Capítulo IV-A del Informe Anual 2021 de la CIDH*, September 14, 2021, Annex 3.

¹⁶⁸² *Cámara de Senadores, Comisión de Constitución y Legislación*, [Proyecto de Ley. Carpeta 529/2021. Distribuido 699/2021](#), August 17, 2021.

¹⁶⁸³ *Institución Nacional de Derechos Humanos y Defensoría del Pueblo*, [NN.UU. advierte que proyecto para otorgar prisión domiciliaria a violadores de DDHH es contrario a normativa internacional](#), November 19, 2021; *Crysol*, Letter to the IACHR President, November 9, 2021 (in the IACHR archive); *Subraya*, [Organizaciones de DDHH rechazan proyecto sobre prisión domiciliaria para mayores de 65 años](#), November 16, 2021; *La Diaria Política*, [Centro de estudios penales advirtió que proyecto de prisión domiciliaria de CA es inconstitucional por "extralimitación de competencias" del Legislativo](#), December 1, 2021.

¹⁶⁸⁴ IACHR, Case of Gelman v. Uruguay, Ruling of February 24, 2011, Series C, No. 221, para. 225; IACHR, Case of Gutierrez Soler v. Colombia, Ruling of September 12, 2005, Series C, No. 132, para. 97.

complained of re-victimization on the part of the judiciary, as well as the lack of strategies and outcomes in the prosecution of criminal cases.¹⁶⁸⁵

950. In this regard, the Government reported on programs for ongoing gender and human rights training for justice operators.¹⁶⁸⁶ It also highlighted the laws applicable to such processes and institutional responsibilities in the investigation and prosecution of cases relating to sexual violence in the context of the dictatorship. It further reported on measures taken by the judiciary vis-a-vis various complaints of unconstitutionality by accused and convicted persons, which are hindering the progress of cases, among other things.¹⁶⁸⁷

951. The IACHR also notes that the INDDHH set up a website to publicize and provide historical documentation on serious human rights violations that occurred in the former Defense Information Service. This new virtual space seeks to preserve the memory of and pay tribute to the victims of the incidents that took place at Boulevard Artigas 1532, the current INDDHH headquarters. This new website develops a museum account of the Memory Site and offers documents, videos and photographs.¹⁶⁸⁸

952. The Inter-American Commission welcomes Government initiatives to protect and guarantee **women's human rights**. Specifically, it highlights the availability of a 24-hour phone service for women subjected to violence.¹⁶⁸⁹ The Commission also welcomes the bills proposed in March 2021 to the House of Representatives and the Senate, which seek to promote gender parity in representative posts.¹⁶⁹⁰

953. The IACHR further notes the September 2021 [launch](#) of the Guide for Sectional Police Intervention in Cases of Intra-Family and Gender-Based Violence.¹⁶⁹¹ While welcoming the adoption of such initiatives, the Commission observes that the guide does not include action guidelines to ensure comprehensive care for victims, such as medical and psychosocial care.

954. Furthermore, it notes official data from the Ministry of the Interior showing drops in intra-family violence reports of 18.82% in January and 17.99% in February 2021, compared to the same months of the previous year.¹⁶⁹² According to public data, 12 femicides were reported during the first quarter of 2021.¹⁶⁹³

955. As for sexual and reproductive rights, the IACHR welcomes the training processes for health workers, teachers and multidisciplinary units for a comprehensive approach to sexual and reproductive health among adolescents and youth.¹⁶⁹⁴ However, the IACHR has received information on

¹⁶⁸⁵ IACHR, Public Hearing "[Access to Truth, Justice and Gender-Based Reparation in Uruguay](#)," March 18, 2021, 179th Session.

¹⁶⁸⁶ IACHR, Information Request to the Uruguayan Government, Note No. IACHR/SE/Art. 41/08-2021/173, Ref: Follow-up to the public hearing "Access to Justice for Female Victims of Sexual Torture during the Uruguayan Dictatorship" in the IACHR Archive, August 2021.

¹⁶⁸⁷ Uruguayan Permanent Mission to the Organization of American States, Note No. 150/2021 and Annexes 1-4, of October 14, 2021, in the IACHR archive.

¹⁶⁸⁸ Instituto Nacional de Derechos Humanos y Defensoría del Pueblo, "[Nueva web del Sitio de Memoria del ex Servicio de Información de Defensa \(SID\)](#)", August 13, 2021.

¹⁶⁸⁹ Uruguayan Presidency. [Servicio telefónico de escucha y orientación para mujeres que sufren violencia atenderá las 24 horas](#), July 19, 2021.

¹⁶⁹⁰ Uruguayan Parliament, Technical Report containing Folder No. 1140 of 2021, March 2021; Uruguayan Parliament, Technical Report containing folder No. 408 of 2021, March 9, 2021.

¹⁶⁹¹ Ministry of the Interior, [Guía de actuación para seccionales policiales en casos de violencia doméstica y género](#), September 22, 2021.

¹⁶⁹² Ministry of the Interior, [Cifras de delito en el primer año de gobierno](#), 2021.

¹⁶⁹³ La Diaria, [Hubo 12 femicidios en el primer semestre de 2021](#), July 2, 2021.

¹⁶⁹⁴ UNFPA. [Avanza en ciclo de talleres y cursos sobre educación sexual integral en adolescentes](#), August 4, 2021.

legal and *de facto* barriers to voluntary termination of pregnancy, including conscientious objection in the civil service, as well as restrictions on migrant women due to their residential status in the country.¹⁶⁹⁵

956. With regard to the rights of the **LGBTI population**, the Commission emphasizes the decision of the Ministry of Social Development to include self-identification forms for persons with non-binary and fluid gender identities in the 2023 census, in order to gather statistics for public policymaking.¹⁶⁹⁶ The IACHR welcomes this initiative in view of information received from non-binary Uruguayan persons regarding the challenges they have faced in exercising their rights.¹⁶⁹⁷

957. As for the **rights of older persons**, the Commission welcomes the Government's commitment to work towards eradicating abuse and mistreatment of older persons, recognizing that the pandemic further accentuates the potential for the elderly to suffer intra-family abuse or mistreatment due to isolation, which increases the invisibility of violence against the older persons.¹⁶⁹⁸ This relates to reports of growing cases of violence against older persons within the context of the pandemic, most against women.¹⁶⁹⁹

958. With regard to **people of African descent and the situation of racial discrimination**, the Inter-American Commission [welcomed](#) the Montevideo Agreement, announced at the Meeting of Latin American and Caribbean Parliamentarians of African Descent.¹⁷⁰⁰ The IACHR stresses that this agreement is a step towards recognizing and protecting the rights of people of African descent by reaffirming the commitment to driving legal frameworks and public policies to combat racial discrimination and enhance the quality of life and the inclusion of people of African descent, and to fostering programs and efforts to ensure recognition, justice and development as the focal point of the International Decade for People of African Descent.

959. With regard to the rights of **persons with disabilities**, the Commission welcomes initiatives such as Decree 9/021 on the Elimination of Administrative Barriers to the Processing of Passports¹⁷⁰¹ and the Guidance Protocol for Cases of Disability-Based Discrimination and Rejection in Education.¹⁷⁰²

960. The IACHR also notes that the National Vaccination Plan prioritizes persons with disabilities, especially those with Down syndrome,¹⁷⁰³ and the efforts of the Montevideo Town Hall to set up a service to enable the transfer of persons with disabilities to resorts, as well as other Government initiatives that include formalization of an agreement to create inclusive tourism circuits for persons with disabilities.¹⁷⁰⁴

¹⁶⁹⁵ IACHR. [Audiencia sobre Derechos sexuales y reproductivos en el contexto de la pandemia del COVID-19](#), Session No. 179, March 26, 2021.

¹⁶⁹⁶ Montevideo Portal, [El censo 2023 reconocerá a personas de identidad de género no binario, anunció Mides](#), September 7, 2021.

¹⁶⁹⁷ IACHR, Social Forum with Non-Binary Persons of the Region, Presentation by Uruguay: *Bloque Trans y Disidente y No Binaries Uruguay*, August 4, 2021.

¹⁶⁹⁸ Ministry of Social Development of Uruguay, [15 de junio: Día Mundial de Toma de Conciencia del Abuso y Maltrato en la Vejez](#), June 15, 2021.

¹⁶⁹⁹ *Subrayado* – Canal 10, [Abuso y maltrato en la vejez: el 90% de la violencia ocurre en el ámbito familiar](#), June 15, 2021, and Canal 180, [Abuso a la vejez: un día para visibilizar un "maltrato que está naturalizado"](#), June 15, 2021.

¹⁷⁰⁰ This Meeting, held on November 16, 2021 in Montevideo, Uruguay, was organized by the Uruguayan Parliament and the UNFPA. Parliament of Uruguay, [Acuerdo de Montevideo](#) and [Acto de clausura de las jornadas de Parlamentarias y Parlamentarios Afrodescendientes de América Latina y el Caribe](#), November 16.

¹⁷⁰¹ Dirección Nacional de Impresiones y Publicaciones Oficiales, [Decreto N° 9/021](#), January 15, 2021.

¹⁷⁰² *Institución Nacional de Derechos Humanos*, *Jornada de trabajo sobre discapacidad y educación inclusiva*, November 12, 2021.

¹⁷⁰³ Ministry of Public Health, *Vacunación contra Covid-19 para personas con síndrome de Down*, April 15, 2021.

¹⁷⁰⁴ Montevideo Departmental Board, [TAXI ABC gratis para personas mayores o en situación de discapacidad](#), April 15, 2021, and Presidency of Uruguay, [Ministerio de Turismo y MIDES busca fortalecer el turismo inclusivo](#), September 14, 2021.

961. In addition, the IACHR took note of INDDHH observations concerning complaints of delays in vaccinating persons with disabilities at an in-patient care facility.¹⁷⁰⁵ The Commission also noted that the INDDHH received reports of barriers for children and youth with disabilities to integrate into the formal education system and society,¹⁷⁰⁶ and commented on the need to guarantee the rights of people with hearing and visual disabilities in the *Proyecto de Ley de Medios* (Media Bill).¹⁷⁰⁷

962. Finally, the Commission notes that, according to the office of the Pan American Health Organization, there is a need to modify the caregiving structures and processes of service providers in the National Health System toward a decentralized, participatory community mental health model that is both comprehensive and preventive, with a human rights approach.¹⁷⁰⁸

963. Cross-cutting with the status of **children's rights**, the Commission noted that, according to a report by UNICEF and the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment, 21% of all children in mental health care facilities were said to have been detained for more than two years, which is above the legal limit. It further noted that 13% of all children under age 12 in such facilities have been there for three to nine years. The IACHR takes note of reports of emotional neglect, humiliating treatment, threats, and physical abuse of children in the protection system's mental health clinics visited, as well as inappropriate use of containment measures.¹⁷⁰⁹

964. With regard to **human mobility**, the Commission [welcomed](#) the decision of the [Ministry of Public Health](#) to activate an online procedure for migrants and asylum seekers to receive [COVID-19](#) vaccines. According to information available to the IACHR, migrants and refugees in Uruguay can register to receive the Coronavirus vaccine, including those lacking a Uruguayan identity card.¹⁷¹⁰

965. With regard to **human trafficking**, the Commission took note of efforts made by the National Council to Prevent and Combat Human Trafficking, including the development of the Inter-Agency Action Protocol to identify and assist in cases of human trafficking, and the Indicator Guidelines to contribute to prevention and care for potential victims. In addition, the IACHR took note of training on human trafficking for consular staff abroad and the presentation of a document on "Women in Situations of Sexual Trafficking: Recommendations and Guidance for Journalists and Communication Professionals," fostering responsible communication to protect victims and prevent re-victimization.¹⁷¹¹

966. With regard to the rights of **indigenous peoples**, the Commission noted that the National Human Rights Institution called upon Uruguay to take concrete measures against discrimination and historical violation of the collective rights of indigenous peoples, within the context of calls by civil society and international entities to recognize indigenous peoples and ratify ILO Convention No. 169.¹⁷¹²

¹⁷⁰⁵ *La Diaria*, [Personas con discapacidad no fueron prioridad para el MSP en plan de vacunación, denuncia abogado de usuarios de hogar de Colonia Valdense](#), August 04, 2018.

¹⁷⁰⁶ *La Diaria*, [Centros que atienden a personas con discapacidad denunciaron al BPS por vulnerar derechos de los usuarios](#), October 14, 2021.

¹⁷⁰⁷ *Institución Nacional de Derechos Humanos*, [Sobre el Proyecto de Ley de Servicios de Difusión de Contenido Audiovisual actualmente a consideración del Parlamento](#), June 10, 2021.

¹⁷⁰⁸ Pan American Health Organization, [OPS en Uruguay contribuye en la construcción de un abordaje comunitaria para la atención a la salud mental](#), October 13, 2021.

¹⁷⁰⁹ *Mecanismo Nacional de Prevención de la Tortura de la Institución Nacional de Derechos Humanos y Defensoría del Pueblo*, UNICEF, [La infancia que no queremos ver. Encierro y salud mental de niñas, niños y adolescentes](#), April 2021, p. 14.

¹⁷¹⁰ Uruguayan Ministry of Foreign Affairs, [Registro de Migrantes o Solicitantes de Refugio sin cédula de identidad para Plan de Vacunación contra COVID-19](#), June 22, 2021.

¹⁷¹¹ Uruguayan Ministry of Foreign Affairs, [Comunicado de Prensa 132/21](#), July 30, 2021.

¹⁷¹² FLACSO-Uruguay, [Día Internacional de los Pueblos Indígenas. August 9, 2021](#).