



Summaries of Public Hearings

Annex to Press Release 167/23:
187th Period of Sessions

Public Hearings

Violence and Discrimination Against Women, Girls, and Adolescents in Belize

The organizations who requested this hearing raised their concerns about violence against LGBTI women in Belize, who often experience gender-based violence, exclusion from the community, workplace discrimination, police brutality, and harassment. In particular, the organizations provided information regarding the lack of legal protection offered to this vulnerable community and their exclusion from discussions regarding the reform of key legislation. It was noted that a proposed law on equal opportunities has been delayed in the legislative process since 2021. The State requested time to provide a detailed, written response to the matters raised at a later date. The IACHR stressed the importance of ratifying international treaties and requested more information on sexual violence against girls and adolescents in Belize. The IACHR also expressed interest in providing technical cooperation under the framework of a Promotional/Technical Cooperation visit.

Indigenous Peoples' Human Rights in Argentina

The requesting party described the context of structural racism, hate speech, and disregard for the territorial rights of the indigenous peoples in various provinces, which is exacerbated by extractive activities in their territories. In this context, they reported on territorial conflicts; the lack of free, prior, and informed consultation; situations of excessive use of force and arbitrary arrests during protests; and the need for concrete measures to make the rights recognized in the country's framework effective. The State said that it was also concerned about stigmatizing and hate speech against indigenous peoples. At the same time, it reported on the measures it had adopted to protect the territorial rights of these peoples and reaffirmed its commitment to continue implementing these. The IACHR assessed the measures taken by the State and requested information on those taken to combat racism and hate speech from public officials, and to provide comprehensive protection for the rights of indigenous peoples, especially the right to free, prior, and informed consultation.

Human Rights Situation of Wet'suwet'en Indigenous Peoples in Canada

The requesting organizations informed the IACHR about the construction of a gas pipeline in the ancestral territory of the Wet'suwet'en indigenous people and the criminalization of members of their community for opposing the project. According to the information they provided, once the pipeline is built, it will divide their territory in two, despite *Delgamuukw v. British Columbia*, a Supreme Court of Canada decision opposing the construction of the pipeline. They also reported that in 2019, 2020, and 2022, public authorities harassed and criminalized more than 70 members of the community and that in 2022 the Attorney General's Office of British Columbia decided to prosecute 19 land defenders, who will be tried in April and October 2023 and January 2024. The State said that it was committed to working with all parties and to providing the IACHR with more information. The IACHR thanked the State and civil society for their presence, requested information on how the Principle of Free and Informed Consent is applied, and highlighted the facilitating role that the IACHR could play in spaces for dialogue.

Human Rights and the Use of Facial Recognition Technologies in Brazil

The requesting organizations expressed concern about racial profiling arising from the use of facial recognition technologies for public security purposes. They reported several cases of wrongful arrests of Black people due to the use of facial recognition technologies, blaming these on racial bias among public security authorities when interpreting data, as well as biases in the programming and databases that feed facial recognition systems. The Brazilian organizations also warned about using facial recognition systems in public spaces and the potential violation of the rights to freedom of privacy and freedom of expression and association. They drew attention to the misuse and abuse of surveillance technologies and mass indiscriminate surveillance by the State. The State representatives underlined the importance of facial recognition technologies in the fight against crime and emphasized that such systems are not inherently discriminatory. However, they noted that facial recognition technologies need to be improved. They also stressed the need to establish national guidelines for the use of facial recognition technology and judicial protocols. The IACHR recalled that digital technologies pose challenges to human rights and warned of the need to regulate artificial intelligence and promote the verification of facial recognition systems, transparency when contracting technologies from private companies, oversight mechanisms in the use of such technologies, and restrictions on access to the data collected. It also expressed concern about the misuse of technological tools by governments to promote persecution, discrimination, and intimidation in the context of social protest.

The Parental Alienation Act in Brazil

The requesting organizations informed the IACHR of the negative impact that the law has had on children and adolescents (NNA) and women, as it has been used as a strategy against reports made by mothers in cases of violence, including sexual violence against their children perpetrated by their fathers. They argued that the judicial system treats women as though they are “out of their minds” and wish to alienate children from their fathers on the basis of unscientific premises. They also claimed that the system’s rulings remove custody from the mother and grant it exclusively in favor of the father. They concluded that the law needs to be repealed. The State expressed that there is no scientific evidence to support the existence of this syndrome, which is used to discriminate against women. It conceded that the law could be repealed without it constituting a legal vacuum, as there are other regulations in place that guarantee the comprehensive protection of children and adolescents. The State undertook to strengthen dialogue with the legislative branch and the judicial system. The IACHR stressed that the law is based on gender stereotypes against women and does not guarantee comprehensive protection or the best interests of children and adolescents. It also requested information on the difficulties encountered in repealing this law and statistics on its judicial application and offered the State any technical assistance it might need.

Case 14.293, Otilia Inés Lux García de Coti v. Guatemala

The requesting party argued that the State was responsible for the discrimination against the alleged victim, an indigenous woman, by failing to allocate her a seat in the Central American Parliament and not effectively complying with the Constitutional Court’s ruling on the allocation of seats in the 2011 elections. They alleged that the Supreme Electoral Tribunal arbitrarily assigned two seats from the national list of candidates to the Congress of the Republic, neither of whom stood as candidates for the Central American Parliament. They claimed that there is structural discrimination in Guatemala and that the political rights and judicial protection of the alleged victim have been violated. The State responded that it has not violated the rights of the alleged victim, since she



has held several public, popularly elected positions. It claimed that she did not receive sufficient votes in the 2011 election. It further argued that seats were allocated in accordance with the law, using the method of proportional representation of minorities. The IACHR referred to recommendation number 18 to Guatemala in its 2017 Country Report, concerning the promotion of the political participation of women in decision-making positions, particularly indigenous women, through the design and implementation of affirmative action measures.

Progress and Challenges in International Coordination and Cooperation for the Protection of the Rights of People in Movement in the Americas (Ex Officio)

Civil society organizations reported that national human rights crises have led to unprecedented numbers of people seeking international protection. Despite this, no coordinated response with a human rights approach has been implemented within the Americas. Existing national or binational policies do not address the magnitude of the phenomenon or the specific protection needs of certain groups. Representatives of international organizations pointed out that policies and practices persist that put the rights of these people at risk. They also stressed the need to change the narrative and show the benefits of migration for sustainable development. The IACHR appreciated the information it received and stressed the importance of addressing the root causes of forced displacement. Finally, it reminded States of the need to take coordinated action to respond to migration from a human rights perspective, within a framework of shared responsibility.

Differential Impact on the Lives of Female Relatives of People Who Are Deprived of Their Freedom in the Americas

The requesting organizations informed the IACHR of the effects suffered by the female relatives of people who are deprived of their freedom in the region. They drew particular attention to the mistreatment and intrusive searches they are subject to when visiting their relatives at detention centers, as well as social stigmatization. They also discussed other consequences of the detention of a family member, such as the economic impact of the loss of income, the need to provide basic necessities for the detainee, and the increased care burden. The IACHR acknowledged the work of female relatives of people who are deprived of their freedom, particularly their role providing care and taking emotional responsibility, along with supplying basic necessities for their incarcerated family members. It also emphasized the need for public policies to contemplate the experiences of family members with a gender perspective.

Access to Justice for Victims of Human Trafficking in the Americas

The requesting organizations informed the IACHR of the escalation of human trafficking in the region, noting that States are failing to fulfill their obligations to prevent, investigate, and punish this crime, provide full reparation to victims, or address obstacles to access to justice. They stressed that the application of restrictive migration policies, poor coordination between justice operators, weak oversight, and a lack of regulatory frameworks all exacerbate the challenges of combating human trafficking. The IACHR pointed out that structural factors force people to submit to conditions of exploitation. Consequently, States must urgently design and implement public policies with a gender perspective that identify and protect victims of human trafficking. The aim is to distinguish between factors relating to human mobility and human trafficking and to guarantee the international commitments undertaken by the States.

Strategic Lawsuits Against Public Participation (SLAPPs) in the Americas

The requesting organizations shared testimonies of legal harassment against journalists for their reporting on issues of public interest and pointed to the mechanisms and practices that make strategic lawsuits against public participation (SLAPPs) viable. They agreed that such abuse is driven by actors who hold economic, legal, and political resources and power and from the misuse of libel laws to silence dissenting voices and discourage public debate. They stressed that legal professionals who accept such cases and misuse justice systems are also responsible for this abuse. They further advised of the need to involve the legal community in discussions and measures to counter SLAPPs. At the same time, the requesting parties stated that their main concern is the absence of preventive measures, given that waiting for a judicial decision in favor of freedom of expression does not prevent the effects of self-censorship. They went on to highlight the need for procedural norms and legislation to address the use of judicial mechanisms seeking to limit public participation. The IACHR requested information on jurisprudential criteria and measures taken by the judiciary in the region to address SLAPPs. It also noted that a lack of judicial independence is part of the problem underlying SLAPPs and emphasized the inter-American standards of special protection for political discourse and tolerance of discourse against public figures. The RFOE showed interest in working on recommendations and thematic reports on the issue.

Labor Rights of Informal Sector Workers in the Americas

The requesting organizations' presentation focused on informal work in the Americas, the main challenges faced by workers, and ESCERs: the lack of safe and healthy working conditions, the absence of social protection, the stigmatization of waste picking and the lack of recognition of this activity as work, the eviction of waste pickers from their place of work (dumps or streets) or prohibition of access to this, and the persecution or restrictions on the organization of waste pickers (cooperatives, unions, or other forms of association), among others. The IACHR expressed its interest in the topic and the connections with ESCERs: labor rights, trade union rights, climate change, social security, the right to care. It also stressed that this was a new issue and that this was the first hearing concerning it.

Obstetric Violence in the Americas

The organizations who requested this hearing expressed their concerns about obstetric violence faced by women and pregnant women in the region. Specifically, the organizations provided information regarding the lack of legal protection and data for vulnerable communities in relation to this health issue. The IACHR highlighted the importance of States addressing the matter and requested more information regarding the training of healthcare professionals on issues concerning obstetric violence, and the collection of data surrounding obstetric violence against vulnerable populations who are disabled, of African descent, indigenous, young or adolescent girls, and trans people in the region. The IACHR expressed its interest in requesting information from States on the extent of obstetric violence and asking specific questions about the practices of doctors in the region.

Case 13.955: Gabriel Alejandro Vasco Toapanta v. Ecuador

This case relates to the alleged violations of the human rights of Gabriel Alejandro Vasco Toapanta and other children with Laron Syndrome. This is a congenital disease caused by an anomaly in the gene that encodes the growth hormone receptor, which causes a profound height deficit and facial dysmorphia in those affected by it.

According to the requesting party, the medicine that helps prevent these consequences if it is provided to patients

before they reach puberty was not available in Ecuador due to a lack of record-keeping on health issues. It was only administered to patients after they had repeatedly requested it for more than ten years via the courts. The State alleged that it had taken the necessary measures to comply with the court rulings. Consequently, patients with Laron syndrome have had access to the drug free-of-charge since 2020. The IACHR will rule on the merits of this case in the report it adopts on the matter.

Human Rights Situation in Haiti in the Context of the Humanitarian and Citizen Security Crisis

The requesting organization drew attention to the serious humanitarian and institutional crisis in Haiti and the human rights violations this has entailed for the Haitian population. It also referred to the security crisis and clashes between armed groups, which have led to an escalation of violence, including killings, abductions, and other violations of the right to life and physical integrity. The requesting organization noted the difficulties in accessing justice, and spoke out against the context of impunity. In addition, it reported on arbitrary arrests and the increase in the number of deaths in prisons. The Haitian State acknowledged the urgent need for answers to the security crisis and noted the importance of combating arms trafficking in the country. The IACHR expressed concern about the situation in Haiti, stressed the importance of strengthening technical cooperation mechanisms, and reiterated its interest in conducting a visit to the country.

Case 13.599: Ariel Osvaldo Mollar v. Argentina

The case concerns the alleged responsibility of the State for the life sentence handed down to Mr. Mollar during a criminal proceeding. It also alleged that Mr. Mollar was assaulted inside the prison where he was serving his sentence. The IACHR heard the testimony of Ariel Mollar, the expert witness Gabriel Anitua, and the oral arguments of the parties on the admissibility and merits of the case.

The requesting party argued that life imprisonment, which is applicable to certain offenses, prohibits access to parole and renders the sentence effectively perpetual. It further alleged that Mr. Mollar was stabbed in prison, which has affected his health. It thus alleged that his rights to life and integrity, and judicial guarantees had been violated, along with the principle of legality, equality, and judicial protection. The State acknowledged its international responsibility for the violation of the rights to integrity and due process in connection with the attack on Mr. Mollar. However, it argued that domestic remedies had not been exhausted with respect to the grievances related to life imprisonment. The IACHR will rule on the merits of this case in the report it adopts on the matter.

Human Rights Situation of LGBTIQ+ People Deprived of Their Freedom in Venezuela

The requesting organizations spoke out against the severe prison crisis in the country and its differential impact on LGBTIQ+ people who are deprived of their freedom. They reported that detention centers are not designed to accommodate trans, nonbinary, and gender-diverse persons, who are assigned to detention centers based on the “sex” listed on their identity documents and not on their gender identity. They also noted argued that many LGBTIQ+ people are forced to conceal their sexual orientation or gender identity to avoid being assaulted and stigmatized by other inmates and prison authorities. They also pointed to the health challenges affecting trans people, who do not have access to comprehensive health care, particularly voluntary hormone treatments. The IACHR reiterated its concern about the situation of people who are deprived of their freedom in Venezuela, which it described as one of the worst in the region. It reiterated its commitment to the human rights situation in Venezuela and stressed the importance of making the discrimination faced by LGBTIQ+ people visible.

Human Rights and States of Exception in El Salvador

The organizations requesting the hearing reported that multiple human rights violations have taken place under the auspices of the state of exception in the country, which has been extended 16 times. They pointed out that over 71,000 people have been arrested and that there have been reports of arbitrary detention, lack of judicial guarantees, torture, precarious prison conditions, and dozens of uninvestigated deaths. They also reported on the stigmatization of the work of human rights defenders and journalists. They asked the IACHR to include the country in Chapter IV.B of its Annual Report and reiterated the importance of it visiting the country. In response, the State highlighted the historical actions of criminal organizations in El Salvador and the types of victimization they have created through concrete cases. It pointed out that the citizen security policies adopted by the current government have resulted in 400 days without homicides in the country. The IACHR requested information on the continuity of the emergency regime and expressed its concern about access to justice and the situation of people who are deprived of their freedom in this context. It also reiterated its request for permission to visit the country.

Situation of People Who Are Deprived of Their Freedom in Mexico

The requesting organizations reported on a series of human rights violations relating to the deprivation of freedom in Mexico, ranging from arbitrary detention to pretrial detention. According to the information they provided the IACHR, practices such as fabricating crimes, obtaining incriminating statements through torture, and using pretrial detention as an anticipated punishment are standard practices for the State. People taken into State custody are often held in cramped or overcrowded prison conditions. Likewise, detainees' families have to pay to enter prisons quickly during visits and provide food and hygiene items for their relatives. They are also subjected to exhaustive searches that they describe as degrading.

The State pointed out that prison policy is structured around the guiding principles of work, job training, health, and sports. It said that federal prisons are not overcrowded, although some state prisons suffer from this problem. It also reported on the different measures taken to guarantee inmates' human rights in relation to health, employment, and decent living conditions. The State reported on the progress made in jurisprudence to limit informal pretrial detention and on the lifting of this mechanism when the time limit is exceeded. It also noted that it has been monitoring the impact of IA Court rulings in the area of informal pretrial detention and that the jurisdictional authorities have begun to adopt measures to review detention situations in accordance with the criteria set out in these. The IACHR noted the importance of channels for the State to receive complaints of possible human rights violations. It also requested data on the prison population and expressed interest in conducting an on-site visit on this issue.

Case 14.736: 37 People with Disabilities Detained at Casa Esperanza v. Mexico

The case refers to the alleged responsibility of the State for a series of alleged violations of the human rights of 37 persons with disabilities, including children who were institutionalized in Casa Hogar Esperanza, a private institution in Mexico City that received public funds. The IACHR received the statement of expert witness Amalia Gamio, which was provided by the requesting party, and the oral arguments of the parties on the admissibility and merits of the case. The requesting party stated that the human rights violations correspond to (i) internment at Casa Esperanza without informed consent; (ii) nonconsensual sterilization and contraception; (iii) physical abuse and the use of restraints and confinement; (iv) sexual violence, forced labor, servitude, slavery, and human trafficking; (v) lack of adequate physical and mental health care; (vi) deaths in custody; and (vii) impunity over these events. The State explained that national legislation is in line with the Convention on the Rights of Persons



with Disabilities and referred to the model of independent living and community integration: one beneficiary of this model was formerly in Casa Esperanza. It stated that it has investigated events and secured a criminal conviction. The State also mentioned the monitoring visits it makes to institutions and expressed its intention to enter into a dialogue with the requesting party. The IACHR will rule on the admissibility and merits of this case in the report it adopts on the matter.