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PERIOD OF
SESSIONS

Report on the 153rd Session of the IACHR

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Washington, D.C.—The Inter-American Commission on Human Rights (IACHR) held its 153rd regular session from October 23 to November 7, 2014. The IACHR is made up of Tracy Robinson, Chair; Rose-Marie Belle Antoine, First Vice-Chair; Felipe González, Second Vice-Chair; José de Jesús Orozco Henríquez; Rosa María Ortiz; Paulo Vannuchi; and James Cavallaro. The Executive Secretary is Emilio Álvarez Icaza Longoria.

During the session, the IACHR worked on analyzing petitions, cases, and precautionary measures; studied various plans to address its procedural backlog; held 53 public hearings and 31 working meetings on cases and precautionary measures; and held meetings with representatives of States, petitioners, and civil society organizations from around the region, among other activities.

As part of its efforts to continue strengthening ties with the universal human rights system, during the session the IACHR received visits from the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst; the UN Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo; the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere; and the head of the International Commission against Impunity in Guatemala (CICIG), Commissioner Iván Velásquez Gómez. The Commission also met with a delegation from the Office of the United Nations High Commissioner for Refugees (UNHCR), headed by the agency's regional representative, Shelly Pitterman. Also during the sessions, UN Special Rapporteur on torture and other human, cruel and degrading treatment, Juan E. Méndez participated in a roundtable discussion on criminalization of human rights defenders.

During the session, Special Rapporteur Rashida Manjoo joined the IACHR Chair and Rapporteur on the Rights of Women, Tracy Robinson, for a private meeting with representatives of civil society organizations to discuss their views on the priority issues involving women's rights in the Americas. In particular, participants discussed the normative gap on violence against women in the international human rights system, and the potential benefits and risks of adopting an international treaty on violence against women.

The IACHR also held an event in Washington to launch a thematic report, "The Right of Boys and Girls to a Family. Alternative Care. Ending Institutionalization in the Americas." Panelists included the IACHR Rapporteur on the Rights of the Child, Rosa Maria Ortiz, and the Coordinator of the Office of the Rapporteur, Marisol Blanchard; Cecilia Anicama of the Office of the United Nations Special Representative of the Secretary-General on Violence against Children; and Barbara Ammirate, Director of SOS Children's Village. The Executive Secretary of the IACHR, Emilio Álvarez Icaza, participated as moderator. The report analyzes the scope and content of children's right to a family, as well as States' obligation to strengthen the capacity of families to properly care for children, prevent violations of their rights, and avoid institutionalization. The report also lays out a number of recommendations designed to assist the States in complying with international standards concerning this issue.

During the session, the Commission was concerned to receive information about the structural exclusion in which millions in the region live, which leads to serious violations of their human rights. Slave labor and exploitation persist in several countries, a situation that also affects boys and girls, which reproduces the circles of exclusion and vulnerability for future generations. Racial discrimination continues to be a widespread and, in some cases, structural problem, and during this session the Commission received information about how racism affects criminal justice systems. During several hearings preoccupation was expressed for the high levels of violence in countries of the region and for its disproportionate impact on adolescents and young persons who belong to certain social groups that have been traditionally excluded, especially afrodescendants, as well as for the treatment that they receive from State Security agents and the justice system. Meanwhile, millions of people face significant obstacles to education and health, among other economic, social, and cultural rights, with a disproportionate impact on particularly vulnerable segments of the population such as children and adolescents, persons of African descent, indigenous peoples, rural populations, migrants with irregular legal status, and stateless or internally displaced persons. Women are another group especially affected by these problems, in addition to a lack of access to education and sexual and reproductive health services. For their part, trans persons also face serious obstacles in accessing employment and basic health and education services. Children and adolescents suffer harassment in schools because of their sexual orientation, gender identity and gender expression, and there have been cases of suicide related to the mishandling of these cases by school authorities.

In addition, the Commission was informed about instances in which human rights defenders in different countries have been murdered, systematically subject to baseless criminal actions for the purpose of hampering their work and undermining the legitimacy of their causes. This, in turn, makes them more vulnerable to the acts of aggression and attacks carried out against them. Also during the sessions, the IACHR conducted a roundtable discussion for the elaboration of the report on criminalization of defenders, with participation by the United Nations Special Rapporteur on the situation of human rights defenders Michel Forst, as well as other experts.

The Commission expresses its deepest concern over the threats, reprisals, and acts of disparagement directed against some of the people who attend IACHR hearings and working meetings, both on the part of individuals and, in some cases, State authorities. Along these lines, during a meeting with rights defenders, the IACHR Rapporteur on Human Rights Defenders received information indicating that the President of Ecuador's National Electoral Council (CNE) had announced that he would take legal action against the Colectivo Yasunidos if the group continued its "threat" and "permanent offensive" against the State of Ecuador for having gone to the IACHR to denounce the lack of popular consultation for the development of Yasuní National Park. In this regard, the Commission reminds the States that Article 63 of the IACHR Rules of Procedure establishes that States "shall grant the necessary guarantees to all the persons who attend a hearing or who in the course of a hearing provide information, testimony or evidence of any type," and that States "may not prosecute the witnesses or experts, or carry out reprisals against them or their family members because of their statements or expert opinions given before the Commission".

Following are summaries of the public hearings that took place during this session, in chronological order. Audio and video recordings of the hearings, as well as photographs, are available [here](#).

Human Rights Situation of Migrant and Refugee Children and Families in the United States

The Commission recently conducted a visit to the U.S. southern border as part of its ongoing efforts to monitor and report on the human rights situation of migrant and refugee children and families in the United States. In a hearing on the subject during this session, the petitioning organizations provided information on the practice of detaining children with their mothers; the lack of qualified, properly trained staff to attend to these families; violations of the right of migrant children and families to request and receive asylum; and expedited deportation proceedings, many of which are held without individuals having legal representation. The State alluded to efforts it has made to ensure the safety of migrant children and to the support given to countries of origin to apply policies that dissuade irregular migration, and referred to policies it had implemented in their home countries to deter irregular migration. The Commission lamented that Texas state authorities were not present at the hearing, and observed the need for direct cooperation on the causes of migration rather than deterrence measures, and for the adoption of measures to facilitate regular migration, especially in cases of family reunification. The IACHR reiterated that under international standards, measures other than detention must be adopted in the best interests of migrant children, with full respect for all their human rights, including the right to seek asylum or refuge.

Case 12.626 - Jessica Lenahan (Gonzales), United States - (Follow-Up on Recommendations)

The parties presented information regarding compliance with the recommendations contained in the Commission's merits decision of July 21, 2011. The petitioners, including Jessica Lenahan, shared information concerning pending challenges—including the ongoing failure, in the 15 years since the events that led to this case, to investigate the deaths of Leslie, Katherine, and Rebecca Gonzales and to grant reparations, implement policy reforms that address the root causes of violence against women, and engage meaningfully with the petitioners. The UN Special Rapporteur on violence against women, Rashida Manjoo, also participated in the hearing as part of the delegation of petitioners. In her statement, she stressed that violence against women is a pervasive human rights violation rooted in multiple, intersecting forms of discrimination, and must be addressed holistically. The State highlighted efforts to address violence against women at the federal level, including the adoption of the Violence against Women Act. It also reiterated the limitations in the U.S. federal system in relation to providing reparations and investigating the deaths of Jessica Lenahan's daughters. The State also suggested that a hearing be organized concerning the case of Jessica Lenahan during the March 2015 session. The Commission expressed its concern over the pending recommendations that have not been implemented by the State, particularly its failure to investigate the deaths of Leslie, Katherine, and Rebecca Gonzales. The IACHR reminded the State of Ms. Lenahan's right to a clarification of what happened to her three daughters and who is responsible for their deaths.

Human Rights Situation of Persons Deprived of Liberty in Texas

High temperatures inside Texas prisons during the hottest part of the year have led to fights, illnesses, and even deaths, according to petitioner organizations in this hearing. They presented a video in which inmates themselves attested to the problems, which they said were unbearable and preventable. The petitioners, who pointed out that prison staff were also affected, said the high temperatures had led to the deaths of 14 inmates since 2007, and constituted a form of cruel and inhumane punishment. The petitioners said that prison officials and state government authorities were aware of the problem but that the political will did not exist to provide relief. The petitioners reported that in Texas, unlike other U.S. states, prison regulations do not include standards on maximum temperatures. The United States delegation informed the Commission that it had

requested explanations from Texas but that it had declined and requested that the hearing be canceled due to ongoing litigation on the matter. The State noted that the issue was before the U.S. Federal Court and that it was important to give the U.S. legal system the possibility of exhausting domestic remedies. Members of the Commission stressed the need to investigate the deaths of inmates caused by high temperatures and establish mechanisms to monitor general conditions and address the problems. The Commission expressed regret that Texas representatives did not participate in the hearing, and pointed out that it would continue to follow up on the situation.

Reports of Racism in the United States Justice System

The Commission convened this hearing on its own initiative, as a result of its growing concern over the treatment of African-Americans by the United States criminal justice system and, particularly, by law enforcement officers. The IACHR received troubling information regarding the problem of racial profiling by law enforcement officials at the local, state, and federal levels. Petitioners mentioned specific programs based on racial profiling, such as the “stop-and-frisk” program in New York City, and state immigration laws passed in Arizona, Alabama, and elsewhere. They also noted the need to update the 2003 Department of Justice Guidance Regarding the Use of Race by Federal Law Enforcement Agencies. The IACHR also received information on the lack of criminal accountability in cases of excessive use of force by law enforcement officers. Carter Stewart, U.S. Attorney for the Southern District of Ohio, recognized that the United States disproportionately imprisons people of color and affirmed that the U.S. Attorney General is committed to addressing these disparities in the criminal justice system. In this regard, he mentioned the creation of a Racial Disparities Working Group and the “Smart on Crime Program” in which the Department of Justice, among other initiatives, modified charging policies in the case of defendants accused of certain nonviolent, low-level drug offenses and established community service measures as alternatives to incarceration. The Commission expressed its particular concerns as to the fact that in several states it is still possible to judge, sentence and imprison adolescents as adults, and as regards the effects of racial discrimination on adolescents, the abuse committed by the police. It also highlighted the need to prioritize prevention policies, data collection and analysis to study the causes of crime committed by youth, and to automatically expunge their registries or records .

Human Rights Situation of Indigenous People in Ecuador

Petitioners presented information concerning the implementation of massive exploration and development projects related to the oil and mining industries, and how these continue to operate in indigenous peoples’ territories without prior consultation. The petitioners also expressed their concern about the harmful impact of such projects on the environment and the situation of risk, violence, criminalization, and stigmatization of indigenous leaders and defenders who seek to protect the rights of their peoples. They referred specifically to oil development and exploration activities being carried out in Yasuní National Park with no respect for the rights of the affected indigenous peoples in the area, including peoples in voluntary isolation and initial contact. Among the rights being violated, they said, are the right to life and to cultural integrity and the right to prior, free, and informed consultation. The Commission assured the petitioners that it would continue to monitor the situation closely. It expressed interest in receiving more information on such aspects as infringements of the right to prior consultation, the lack of intercultural education, and the discrediting of the indigenous justice system.

Situation of Judicial Independence in Ecuador

The Commission continued to receive information on the judicial reform process begun in 2011 by the Transitory Council of the Judiciary. Petitioners reported that, in the context of the Council's disciplinary oversight, grounds of "inexcusable error"—established in the Organic Code of the Judiciary—are being used arbitrarily to remove judges from office in retaliation for their rulings. The petitioners indicated that 132 judges had been removed from their posts between July 2011 and January 2013, and that 88 judges were removed on these grounds between January and November of 2013. Given that the State did not participate in this hearing and therefore no explanation was provided regarding the petitioners' arguments, the Commission reiterates that a judge's separation from office should never be based on the legal judgment developed in his or her decisions. As the IACHR indicated in its report "Guarantees for the Independence of Justice Operators," in those States in which inexcusable error is, by statute, grounds for disciplinary action, the disciplinary authority has an obligation to explain, in a proper statement of grounds, the seriousness of the conduct and the proportionality of the disciplinary measure.

Human Rights Situation in Colombia's Pacific Region

The Commission received information on the alleged lack of effective measures by the State to guarantee the rights of the ethnic and ancestral populations that inhabit the territories of the region of the Colombian Pacific, in particular, in the Department of El Chocó and the Municipio of Buenaventura. Civil society organizations indicated that in this region there is a humanitarian and social crisis, that the index of poverty is high and that there are serious challenges in the coverage of public services. They also alleged the existence of serious crimes such as forced disappearances and killings, in a context of high impact of the armed conflict in the region. The Commission was also informed that certain development plans implemented by the State are affecting the survival of the Afro-descendant and indigenous communities in the region. According to the participating organizations, adequate consultation processes are not being implemented. On its part, the State recognized that the region of the Colombian Pacific presents human rights challenges and that it has adopted measures to protect the population. The State representatives also highlighted the serious situation of violence in the region resulting of the presence of illegal armed groups.

Policy and Legislation on Reparations for Human Rights Violations in Colombia

Both civil society and the State noted that progress has been made in the recognition of the rights of victims of human rights violations in Colombia. They recognized, as has the Commission, that the Victims and Land Restitution Law has furthered the concept of comprehensive reparation and created an institutional framework for addressing victims' needs. However, the participating civil society organizations indicated that certain challenges remain, including insufficient training of those implementing the law and a lack of national and local coordination among agencies. They also expressed their concern regarding compensation rates they claimed were insufficient, especially for victims of forced displacement. Information was also presented on the participation of victims of human rights violations in bringing criminal charges, in accordance with Law 906 of 2004. The organizations said the possibility of participation was limited, as victims have a secondary role focused only on property-related reparations. The State asserted that the Colombian criminal justice system is designed to ensure victims' access to justice and that institutions are preparing to address the challenges the justice system will face once the armed conflict is over. The State indicated that this issue is being addressed from the standpoint of comprehensive reparation, both administratively and judicially, and that victims are ensured their rights at every stage of the process. The Commission was also concerned to learn of a series of legislative bills that seek to

expand the scope of military and police criminal justice systems. The State pointed out that these initiatives had not been approved, and indicated that it was open to receive concerns related to them. The IACHR noted that having human rights violations heard by military or special jurisdictions is incompatible with international law, and that any initiative along those lines would constitute a clear setback in the protection of human rights in Colombia.

Reports of Violence against LGBTI Persons in the Caribbean Region of Colombia

The IACHR received information concerning the disturbing impact of the armed conflict on the lives of lesbian, gay, bisexual, trans, and intersex (LGBTI) persons in Colombia's Caribbean region, which is mostly inhabited by Afro-descendants from lower socioeconomic sectors. Petitioners said many LGBTI persons are specifically targeted by armed groups, particularly by criminal gangs known as *bandas criminales* (BACRIM). LGBTI persons and their human rights defenders are reportedly victims of killings, attacks, and death threats on a regular basis, forcing many of them into internal displacement. According to the petitioners, they are not afforded any type of protection once displaced, and they are discriminated against by members of the communities where they end up. Petitioners also indicated that LGBTI persons often do not fall under the definition of social leaders and therefore are not protected by the National Protection Unit. The IACHR took note of the State's affirmation that it will adopt a national public policy on the rights of LGBTI persons in the next few months. The IACHR also acknowledged the State's efforts in investigating acts of violence against LGBTI persons and in providing training of prosecutors in sexual orientation and gender identity issues, as well as training in abuse prevention to police officers and in prisons. The IACHR urged Colombia to adopt all necessary measures to ensure that its laws, policies, and procedures provide specific attention to victims of the armed conflict who are LGBTI persons, and that the National Protection Unit affords protection to all LGBTI persons, not just those affiliated with an organization.

Right to Effective Participation by Women in the Peace Process and Transitional Justice in Colombia

The petitioner organizations discussed three types of obstacles and human rights challenges faced by women survivors of the armed conflict in Colombia. First, they referred to the greater and differentiated impact women suffer in the context of the armed conflict simply because they are women—with a particular impact on women living in rural areas—and the ongoing situation of risk faced by women who work in the defense of human rights. Second, they explained that this impact contributes to the barriers women need to overcome to have adequate access and control over their land and resources. Third, there is a need for the State to adopt affirmative action measures to ensure that women can effectively realize their rights. The petitioners also discussed problems concerning the content of reparations with respect to women victims of the armed conflict, underscoring the lack of an integrated approach to address every dimension of the harm suffered. The State acknowledged that women are particularly affected by the armed conflict and that they require special consideration. It expressed its commitment to better address the needs of women victims and to ensure the inclusion of women and civil society in the peace process. The Commission requested more information regarding gender-specific training for justice officials and protection measures adopted to ensure the safety of persons at risk. It asked petitioner organizations for more information on what they identified during the hearing as gender stereotypes in the risk assessments.

Reports of Forced Displacement and Development Projects in Colombia

The IACHR was informed about the implementation of a series of development projects for the exploration and extraction of natural resources in indigenous and campesino territories, reportedly with no process in place for the prior, free, and informed consultation of the affected populations. Petitioners referred specifically to major energy, mining, and oil projects, as well as the construction of dams. The petitioner organizations discussed the impacts of forced displacement, militarization, armed conflict, and environmental contamination on indigenous peoples, among other problems. They also discussed the climate of harassment, death threats, criminalization, judicial persecution, and arbitrary detention affecting indigenous leaders and those who defend their causes. The petitioners indicated that measures the State has taken to address the situation have been ineffective. They also requested that the IACHR conduct an onsite visit to the affected regions to learn about the situation firsthand. The State reported that various mega-projects were being implemented as part of development policies designed to combat poverty. It noted that extreme poverty in marginal and hard-to-reach areas was significantly contributing to forced displacement. The State also indicated that, in line with domestic law, prior consultations were being conducted for the granting of environmental permits. The Commission asked the State to provide more information, beyond laws and policies, so that it could better understand the magnitude of the impacts.

Human Rights Situation of Refugees and Asylum Seekers in the Americas – 30th Anniversary of the Cartagena Declaration

To mark the 30th anniversary of the Cartagena Declaration on Refugees, civil society organizations from the region, along with UNHCR and the UN Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, participated in a hearing to discuss some of the problems currently affecting the human rights of refugees, asylum seekers, stateless persons, and internally displaced persons in the Americas. According to the UNHCR, at the end of 2013, countries in the Americas were providing international protection to 806,000 refugees, 7 percent of the worldwide total. The participating organizations said a growing number of people in the region are requiring international protection due to new dynamics related to forced migration, violence by transnational organized crime, and displacements due to development megaprojects or natural disasters and climate change. They discussed the impact of violence on the forced migration of children, women, and LGBTI persons, as well as the obstacles they face in gaining recognition of their need for international protection. Another aspect they stressed, in the context of human mobility, is the need for people's human rights to be guaranteed from the time they enter a country or when they are in border areas, specifically their right to seek and receive asylum and the principle of non-return (non-refoulement). The UNHCR representative stressed the need for more countries in the Americas to join the Regional Solidarity Resettlement Programme and for this benefit to also be available to refugees from Central America's Northern Triangle. He noted that MERCOSUR migration agreements are expected to provide for the free movement of refugees in the region, including labor mobility programs and regularization through residency.

Participants in the hearing also called on countries to continue efforts to adopt or ratify international instruments related to stateless persons; review domestic laws on nationality; strengthen civil registries; and enact laws for the protection of stateless persons, including the establishment of mechanisms to determine whether or not someone is stateless. Finally, with respect to internally displaced persons, UN Special Rapporteur Beyani stated that at the end of 2013 there were more than 6 million displaced persons in the countries of the Americas as a result

of armed conflict, criminal violence, and human rights violations. Many of the internally displaced end up in urban areas, where they remain at risk of being found by the same criminal organizations that forced them into displacement. Moreover, they face multiple obstacles and forms of discrimination when they try to access education, health, and employment. The Special Rapporteur called on the States of the Americas to consider the experience of other regions and develop a binding regional instrument for the protection of the human rights of internally displaced persons.

Human Rights Situation of Persons Deprived of Liberty in Cuba

Petitioners stated that problems in Cuban prisons include overcrowding; lack of medical attention; excessive use of force and the commission of acts of torture and cruel, inhuman, and degrading punishment, particularly beatings; and the arbitrary and abusive use of solitary confinement in dark, filthy punishment cells. They also discussed the problem of corruption and the lack of transparency in prison management; the lack of judicial oversight over detentions and the wide discretion given to police; and the lack of any independent monitoring mechanisms and also mechanisms by which inmates or their family members can lodge petitions and complaints. The petitioners indicated that prisoners on hunger strikes are placed in punishment cells and deprived of water as a dissuasive measure. They said it is not known how many inmates die for reasons attributable to the authorities, as these acts are not investigated nor are families told the truth. The petitioners also said that family visits are arbitrarily restricted or prohibited, and no special care is provided for inmates who belong to vulnerable groups. Members of the Commission underscored the need, among other measures, to establish mechanisms to independently monitor overall prison conditions; establish a special jurisdiction for juvenile offenders; and prevent and investigate deaths of those in the custody of the State and disclose the real causes. According to the petitioners, between 65,000 and 70,000 people are deprived of liberty in Cuba. The Inter-American Commission regrets the fact that Cuba did not attend the hearing.

Monitoring of the IACHR Report on the Situation of Human Rights in Jamaica

The Commission convened a hearing, on its own initiative, to follow up on its 2012 Report on the Situation of Human Rights in Jamaica. Petitioners reported that there have been continued human rights violations related to the arbitrary detention of persons in State custody; extrajudicial killings; continued police impunity and lack of proper criminal investigations; sexual abuse in children's homes; and continued violence, discrimination, and hostility against LGBTI persons, and a lack of anti-discrimination legislation to address this issue. The IACHR is particularly concerned about the situation of homelessness and displacement of young men who have sex with men, and obstacles faced by LGBTI persons in accessing justice and health services, due to a fear that disclosing their sexual orientation and gender identity will lead to stigma and further violation, in a country that criminalizes same-sex consensual intimacy between adults. Nevertheless, the petitioners recognized that certain improvements had been made by the State. The State noted that several measures and policies had been adopted to address the Commission's concerns and findings from its 2012 report. In this regard, the State referred to the topics of access to justice, the establishment of a national human rights unit, the situation of violence and insecurity, killings at the hands of security forces, the Trafficking in Persons Amendment Act of 2013, detention and prison conditions, and women's and children's rights. On the other hand, the State regretted that severe economic constraints had made it difficult to implement some of the recommendations contained in the 2012 report. The Commission expressed concern over threats of criminal prosecution made by State agents toward civil society organizations in the exercise of their mandates. It remains

concerned about children being placed in police lock-ups and considers that emphasis should be made on care, protection, and rehabilitation.

Impact of Canadian Mining Companies on Human Rights in Latin America

The petitioners alleged that the Canadian State plays a central role in enabling the adverse human rights impacts of Canadian mining companies abroad through acts of commission and omission, such as the exercise of mining diplomacy, on the one hand, and the absence of policies and laws that address the extraterritorial impacts of Canadian mining, on the other. The petitioners presented a series of cases to illustrate the situation, citing the report “The Impact of Canadian Mining in Latin America and Canada’s Responsibility.” For its part, the Canadian government stated that it expects all companies operating internationally to respect national laws, and noted a number of its initiatives such as the Corporate Social Responsibility (CSR) Framework covering all industrial sectors. Commissioners noted that despite Canada’s assurance, the IACHR continues to receive information on a number of very serious human rights abuses related to Canadian mining in the region, including in relation to the right to life, and highlighted the fact that human rights transcend national borders.

Human Rights and the Internet in the Americas

The Inter-American Commission held its first regional meeting on the importance of communications technologies in the promotion and protection of human rights. Petitioners emphasized that it is important for the Commission to become involved in the public debate concerning the Internet, so as to strengthen the human rights perspective on this subject. They maintained that the development of new technologies has jeopardized the right to privacy and has created tensions between copyright and the right to knowledge, given the Internet’s potential in terms of access to information. The petitioners also warned about State surveillance of communications and the practice of holding intermediaries responsible; efforts to remove, cancel, leak, and block content; the use of criminal and civil law to stifle critical opinions about public officials; regulations on data retention; and the implementation of disproportionate rules for copyright protection. While the Internet can help make the voices of the marginalized heard, the petitioners said, technology-related human rights violations can also reinforce inequality. They indicated that the Internet presents major opportunities for the exercise of freedom of expression online, but also presents challenges and risks to principles developed by the inter-American human rights system. They pointed to the report “Freedom of Expression and the Internet,” prepared by the Office of the Special Rapporteur for Freedom of Expression, as a positive precedent for future work on these issues. Lastly, they discussed the need to develop well-rounded legal approaches that focus on human rights and the public interest.

Situation of Judicial Independence in Venezuela

The Commission received information concerning the alleged lack of impartiality of the Supreme Court’s Constitutional, Political-Administrative, and Electoral Chambers as a result of a 2004 change to its organizational law, which increased the number of justices on the Supreme Court and determined that their appointment by the National Assembly would be by simple majority rather than qualified majority. The petitioners reported that a study they had done of more than 40,000 decisions showed that this appointment system, as well as the political control exercised by high-level State authorities, meant that from 2005 to 2013 the Court consistently ruled in favor of the State. The State asserted that judges’ decisions were based on the provisions established in the legal

framework, and indicated that the research presented by the petitioners did not constitute evidence to the contrary. The Commission stated that it would carefully analyze the study presented by the petitioners, and it reiterated that systems for selecting and appointing justice operators must include guarantees of impartiality. In this regard, the IACHR expressed its concern over the continuing appointment of judges with an indefinite provisional status, and the failure to open up posts for competition.

Situation of the Right to Freedom of Expression and Access to Information in Venezuela

The IACHR was concerned to receive information alleging that attacks, threats, acts of harassment, detentions, and stigma continue to be directed toward journalists in Venezuela. The Commission also received information concerning the impunity said to prevail in these matters and the potential effects of such cases on the right to physical integrity, freedom of expression, and the practice of the journalism profession in Venezuela. The IACHR also received information concerning alleged acts of censorship and cases in which journalists have been fired or forced to resign as a result of exacerbated problems related to the scarcity of newsprint and the sale of media outlets to individuals or groups linked to or sympathetic to the national government. The petitioner organizations also reported that obstacles exist regarding public information on sexual and reproductive health. For its part, the State reported that Venezuela guarantees the full exercise of freedom of expression. It showcased headlines critical of the government and alleged that the State does not intervene in ownership transfers or media business. It added that there was no evidence indicating that journalists had been threatened or singled out for criticism.

General Human Rights Situation in Venezuela

The State and civil society organizations had made separate requests for a hearing on Venezuela's human rights situation, and both participated in this hearing. Civil society organizations presented information on citizen security, primarily as regards Venezuela's high homicide rates. The Commission also received information on the high rate of impunity, particularly in cases involving violence against women; according to official figures, of the 71,812 cases that had come before the Office of the Public Prosecutor, only 0.7 percent had reached the trial stage. The Commission was also informed that 3,306 individuals had been arrested in the context of demonstrations held during the first part of 2014, and the Office of the Public Prosecutor had opened 189 investigations into complaints involving actions taken against the demonstrators, including two homicides. The petitioner organizations alleged that patterns could be seen in cases involving torture and cruel, inhuman, or degrading treatment. For example, victims were said to have been targets of arbitrary and illegal arrest warrants and a disproportionate use of force; forensic medical examiners were not on hand to document injuries; and those detained did not have adequate access to a defense or to their case files. They also presented information on alleged actions by civilian armed groups, especially in residential areas, with the alleged participation of law enforcement agencies.

For its part, the State disputed the information presented and indicated that Venezuela guarantees that human rights are exercised and respected, though it did not provide specific information. The representative of the Venezuelan State referred to "the unfounded accusations of the NGOs" that participated in the hearing, questioning their legitimacy to present information on the human rights situation in the country and claiming they were attacking "State sovereignty." The Commission expresses its concern over the information it received and the statements made by the State against organizations devoted to the defense of human rights. As the Commission has noted before, such

statements are all the more serious for having been made during a hearing. The IACHR once again urges the State to refrain from making these types of statements in the future.

Access to Justice and the Legacy of the Armed Conflict in Guatemala

The petitioner organizations claimed that the State of Guatemala has a policy to deny access to justice for grave human rights violations committed during the internal armed conflict. Among the obstacles they claimed would make access to justice “illusory,” the petitioners referred to a lack of judicial independence; attacks on human rights defenders; lack of access to information and little cooperation from the Defense Ministry; and the abusive and delaying use of constitutional appeals and actions, as well as the application of amnesty. For its part, the State confirmed its commitment to the defense of human rights. However, it emphasized that there was no genocide during the internal armed conflict, and indicated that the jurisdiction of the Inter-American Court is limited to determining State accountability for human rights violations and not individual criminal liability. With regard to peace, reconciliation, and amnesty in Guatemala, the IACHR noted that it has followed this issue for decades, through its onsite visits, special reports, and processing of cases, and has a clear understanding of the magnitude of the human rights violations that occurred during the internal armed conflict. It is of particular concern to the IACHR, as it indicated in 2009, that there are still outstanding warrants for the arrest of individuals accused of grave crimes committed during the armed conflict. Such is the case with Col. José Antonio Solares, who was involved in the Community of Río Negro Massacre and who, despite an arrest warrant against him, remains at large and continues to receive monthly pension payments from the State.

Reports of Militarization in Guatemala

Civil society organizations warned about the dangers to the rule of law and respect for human rights posed by the growing militarization of citizen security tasks. This trend, they said, is characterized by the appointment of military retirees to positions that involve making decisions and crafting policy on security, and by the increasing use of the army in citizen security tasks that belong to the police. The petitioners said they were especially concerned about the use of states of emergency as mechanisms to repress situations of high social conflict, and reported that members of the army had committed abuses in such situations. They also questioned the allegedly transitory nature of these measures, saying that the State’s budget allocations were geared toward strengthening the army, not police institutions. The State, for its part, claimed that the use of the army in security tasks has constitutional backing and is determined by the need to assist the national police in addressing challenges beyond its capabilities, until police capacities are strengthened. The Commission reiterated that declarations of states of emergency or suspension of guarantees must be in line with the binding provisions of the American Convention on Human Rights. It called for the adoption of concrete measures to ensure that those citizen security tasks that do not by nature belong to the army are assumed by civilian institutions.

Situation of Human Rights Defenders in Guatemala

Petitioners indicated that 791 acts of hostility had taken place against human rights defenders in Guatemala in 2014. They stated that these threats had taken place in a context in which high-level authorities had defamed and criticized specific human rights defenders who were fighting to end impunity and defending the right to land, territory, and a healthy environment. The State rejected the petitioners’ claims and indicated that the government does not promote or tolerate actions that seek to impede legal activities carried out in the defense of human rights. The Commission stressed

the importance of receiving updated information on the situation of human rights defenders in Guatemala, and called to mind that the State must adopt effective measures for their protection. As part of such measures, the Commission stressed that public officials should refrain from making statements that stigmatize or suggest that organizations are acting improperly or illegally simply because they are carrying out their legitimate work.

The Commission was also concerned to receive information pointing to an increase in acts of violence and detentions carried out against journalists and media workers in Guatemala, with these crimes reportedly going unpunished. The petitioners also provided information on alleged acts of espionage and cyber-attacks against media outlets, as well as lawsuits brought against critical journalists. The Commission was also informed about alleged problems in the design and implementation of a mechanism for protecting journalists and about the Unit for Crimes against Journalists. The State, for its part, reported that it is respectful of journalists. It informed the Commission that the State has created mechanisms and institutions for the protection of human rights defenders and journalists, and that it has provided protection for a number of individuals at risk.

Situation of Judicial Independence in Guatemala

Petitioners alleged that there has been a series of irregularities in the process of selecting judges for Courts of Appeals and the Supreme Court. Specifically, they indicated that the criteria used in practice to deem candidates qualified were not explicitly spelled out in the Candidate Nomination Law. For example, they said, more points were granted to judges who held posts in the higher courts than in the lower courts, something not provided for in the law. The State, for its part, maintained that recent selection and appointment processes were carried out in accordance with the law and the Constitution; however, it recognized that proposals from different sectors of civil society could help to improve procedures. The Commission noted that it is important for the State to offer guarantees so that the selection of candidates is based on professional merit and capabilities. The Commission emphasized that objective and predetermined criteria must be used to reduce the margin of discretion of the authorities responsible for selecting judges, in order to ensure that justice operators have equal access to posts.

Impact of the Failure to Appoint an Ombudsperson on the Observance of Human Rights in Argentina

Petitioners reported that Argentina has not had a Human Rights Ombudsperson since 2009 and that the Bicameral Committee in charge of appointing one has not begun its proceedings. They discussed the impact of this on the protection of human rights in Argentina, saying that the interim administrative official in charge had done little to protect the rights of citizens, particularly the most vulnerable. The State of Argentina stressed that, as established by law, the current Secretary General of the Office of the Ombudsperson is fulfilling the duties of the office until Congress appoints a new Ombudsperson. It noted that provincial-level Offices of Human Rights Ombudspersons were helping to ensure human rights protections, and added that so far in 2014, the agencies had received a total of more than 236,000 complaints, of which nearly 14,000 were being processed. The IACHR reiterated that ombudspersons carry out an important role in human rights protections, and recalled that the establishment of such offices constitutes progress in the consolidation of democratic institutions. It urged the State to adopt any necessary measures so that the selection process can begin.

Human Rights Situation of Persons Deprived of Liberty in Buenos Aires, Argentina

The Commission received information indicating that, despite various measures and public policies designed by the State, prisons in the province of Buenos Aires still have serious problems. These include overcrowding; the poor quality of food provided to inmates; the lack of adequate medical care; mistreatment by prison staff; deplorable health and hygiene conditions; and the lack of opportunities for inmates to participate in productive activities that would benefit their reintegration into society. The petitioners described the situation in a specific prison facility, Unit 15 of Batán, as a concrete example. They also indicated that in May 2014 the province had more people deprived of liberty than at any other time in the last 15 years (33,166 inmates), and that the extent of pretrial detention continues to be of concern, accounting for 60 percent of the total prison population. The petitioners also said that the Ministry of Justice has not produced reliable statistical information on the number of beds or space available in prisons and on the objective criteria used to determine available capacity. The State, for its part, provided detailed information on a series of measures and institutional reforms it said were being adopted for penal institutions and prisons; these involve, among other things, strengthening the autonomy of public defenders in criminal cases, training prison staff, and reducing pretrial detention rates.

Human Rights Situation of Indigenous Women in Nicaragua

The petitioner organizations offered information on the difficult situation of indigenous women in the country's Atlantic and Caribbean coastal region. They identified six areas where indigenous women experience economic, language, geographic, and intercultural barriers to the full exercise of their human rights: health; access to justice; the exercise of collective rights; economic exclusion; discrimination and violence; and political participation. They presented statistics showing that problems such as maternal mortality and early pregnancies have a disproportionate impact on indigenous women. They also referred to the problem of displacement as a result of the execution of development projects, along with barriers to their access and control over economic resources such as forms of employment and credit. Petitioners also mentioned the different forms of violence that affect indigenous women in these regions and the problem of impunity. The petitioners concluded with a call for a visit by the Commission to the Atlantic and Caribbean coast. In response, the State highlighted legislation and treaties passed by the National Assembly concerning indigenous women, including ILO Convention No. 169. The Commission requested more information from the State concerning the implementation of its policies related to access to credit, political participation, maternal health issues, and violence against girls. The Commission also reiterated its interest in conducting a country visit to Nicaragua to further assess the problems discussed.

Human Rights Situation of Migrant Children, Families, and Refugees in the Americas

Following up on previous hearings, the Commission held a regional hearing to consider the situation of migrant children, families, and refugees in the Americas. Petitioner organizations presented information regarding the humanitarian crisis and the lack of a State institutional framework, effective policies, and inter-institutional coordination of preventive measures conducive to the holistic protection of children and adolescents. They underscored the violation of children's rights in the practices of border control, detention, and deportation, as well as the

negative effects of criminalization and a militarized response to migration. The petitioners particularly emphasized the importance of accompanying migrant children through their repatriation process. The Commission observed the lack of comprehensive systems of protection in the countries of the region, and highlighted the role of civil society organizations in monitoring the situation in order to ensure a comprehensive response.

Migrant Detention and Alternative Measures in the Americas

This regional hearing, which was requested by more than 160 civil society organizations, also included the participation of UNHCR and the testimony of Dave Pierre, who was detained for 1,144 days in seven different migrant detention centers in the United States. Petitioner organizations pointed to a disturbing increase in automatic, widespread detention in some countries in the region; the punitive nature of this type of deprivation of liberty; and the lack of guarantees for due process and judicial review in cases involving migrant detentions. Another matter of concern, they said, involves a lack of transparency and an absence of monitoring of detention centers by civil society or by government or international human rights agencies, which often leads to migrants being subject to inhumane conditions or abuse during their detention, which can last months or even years. Besides the impact on personal liberty, petitioners stressed the negative impact of migrant detention on the safety of those detained, particularly those in vulnerable situations such as children, families, victims of human trafficking, asylum seekers, refugees, and stateless persons. In this regard, the Commission reiterated that in the case of adult migrants, detention should be exercised only as an exception and as a last resort, after having analyzed the possibility of alternative measures. With regard to children, the Commission indicated that States may not detain migrant children along with their parents, or children who are unaccompanied or have been separated from their families. Finally, the Commission indicated that States also have an obligation to ensure that places where migrant persons are detained are monitored independently, so as to prevent other human rights violations.

Human Rights Situation of Children and Adolescents in Bajo Aguán, Honduras

The Commission has held a longstanding concern regarding the situation of the agrarian conflict in Bajo Aguán, Honduras, and has included it in annual reports and has issued relevant precautionary measures. The petitioners presented information based on a recent study of 22 settlements within the Bajo Aguán Valley, on how the rights of children and adolescents are violated as a consequence of the complex situation and the militarized State response. The organizations presented statistics on multiple deaths of adolescents caused by the conflict, and the lack of investigation and impunity surrounding these grave human rights violations. They also referred to data on how children and adolescents are affected in their right to humane treatment, health, education, and to a decent life. The State discussed its efforts to promote the rights of children and adolescents in the Bajo Aguán Valley, but did not present specific information regarding the settlements in question. The IACHR particularly noted the high rate of pregnancies among adolescents as of a very early age, and the high percentage of sexual abuse reportedly suffered by young girls. The Commission also expressed concern regarding the impact of the lack of public policies and the institutional framework in the specified settlements, and on the measures taken with respect to family evictions and the violations committed by authorities during the conflict.

Case 12.585 – Ángel Pacheco León, Honduras

The Commission held a hearing on Case 12.585, concerning the killing of Ángel Pacheco León in Honduras and the alleged lack of investigation to shed light on his death and to identify and punish those responsible. During the hearing, the petitioners and representatives of the State presented their arguments on the merits of the case. The IACHR also heard testimony from José Pacheco and Marleny Pacheco, brother and sister of Ángel Pacheco León.

Economic, Social, and Cultural Rights of Women in Honduras

The petitioner organizations presented information concerning the harsh working conditions of workers in the maquila textile industry in the Honduran department of Cortés, most of whom are women. They referred to such problems as longer workdays than allowed by law, the repetitive nature of the tasks involved, and unreasonably high production quotas, which lead to sicknesses and injuries for the women workers. The organizations discussed how women are affected by musculoskeletal injuries caused by repetitive movement, as well as mental health problems such as depression. In general, the petitioners argued that the State does not sufficiently safeguard the rights of women workers in the textile industry, violating a range of their human rights, including the right to decent and quality work conditions as well as their right to health. The State, for its part, explained the measures it has taken to address the situation described by the petitioners, including adopting public policies in the labor sector and facilitating opportunities for dialogue between the State and civil society organizations with the goal of finding solutions to the problems. The Commission requested more information on the situation of labor unions in the textile industry, the legal framework and operating conditions of transnational companies, the application of International Labour Organization (ILO) standards in these areas, and social security coverage as it pertains to occupational illnesses, among other aspects.

Discrimination against Trans Persons in the Americas

Petitioners highlighted a number of issues, including the particular invisibility of trans men and the violence and discrimination faced by intersex children, trans children, and trans persons deprived of liberty. The petitioners also presented a study on the situation of trans persons in Colombia, Costa Rica, and Chile, in which they called attention to the triple discrimination they experience, not only based on their gender identity but also because many of them are women and Afro-descendant. As a result, trans persons have seen many of their rights compromised, such as the right to health, work, and access to justice. The petitioners also pointed out that trans human rights defenders are victims of persecution, and that police abuse and the situation of migrant trans persons remain serious concerns. The IACHR is concerned about the serious hurdles trans persons face when accessing basic health services, education, and employment, obstacles that are linked to discrimination by their families and the society at large and entrenched in States' failure to recognize their gender identities. The IACHR wishes to stress that, as with every other person, trans and intersex persons have the right to a life with dignity. The Commission urges States to conduct training programs for public officials at all levels of government, including security forces, and to adopt non-pathologizing gender identity legislation, as well as public policies and guidelines for addressing situations of violence and discrimination faced by trans persons. Finally, the Commission also urges OAS Member States to adopt protocols for action regarding the birth of intersex persons, which are respectful of their personal integrity and health, and to avoid "normalizing" surgeries.

Sexual and Reproductive Rights of Women in the Americas

In this regional hearing, several women’s rights organizations presented information on the multiple forms of discrimination—based on sex, ethnicity, race, socioeconomic status, sexual orientation, and status as refugees—that women still face to fully exercise their sexual and reproductive rights. Petitioners expressed their concern over the regional trend of criminalizing abortions, the banning of contraceptives, and the granting of equal legal status to the unborn. They indicated that these issues contribute to higher maternal mortality rates, to the practice of clandestine and unsafe abortions, to obstetrics violence and the inhumane treatment of women during and after abortions, and to barriers to fully access information pertaining to women’s reproductive health. Such issues also have a bearing on the exercise of women’s rights to life, integrity, dignity, and freedom, among other rights. The petitioner organizations also referred to the precarious situation of adolescent girls, who often lack access to the sex education needed to make informed decisions concerning their sexual and reproductive rights, and pointed to increases in teen pregnancy rates and school dropout rates. The petitioners also highlighted deficiencies in the State response to these issues due to a lack of funding, and the absence of an integral approach in the design of public policies, among other problems. The petitioners requested that the Commission adopt recommendations encouraging States to design intercultural and gender-sensitive public policies; adopt the measures necessary to offer comprehensive sex education; monitor the public health impact of the criminalization of abortion; and produce more information and statistics on issues concerning sexual and reproductive rights. The Commission, for its part, affirmed that issues concerning sexual and reproductive rights are a high priority in its work to promote the observance of human rights in the Americas. The Commission requested information to the petitioners pertaining to setbacks in the protection of sexual and reproductive rights, the risk faced by human rights defenders advancing such causes and the recommendations that the petitioners consider the Commission should be formulating to address the existing problems.

Reports of Human Rights Violations within the Armed Forces of Bolivia

The Office of the Human Rights Ombudsperson reported that it receives constant complaints about attacks on members of the military committed by higher-ranking officers, including even cases of deaths and permanent serious injuries. It stated that only occasionally are those responsible mildly reprimanded, and as a general rule they are absolved of blame or issued sentences that are not carried out. The State listed a series of policies it has designed and implemented to improve conditions for soldiers and police, and informed the Commission about a plan to provide training and education in human rights within the armed forces. The State recognized, however, that more work and time will be required for the process of cultural transformation needed within public security forces to become effective. The Commission welcomed the State’s acknowledgement of the problem, as well as the measures it was taking to address it, and emphasized that in order to end the violence within security forces, the most important task is to end impunity.

Pretrial Detention and Human Rights in Bolivia

According to information provided to the Commission, the Bolivian prison system has a 4,884-bed capacity; however, the prison population reportedly has more than 14,400 inmates. An estimated 84 percent of inmates are in pretrial detention; in the 16-21 age group, pretrial detention accounts for 90 percent of the prison population. Petitioners indicated that in the last nine years, the country’s prison population has doubled and the number of people in pretrial detention has tripled. The participating organizations attributed this situation primarily to legal issues—from 2003 to 2014, the penal code and criminal procedures were modified more than 12 times—and to serious structural deficiencies within the justice system. The petitioners also referred to other problems,

including the backlog of cases, the deplorable conditions in some prisons, corruption, and the situation experienced by more than 1,300 children who live with their parents in prison. The petitioners recognized that the State has adopted some positive policies, such as the granting of pardons and the creation of the Qalauma model prison, but they emphasized that these will always fall short if broader changes are not implemented, including the strengthening of the justice system and the creation of a national plan to reduce overcrowding. The Rapporteur on the Rights of Persons Deprived of Liberty reiterated that pretrial detention should be an exception and that its only legitimate purpose is to prevent the accused from evading prosecution or interfering with the normal course of investigations, and in any case it should be applied only when there are proper grounds to do so and only for a reasonable time. The IACHR welcomes the fact that the State of Bolivia reiterated its consent for a visit by the Rapporteur.

National Human Rights Program in Mexico

The State of Mexico, which requested this hearing, explained that its National Human Rights Program aims to ensure effective implementation of constitutional human rights reforms. The State referred to two grave developments this year—the extrajudicial execution of 22 individuals by the Mexican army in Tlataya and the disappearance of 43 students from the “Raúl Isidro Burgos” Rural Teachers School in Ayotzinapa—and noted that these events put to the test the country’s legal and institutional progress on human rights. The State expressed its commitment to investigate the facts, punish those responsible, address victims’ needs, and maintain a dialogue with victims’ representatives. The participating organizations, for their part, stated that Mexico has been going through a serious human rights crisis for several years. They said the forced disappearance of the 43 students, the extrajudicial execution of six persons (including three students at the teachers school and one child), and the more than 20 students injured by gunshots in the city of Iguala are the result of grave human rights violations perpetrated and perpetuated by State agents, as well as a lack of effective measures to investigate and punish such acts and ensure that they do not happen again. The organizations expressed concern with regard to the approximately 22,300 people missing since 2006, according to official figures, and 100,000 extrajudicial executions. They also referred to the contradiction seen in Mexico between progress on the legal front and widespread patterns of human rights violations, with a 98 percent impunity rate. For its part, the Inter-American Commission lamented the recent developments in Mexico and expressed its interest in the steps the State will take to respond to these events, particularly the implementation of protocols to search for missing persons. Finally, the IACHR referred to the challenge Mexico faces in bringing the actions of state and municipal authorities in line with the commitment shown by federal authorities.

Reports of Destruction of Biocultural Heritage due to the Construction of Mega-Development Projects in Mexico

Petitioners informed the Commission that the State’s development of massive hydroelectric and wind energy projects was affecting cultural biodiversity and constituted an ongoing violation of the rights of indigenous peoples, resulting in dispossession of indigenous territories, displacements, incidents of interethnic violence, and environmental contamination. The petitioners indicated that by granting permits for genetically modified soybeans, the State was failing to protect indigenous peoples’ heritage and collective property, such as honey and corn. They also expressed their concern regarding attacks and improper use of criminal law against indigenous human rights defenders, environmentalists, and campesino leaders. They asked the IACHR to continue to monitor the situation, conduct an onsite visit to the country, and include Mexico in the report on extractive

industries. For its part, the State indicated that Mexico has adopted a series of measures to ensure respect for indigenous peoples' human rights, noting that since 2013 it has had a protocol in place for prior consultation on the implementation of mega-development projects, and has brought its laws in line with international human rights standards. The State noted that rulings by the federal judiciary constituted a reference point for the protection of indigenous peoples' rights to prior consultation and participation. It also said that scientific studies show that the use of genetically modified crops does not have a negative environmental impact and added that, to the contrary, the State's aim is to ensure the right to food and to a healthy environment. The IACHR requested more information on the scope of and compliance with the measures referred to by the State with respect to the protection and guarantee of indigenous peoples' rights.

Office of the Special Prosecutor for Social and Political Movements of the Past in Mexico

Petitioners claimed that the Office of the Special Prosecutor for Social and Political Movements of the Past was closed without justification, in 2006, and without the agency's having fulfilled its mandate to investigate crimes committed during the "dirty war" in Mexico. The petitioners stated that when this institution was closed, its investigations were sent to the Office of General Investigation Coordination in the Attorney General's Office, which they said has yet to shed any light on forced disappearances, extrajudicial executions, and other crimes against humanity. The petitioners expressed their concern over repression of political dissidents by the State, which they said had occurred from the 1950s through the present, and lamented the execution this year of six young people in Iguala and the disappearances of 43 students from Ayotzinapa. The State acknowledged that the agency that was the focus of this hearing had produced "very limited" results, and added that it is working to reconstruct criminal investigations, giving priority to the search for missing persons. Mexico also emphasized the importance of moving forward in accordance with the principles of restorative justice and reparations. For its part, the IACHR referred to the connection between impunity for the crimes of the "dirty war" and the recent tragic events in Mexico. Finally, the Commission expressed concern that so far there has been only one conviction for crimes from that era and that the person's sentence was not carried out due to his advanced age.

Reports of Impunity for Serious Human Rights Violations in Mexico

During this hearing, civil society organizations claimed that impunity for grave human rights violations continues to be a structural problem in Mexico, despite reforms related to justice and human rights. The organizations provided an update on the specific situation of disappearances of women in Ciudad Juárez and reiterated that State authorities had fallen short in searching for missing women, identifying bodies, and investigating and punishing these crimes. They also referred to the "War on Drugs" carried out during the 2006-2012 period, as well as the recent disappearances in Ayotzinapa, as further indications of the State's inability to prevent such occurrences. The petitioners stated that there have been only six federal convictions for the crime of forced disappearance in Mexico. According to the petitioner organizations, the reasons for impunity include a lack of institutional capacity among investigating agencies, as well as reluctance by authorities to investigate and punish cases involving members of their own institutions. The State for its part, reiterated its commitment to human rights and to the inter-American system. It acknowledged the existence of "deep structural flaws" in the justice system and the need to adopt concrete measures to reduce the high levels of impunity for serious human rights violations. The Commission emphasized the need for a real change in the institutional culture of law enforcement

authorities. It noted that grave human rights violations such as those referred to in the hearing are not only the concern of the jurisdictions in which they occur but that the federal government has an obligation to develop proper mechanisms to ensure better supervision and control over what occurs in the states.

Human Rights and Social Protest in Mexico

The IACHR was concerned to receive information regarding Mexican authorities' alleged tendency, since 2012, to restrict freedom of expression and social protest in the country. This trend has reportedly been manifested through legislative bills, some of them already approved, and federal and local rules imposing restrictions through the regulation of public spaces for social demonstrations; the obligation to notify authorities in advance, the use of ambiguous language in those laws; and the use of criminal law. They also discussed excessive use of force by authorities during demonstrations, not only against participants but also against those documenting the protests. The State expressed its respect for social protest as a mechanism of the right to freedom of expression, and added that its regulations are geared toward ensuring the safety of the demonstrators and of the population in general. One of the regulations, the State reported, regards the use of force by the authorities. The State also indicated that it has a Mechanism for the Protection of Human Rights Defenders and Journalists, which has provided protection for persons at risk.

Human Rights Situation of Women in Hospital Emergencies in Brazil

Petitioners noted that Brazil's legal framework provides for the comprehensive care of women who suffer sexual violence, including the treatment of physical injuries and medical, psychological, and social assistance. Existing legislation authorizes the practice of abortion when the pregnancy is the result of a sex crime. However, the petitioners indicated that the health care provided to women is of very poor quality and that victims are often the subject of disrespectful and discriminatory treatment when they receive health services. They presented a number of examples of institutional violence, especially in cases where care is needed after a miscarriage or an abortion. These include women who had to wait for an unreasonable number of hours in cases of bleeding and infection; others who were interrogated on whether they had induced abortions; and cases in which curettage was performed without anesthesia. The State presented information on measures that have been adopted to ensure that the rights of women are guaranteed in the realm of health care. It referred specifically to the National Secretariat for Policies on Women, which has adopted a number of strategies in obstetric care to reduce and prevent maternal mortality and inadequate care in situations of labor and abortion care practices. The State also reported on the Rede Cegonha, a strategy created to promote health care based on the rights of women and children, and referred to efforts to incorporate an intercultural and gender perspective in the provision of health care services in general.

Reports of Police Violence and Forced Disappearances in the State of Goiás, Brazil

The Commission was informed that since the year 2000, 43 persons have disappeared in the Brazilian state of Goiás. The petitioners reported that authorities are not adequately addressing this issue, since no law has been enacted to define and classify the crime of forced disappearance and no proper investigations have been conducted to solve these cases. Moreover, the Commission received troubling information regarding public insecurity and lack of trust in security forces in

Goiás, a problem exacerbated by indications that law enforcement may be involved in the disappearances. Petitioners claimed that human rights defenders' attempts to push for thorough investigations have been met by harassment and threats from security forces, including to public defenders. The petitioners indicated that federal intervention was required to address these issues since the state of Goiás seemed to be taking measures that would only worsen the situation, such as hiring police officers through unconventional methods and without adequate training. The petitioners further stated that the Special Commission for the Defense of the Citizenry had already issued several recommendations to the state of Goiás to improve the situation but that the state had not implemented the recommendations. Representatives of the state of Goiás and of the federal government recognized that public insecurity in Goiás is an issue, but claimed that it is being adequately addressed and that the Special Commission's recommendations are being implemented. Both representatives from federal and state level also stated that many investigations into abuses by police officers have been conducted and have resulted in the arrest and prosecution of several officers. The Commission reminded the State that every effort must be made to investigate forced disappearances and to prevent harassment and threats against human rights defenders. It welcomed any additional information the parties may have regarding the investigations into these cases of forced disappearance.

Access to Justice for Serious Human Rights Violations in Brazil

The Commission was informed that grave human rights violations committed during the military dictatorship in Brazil continue to go unpunished despite the Inter-American Court's recommendations—issued in the Case of Gomes Lund et al. v. Brazil—that Brazil's amnesty law should not impede the investigation, prosecution, and punishment of these crimes. According to the petitioners, Brazil's judiciary continues to apply the country's amnesty law and to find other ways to thwart attempts to attribute criminal responsibility to perpetrators of grave human rights violations during the dictatorship. The Commission received troubling information indicating that the lack of a proper legal definition and classification of forced disappearance continues to be an obstacle to justice, and that attempts to prosecute these crimes under other offenses, such as kidnapping and concealment of a corpse, have been unsuccessful as judges often cite statutes of limitations for these crimes. The State said that it is aware of the issues currently impeding the punishment of alleged perpetrators of grave human rights violations, but it assured the Commission that it considers the Gomes Lund judgment to be fully enforceable and of immediate applicability. The State delegation informed the Commission that Brazil has implemented and will continue to implement the Inter-American Court's recommendations in Gomes Lund and noted several measures taken in this regard. Moreover, the State emphasized its commitment to enacting a law that defines and classifies forced disappearance, and noted that it recently deposited the ratification instrument of the Inter-American Convention on the Forced Disappearance of Persons with the Organization of American States. In addition, the State noted that there are several cases being processed by the country's judiciary and that this process must be allowed to unfold so that the courts can interpret and apply the Gomes Lund judgment. The IACHR reminded the State that the enforcement and application of a judgment is the responsibility of the State as a whole and that it should analyze what actions, other than legal prosecution, could be taken to immediately enforce that judgment. It also reminded the State that grave human rights violations may constitute crimes against humanity and that statutes of limitations do not apply to such crimes.

Progress and Challenges posed by Law 169/14 in the Dominican Republic

Petitioner organizations expressed their concern regarding the ongoing process by which thousands of foreign-born Dominicans, primarily from Haiti, are being stripped of their nationality due to actions that the Central Electoral Board (JCE) has continued to take since Law 169/14 went into effect. The petitioners explained that the law divides the affected population into two groups: those who at some point have appeared in the Civil Registry as Dominicans and those who have not. With respect to the first group, the petitioners indicated that procedures are applied arbitrarily, in a discriminatory fashion, through mechanisms that are complicated, slow, and unfair. They noted that births that had been recorded in normal records are now being transcribed into “transcription volumes,” which carry the current date and make no reference to a prior birth certificate. The organizations said the transcription of these records constitutes an act of segregation which affects a particularly vulnerable population already stigmatized by the Constitutional Court’s judgment in the case, TC-168-13. They said the JCE is moving forward with prior cases and filing new ones to try to nullify the citizenship of Dominicans of Haitian descent, even if they were properly registered. With regard to those never included in the Civil Registry, the organizations stated that the few people who have been able to take refuge in the law are still considered foreigners and will remain in legal limbo for the next two years as they wait to see whether they can become naturalized Dominican citizens, a situation that leaves them stateless. For its part, the Dominican State underscored the importance of its ambitious regularization plan and explained that there are two central pillars: 1) the National Plan to Regularize Foreigners with Irregular Migrant Status, and 2) Special Law 169-14, designed to address the irregular status of the descendants of undocumented migrants. According to the State, 83,000 migrants have begun the process of regularizing their migrant status, and President Danilo Medina has ordered that no deportations may take place during the period in which the plan is in effect. The State indicated that Juliana Deguis Pierre, whose case led the Constitutional Court’s ruling, had received her identity documents, along with another 972 individuals who had filed a request for a birth certificate in the country. The State delegation also expressed concern with regard to statements suggesting that the Constitutional Court decision leaves thousands of people stateless, and said that the claim that there could be 200,000 or even 400,000 people affected by the ruling is false. The delegation reiterated the government’s firm commitment to protect fundamental rights and strengthen the country’s institutions. The IACHR expresses its concern about the absence of a delegation from the State in a position to respond to the questions of the Commissioners and the issues raised in the hearing.

Reports of Violations of Human Rights of Indigenous Peoples in Costa Rica

Petitioners reported that the right to cultural integrity of indigenous peoples in Costa Rica is not being protected. They said the lack of constitutional recognition renders indigenous peoples invisible, leading to their marginalization and loss of indigenous identity. The petitioners noted that the absence of rules and procedures by which indigenous peoples in Costa Rica could recover their lands is illustrated by the fact that a law on indigenous peoples has languished for 20 years without being approved, as well as by the lack of indigenous representation in the design of public policies. The petitioners stated that indigenous peoples’ territories, meanwhile, are being occupied by third parties, and that this situation has spawned efforts to peacefully defend and gain back the lands and has led to acts of violence against the affected indigenous peoples and their representatives. Moreover, they claimed that the State is promoting development projects in indigenous territories without prior consultation and without taking into account the right of free consent and the cultural reality and worldview of indigenous peoples. Finally, they requested that the IACHR conduct an onsite visit to better understand the circumstances of indigenous peoples in Costa Rica. The State, for its part, affirmed its commitment to indigenous rights and referred to a proposed constitutional amendment recognizing the multiethnic and multicultural nature of indigenous peoples, as well as

other draft legislation and policies designed to protect their rights. The IACHR expressed interest in continuing to monitor the situation with regard to the problems discussed. It requested more information on acts of violence by third parties; the situation concerning the respect and guarantee of economic, social, and cultural rights; and the rules and policies mentioned by the State to protect indigenous peoples in Costa Rica.

Improper Use of Criminal Law to Criminalize Human Rights Defenders

The Commission convened this hearing on its own initiative to examine how criminal law is being used to restrict the defense of human rights, for a report the Commission is preparing on the subject. The Commission was informed that vague or ambiguous criminal charges—such as “inducement to rebellion,” “terrorism,” “sabotage,” “incitement to crime,” or “attacks on or resistance to public authority”—are often brought arbitrarily by authorities. Such criminal cases often drag on indefinitely and are accompanied by measures such as pretrial detention and a ban on leaving the country. According to the participating organizations, the criminalization of human rights defenders not only affects them and their families but also affects the victims and causes they represent. The organizations discussed some of the contexts in which human rights defenders tend to be criminalized: social protest demonstrations; the implementation of massive development projects; and the defense of labor rights or sexual and reproductive rights. The organizations noted that non-State actors often play a role in bringing baseless accusations against human rights defenders. Many human rights defenders are even more vulnerable because they belong to groups traditionally subject to discrimination, including indigenous leaders, Afro-descendants, or peasants. The Commission also received troubling information on how the criminalization of same-sex intimacy in 11 countries impacts the defense of human rights, restricting access to justice and fueling intolerance. According to the information received by the Commission, those who defend the rights of LGBTI persons in these countries are viewed as “self-avowed criminals.” The IACHR noted that Belize and Trinidad and Tobago still have legislation in place banning gays from entering the country, which has a serious impact on the right to assembly of those who work to defend LGBTI rights.

Human Rights and State of Emergency in Peru

Petitioners reported that social protest is being criminalized in Peru. They said that this comes on top of police and military repression of demonstrations, which has even led to deaths of members of civil society, crimes that continue to go unpunished. In this context, the petitioners reported that the State uses declarations of emergency to militarize control of social protests. They said the recently approved Supreme Decree 1095 allows the State to use military forces to control security without the need to decree a state of emergency. The Commission, for its part, expressed its concern regarding the frequent use and extensions of states of emergency, as well as the militarization of control over citizen security, and called on the State to address social protests through dialogue with communities.

Rights of Indigenous Peoples to Legal Recognition and Property in Peru

Petitioners reported that their legal identity and territorial integrity are being violated in Peru due to their classification as “indigenous or peasant communities” instead of “native or indigenous peoples,” the proper classification they said applies given their integral dimension as an ethno-linguistic group. The petitioners stated that the classification now in effect means that recognition of their territories applies and is limited only to the settlements where they live and the places

where they cultivate crops and raise cattle, excluding the forests and water sources that have been in their possession and on which they have depended since the time of their ancestors. They stated that this fragmentation of their legal and territorial standing is exacerbated given the lack of prior consultation with respect to mega-projects authorized by the State within their territories. The Commission recognized the State's efforts to ensure that prior consultation is required by law, and urged that such provisions be fully obeyed.

National Human Rights Plan of Peru

The State of Peru presented its 2014-2016 National Human Rights Plan. Among its central pillars is the promotion of a human rights culture, one that will allow the State to invest in human rights education and in the design and strengthening of public policies to promote and protect human rights, with an emphasis on groups that need special protection. The plan aspires to turn all recommendations by international human rights bodies into guidelines for public policies in each branch of government. The Commission welcomed the plan and its importance in terms of protecting and promoting human rights in Peru. At the same time, it expressed its concern regarding the exclusion of LGBTI persons from the plan, particularly since they were part of the 2006-2010 National Human Rights Plan. The State indicated that it has decided to adopt a separate strategy to address the problem of widespread discrimination against LGBTI persons. The IACHR welcomes information indicating that there has been training for public defense attorneys, as well as State-led research into hate crimes. The Commission also expressed concern that the National Human Rights Plan provides for the defense and promotion of private investment as a basic assumption to ensure the effective exercise of human rights. It noted that human beings, not the implementation of an economic model, must be at the center of any human rights plan or policy.

Reports of Violence against Peasants in Paraguay

During this hearing, civil society informed the Commission about the high concentration of land ownership in hands of a few; attacks on peasants and defenders of the agrarian movement, and impunity with respect to these acts; a worsening of the State's improper use of force; and the criminalization of social protest. The organizations reported that there has been a pattern of violence against peasants, intended to break down campesino organizations. They indicated that they had documented 115 violent attacks on peasants, including 5 children, between 1989 and December 2013, and that 336 children had lost one or both parents in the conflict. Evictions carried out with excessive force have led to violations of the rights to life and humane treatment of peasant families, according to the petitioners. They noted that these acts remain unpunished, given the few investigations launched and the ineffectiveness of those that exist. The Commission heard from Martina Paredes, who said that her brothers Fermín and Luis were reportedly executed in the Marina Cué Massacre. She talked about how her family had been affected by these events, and asked the State to conduct an investigation. The State, for its part, reported on its human rights policies, without providing specific information regarding the situation of violence addressed in this hearing, and extended its condolences to Martina Paredes. It also requested that the IACHR prepare a report on legal standards regarding access to land and the States' resulting obligations. The Commission urged the State to work on the investigations, noting its concern that a message was being sent that "leaders of social movements can be killed in the field without a proper response from the State," and stressing that nothing has a more serious effect on human rights than impunity.

Situation of Economic, Social, and Cultural Rights in the Americas

During this hearing, which was convened by the IACHR on its own initiative, civil society organizations presented information on a number of issues related to economic, social, and cultural rights (ESCR), both from a regional and national perspective. Among the concerns the organizations raised were issues related to forced labor and child labor in the region, as well as the importance of decent work as an essential component of development. Other labor-related concerns included the impact of extractive industries on workers, and infringements on workers' right to assembly, including even killings of union members. The participating organizations called on the Commission to delve deeper into these issues, in coordination with the ILO, and to conduct an analysis of labor rights in the region and make recommendations to the States. The organizations also raised a number of concerns related to poverty, including the right to water—they noted that 77 million people in the region lack access to quality water—as well as the right to housing and basic services. The organizations urged the OAS Member States to adopt measures to finance a future Special Rapporteurship on ESCR and stressed the importance of a region-wide IACHR report on the subject.

Beginning last year and throughout 2014, the Commission's Unit on Economic, Social, and Cultural Rights has conducted a series of consultations on this subject throughout the region to assess the regional situation and to develop a work plan. In April 2014 the Commission set up a special fund to create a Special Rapporteurship on Economic, Social, and Cultural Rights towards the end of 2015. The main obstacle to this objective is the lack of sufficient funding.

Right to Food and Seed Regulation in the Americas

The petitioner organizations alerted the IACHR about the situation regarding the right to adequate food in the region, particularly among peasants and indigenous peoples; the impact of development models; problems stemming from rules governing the use of seeds; and the role of the justice system in these matters. They said that the affected communities had turned to the judicial system but found that their access to justice was ineffective. They stressed that seeds are part of life and culture, a central element of the entire campesino economy and identity, and that new regulations are turning seeds into merchandise. The petitioners also presented information on the situation in Brazil, Colombia, Ecuador, Honduras, Paraguay, and Guatemala to illustrate problems in the region such as the monopolization of land and resources, the expansion of extractive industries, the privatization of seeds, actions by large transnational corporations, the criminalization of human rights defenders, and impunity for those who violate the right to food and the food sovereignty of peasant peoples. The petitioners requested that the IACHR monitor the situation of peasants and indigenous peoples, particularly as regards the privatization and monopolization of lands and water; analyze the effects being seen in the Americas with respect to new regulations on seeds; and intensify its work on the impact of transnational corporations on the human rights situation of populations near their operations and on the responsibilities of the States where the corporations are based. Finally, they called for follow-up on cases involving the criminalization and prosecution of human rights defenders who work on these issues, and asked the IACHR to exchange views with the United Nations regarding legal advances on the right to food and the rights of peasant populations.

Situation of Violence against Creole and Garifuna Populations in Central America

During the hearing, petitioners presented information concerning human rights violations suffered by women, adolescents, and children of African descent in Guatemala, Honduras, and Nicaragua. The petitioners said the region's Creole and Garifuna populations are confronted with different

forms of violence—verbal, psychological, physical, sexual, and gender-based—as a result of discrimination and social exclusion, and this violence often goes unpunished. Violence against children is a particularly widespread problem; the petitioners cited a study showing that 44 percent of victims of sexual offenses were under age 14. However, the petitioners said, only about 5 percent of crimes of sexual violence are reported, due to stigma and distrust in law enforcement and the judicial system. Nor is there an adequate legal framework to prohibit and prevent all forms of violence against children. The petitioners also referred to the problem of femicides and the situation of pregnancies among girls between 15 and 19 years of age. The petitioners underscored the importance of encouraging States to produce detailed data, disaggregated by key variables such as sex, race, ethnicity, and age, noting that better data would make it possible to develop more effective public policies. The petitioners also requested that the Commission take into account the specific situation of Afro-descendant populations in the work of its Rapporteurs on Children and on Women, and in its monitoring of State actions to comply with the Convention of Belém do Pará.

Working Meetings

The IACHR convened 19 working meetings on individual cases and petitions, 4 of which were canceled because one of the parties failed to appear. Each working meeting was led by the Rapporteur for that country, and had one of three goals: to bring the parties closer in the negotiation of friendly settlement agreements; to follow up on recommendations from IACHR merits reports; or to follow up on compliance with clauses adopted as part of friendly settlement agreements reached between the parties.

With regard to the negotiation of friendly settlement agreements, working meetings were held between States and petitioners in Cases 11.820 (Eldorado dos Carajás) and 12.200 (Henrique Trindade and Juvenal Ferreira Trindade), both from Brazil; Cases 12.528 (Raul García Linera et al.), 11.426 (Marcela Alejandra Porco), and 12.709 (Juan Carlos Bedregal and Family Members), from Bolivia; and P-06-06 (Juan Manuel Guerra) and 12.905 (Osvaldo Isaías Migueles and Pablo Rafael Galván), from Argentina. Significant progress was made in negotiations involving the cases of Marcela Alejandra Porco and of Osvaldo Isaías Migueles and Pablo Rafael Galván.

As to follow-up on compliance with recommendations from merits reports, working meetings were held in Cases 11.565 (Ana, Beatriz, and Celia González Pérez) and 12.689 (J.S.C. and M.G.S.), from Mexico; and 11.566 (Favela Nova Brasilia) and 12.568 (Urso Branco), from Brazil. A significant step forward was the proposal of terms for an agreement on compliance with the Commission's recommendations, presented by the petitioners in the case involving Ana, Beatriz, and Celia González Pérez.

Finally, as to follow-up on compliance with friendly settlement agreements, meetings were held in Case 11.545 (Marta Saire), from Honduras; and Cases P-452/TE (Cases of the Joint Press Release of February 22, 2001) and 12.191 (Maria Mamérita Mestanza), from Peru. The IACHR stresses the importance of ensuring that compliance by the State is carried out in coordination with the respective petitioners in each case. It also urges the States to continue their efforts to comply more promptly and under the terms established in the instruments signed by the parties.

Financial Contributions

The IACHR is especially grateful for the significant financial contributions made so far in 2014, by countries within and outside the region as well as international organizations and agencies,

foundations and other entities. These donations make it possible for the IACHR to carry much of their activities related to the mandates from the political organs of the OAS.

In particular, the Commission welcomes the recent contributions made by the governments of the following OAS member countries: Argentina, Canada, Chile, Costa Rica, United States and Mexico. Also wishes to thank the Permanent Observer Countries that support the activities of the Commission: Denmark, Spain, Finland, the Netherlands and Switzerland. The Commission also welcomes and appreciates the contributions received from the European Commission, United Nations High Commissioner for Refugees (UNHCR), International Work Group for Indigenous Affairs (IWGIA), Arcus Foundation, Plan International, Save the Children-Sweden and the University of Notre Dame. These donations contribute concretely to strengthening the Inter-American human rights system in the American continent.