



# IVa

**Situation of  
Human Rights  
in the Region**

## **CHAPTER IV.A: SITUATION OF HUMAN RIGHTS IN THE REGION**

<b>OVERVIEW OF HUMAN RIGHTS SITUATION BY COUNTRY .....</b>	<b>475</b>
<b>I. ANTIGUA AND BARBUDA.....</b>	<b>478</b>
<b>II. ARGENTINA .....</b>	<b>480</b>
<b>III. BAHAMAS.....</b>	<b>489</b>
<b>IV. BARBADOS.....</b>	<b>492</b>
<b>V. BELIZE .....</b>	<b>495</b>
<b>VI. BOLIVIA .....</b>	<b>499</b>
<b>VII. BRAZIL .....</b>	<b>505</b>
<b>VIII. CANADÁ .....</b>	<b>515</b>
<b>IX. CHILE .....</b>	<b>520</b>
<b>X. COLOMBIA.....</b>	<b>527</b>
<b>XI. COSTA RICA .....</b>	<b>537</b>
<b>XII. DOMINICA .....</b>	<b>544</b>
<b>XIII. DOMINICAN REPUBLIC .....</b>	<b>546</b>
<b>XIV. ECUADOR.....</b>	<b>553</b>
<b>XV. EL SALVADOR .....</b>	<b>560</b>
<b>XVI. GRENADA .....</b>	<b>569</b>
<b>XVII. GUATEMALA.....</b>	<b>571</b>

<b>XVIII.</b>	<b>GUYANA .....</b>	<b>580</b>
<b>XIX.</b>	<b>HAITI.....</b>	<b>585</b>
<b>XX.</b>	<b>HONDURAS.....</b>	<b>589</b>
<b>XXI.</b>	<b>JAMAICA .....</b>	<b>598</b>
<b>XXII.</b>	<b>MEXICO .....</b>	<b>603</b>
<b>XXIII.</b>	<b>PANAMÁ .....</b>	<b>614</b>
<b>XXIV.</b>	<b>PARAGUAY.....</b>	<b>619</b>
<b>XXV.</b>	<b>PERU .....</b>	<b>624</b>
<b>XXVI.</b>	<b>SAINT KITTS AND NEVIS .....</b>	<b>636</b>
<b>XXVII.</b>	<b>SAINT VINCENT AND THE GRENADINES.....</b>	<b>638</b>
<b>XXVIII.</b>	<b>SAINT LUCIA.....</b>	<b>639</b>
<b>XXIX.</b>	<b>SURINAME.....</b>	<b>641</b>
<b>XXX.</b>	<b>TRINIDAD AND TOBAGO.....</b>	<b>644</b>
<b>XXXI.</b>	<b>UNITED STATES .....</b>	<b>647</b>
<b>XXXII.</b>	<b>URUGUAY .....</b>	<b>656</b>

<b>PARTIAL DISSENTING VOTE OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER IV.A DEVELOPMENT OF HUMAN RIGHTS IN THE REGION - OVERVIEW OF THE HUMAN RIGHTS SITUATION BY COUNTRY .....</b>	<b>662</b>
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## CHAPTER IV.A

### SITUATION OF HUMAN RIGHTS IN THE REGION

#### OVERVIEW OF HUMAN RIGHTS SITUATION BY COUNTRY<sup>1</sup>

#### METHODOLOGY

1. The Commission approved that Chapter IV.A of its 2024 Annual Report should correspond to an overview of the human rights situation in the States of the region, with special emphasis on the rights and issues prioritized by the IACHR through its Thematic Rapporteurships,<sup>2</sup> as well as on the cross-cutting themes established by the Commission in its 2023-2027 Strategic Plan.<sup>3</sup>

2. In preparing this section, the IACHR took into account the information received regarding the human rights situation in the region during 2024, in the exercise of its monitoring function. The IACHR used input from the different mechanisms through which the IACHR has followed up on the situation in the country, such as public hearings, thematic visits, requests for information under Article 41 of the American Convention and Article 18 of the IACHR Statute, and precautionary measures; as well as information from civil society organizations, journalistic notes, decisions and recommendations from specialized international bodies, among others.

3. In addition, and in accordance with the powers established in Article 41 of the American Convention and Article 18 of the Statute of the IACHR, in September 2024, the Commission requested information from the Member States on the rights, themes and cross-cutting issues prioritized in the Strategic Plan mentioned above. The IACHR received responses from the following Member States before the close of this report: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Panama, Paraguay, Peru, Suriname, and Uruguay. The IACHR is grateful for and appreciates the information sent, which has been included in this chapter.

4. The Commission is grateful for the information provided by institutions and civil society organizations throughout the year through the different monitoring mechanisms, which was included in this section.

#### TRENDS

5. This introduction highlights some of the advances and challenges observed in the human rights situation in the region during 2024. To this end, trends were identified with respect to the cross-cutting themes of democratic institutions and citizen security, memory, truth and justice, as well as equality and non-

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<sup>1</sup> Chapter not approved by Commissioner Carlos Bernal Pulido, with a partial reasoned vote. The partial reasoned vote is found at the end of this chapter.

<sup>2</sup> The IACHR has the following 11 thematic rapporteurships: Rapporteurship on the Rights of Indigenous Peoples; Rapporteurship on the Rights of Women; Rapporteurship on Human Mobility; Rapporteurship on the Rights of the Child; Rapporteurship on Human Rights Defenders; Rapporteurship on the Rights of Persons Deprived of Liberty; Rapporteurship on the Rights of Persons of African Descent and against Racial Discrimination; Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons; Rapporteurship on Memory, Truth and Justice; Rapporteurship on Older Persons; Rapporteurship on Persons with Disabilities. There are also two Special Rapporteurships: Special Rapporteurship on Freedom of Expression; and Special Rapporteurship on Economic, Social, Cultural and Environmental Rights.

<sup>3</sup> The IACHR's [Strategic Plan 2023-2027](#) includes the following cross-cutting themes: democratic institutionality; human rights institutionality; gender, intercultural and intersectionality approach; security and violence; access to justice and judicial independence; development and human rights; human rights in the digital environment; promotion of the ratification of inter-American human rights instruments.

discrimination, particularly with respect to persons and groups in situations of special vulnerability. The IACHR monitoring was particularly attentive to the effects, in terms of human rights, of unequal power relations between individuals and social groups. These inequalities are rooted in the complex intersection of historical, economic, political and cultural factors that have given rise to historical and systematic discrimination and human rights violations.

6. In terms of **democratic institutions**, although the holding of free and democratic elections in the region is recognized, there were serious challenges to the principle of separation of powers, one of the essential elements of representative democracy.<sup>4</sup> In particular, a series of actions promoted by powerful groups from within and outside the State were observed, aimed at weakening **judicial independence** and, consequently, the democratic rule of law. These include, among others, legal initiatives, political trials or disciplinary proceedings, which seek to arbitrarily remove judicial operators and prosecutors. Reports were received of undue interference by other branches of government and private individuals in the selection processes of justice operators, through the failure to apply minimum fundamental criteria such as equality, non-discrimination, training, merit and transparency, in accordance with Inter-American standards. Initiatives of the Executive and/or Legislative Branch were also observed in defiance of the enforcement of judicial decisions. The independence of the judiciary is an essential condition both for its functioning and for guaranteeing human rights and the democratic rule of law.

7. In this context, we observed both a growing questioning of democratic institutions by the population and an increase in polarization in the societies of the Americas. In particular, the way in which this exacerbated polarization impacts democracies, by placing institutionality in second place to partisan and emotional affiliations. This, with the consequent loss of citizen confidence in institutions and the generation of conditions for the emergence of various forms of political violence.<sup>5</sup> Democracy, the rule of law and human rights are interdependent pillars for guaranteeing peace, stability and development in the region. Within this triad, the system of checks and balances plays an essential role in preventing abuses of power, guaranteeing equality before the law, protecting human rights and promoting social cohesion.

8. With respect to **citizen security**, the Commission observed major challenges in addressing the high levels of violence and insecurity resulting from criminality and organized crime. Militarization actions persist in the region and the excessive use of force in the face of demonstrations. At the same time, in several countries in different parts of the region, States are resorting more frequently to the suspension of guarantees through states of emergency to address this situation. In this sense, the IACHR has questioned its use when it is decreed either in a prolonged or permanent manner, when it is based on vague or ambiguous expressions such as "acts of violence in different regions of the country", or when there is a lack of justification or indications that the situation could not have been addressed through the ordinary mechanisms of the State. For its part, the Inter-American Court has pointed out that the suspension of guarantees must operate as a strictly exceptional measure to confront real emergency situations and does not constitute a means to confront common criminality.

9. The Commission recalls that public policies on citizen security must provide effective and efficient responses to the demands of a democratic society, based on a comprehensive approach to the causes and consequences of crime, and within the limits established by international and inter-American human rights standards. Faced with the false dilemma between adopting effective actions to confront crime and complying with the international human rights obligations of States, the Commission emphasizes that respect for fundamental rights is not only compatible with a citizen security policy, but is its indispensable condition.

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<sup>4</sup> Article 3: "Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms; access to and the exercise of power subject to the rule of law; the holding of periodic, free, fair elections based on universal and secret suffrage as an expression of the sovereignty of the people; the pluralistic system of political parties and organizations; and the separation and independence of the branches of government

<sup>5</sup> In this sense, the IACHR pronounced itself in the [report "Social Cohesion: The Challenge for the Consolidation of Democracy in Bolivia"](#), OEA/Ser.L/V/II. Doc.1/24 January 20, 2024, para. 75.

10. In this cross-cutting context between democratic institutions and citizen security, there was a generalized tendency to **reduce civic space**. This situation is manifested in restrictions on the right to protest, the disproportionate use of public force against demonstrators and journalists, and an increasingly hostile environment for the exercise of freedom of expression and the work of **human rights defenders**. The passing of laws limiting their funding and actions, including through the cancellation of their legal status. The Commission documented attacks, threats and a high number of murders against human rights defenders, as well as the criminalization of their work in several States in the region as a way of hindering the right to defend human rights.

11. Likewise, the IACHR observed the worsening situation of insecurity for **justice operators**, particularly in the face of organized crime, as well as harassment in the face of decisions contrary to their interests. It is the obligation of the States to guarantee the security of their justice operators against all kinds of external pressures, since the exercise of the jurisdictional function can be seriously affected, and consequently access to justice.

12. Along the same lines, the IACHR noted the weakening of institutions and policies specializing in **memory, truth, justice and reparation** for serious violations of human rights, as well as the absence of key regulations related to historical memory and the search for missing persons. It also identified serious setbacks in the fight against impunity, expressed in the processing or approval of laws that allow the statute of limitations for crimes against humanity or setbacks in emblematic criminal cases.

13. Significant progress was made in the region in the area of **equality and non-discrimination**. Some States advanced legislation and public policies to guarantee the rights derived from a family relationship between persons of the same sex; to promote the inclusion of persons and groups historically discriminated against in the labor and educational spheres; and to promote political participation and access to basic services for indigenous communities and persons of African descent; as well as to guarantee the ESCR of persons with disabilities. Progress was also made in the recognition of the rights of the **elderly**, as well as in the consolidation and strengthening of systems of care and protection of the rights of this population.

14. However, in other countries, the particular challenges faced by individuals and groups suffering from historical and systematic discrimination intensified. In particular, there was an increase in hate speech, misinformation and questioning of the rights of **LGBTI people, women, Afro-descendants, indigenous and tribal peoples**, as well as initiatives that threaten the full participation and autonomy of **people with disabilities**. Likewise, there was a weakening of legislation, policies and institutions dedicated to combating discrimination and violence against these groups. This has led to an increase in violence, particularly against women and LGBTI people. This is in addition to the already high rates of gender violence against women, particularly in the family or domestic sphere. In addition, systematic discrimination against indigenous peoples and Afro-descendants has worsened.

15. With respect to the rights of **children and adolescents**, the IACHR observed that significant challenges persist, particularly the poverty that still plagues a significant portion of this population and the violence against children and adolescents in family, educational, and institutional settings. Also of concern is the tendency observed in some countries to implement curfews, which could violate the individual liberty of children and adolescents.

16. With regard to the situation of persons **deprived of their liberty**, the IACHR identified a deterioration in detention conditions in several countries in the region, characterized by overcrowding, lack of access to basic services and lack of reintegration activities. This is compounded by intra-prison violence and torture in prisons, as well as the implementation, in some countries, of more restrictive detention regimes with measures that severely limit contact with family members and defense counsel, affecting the fundamental rights of detainees.

17. Finally, with respect to **people in human mobility**, the outlook for 2025 shows a worrisome panorama, with the use of discourse and other policies by authorities that stigmatize them, pointing out that

they threaten national security and are economically detrimental to the countries of transit or destination. This context is accompanied by threats of mass detention and deportation, seriously affecting those who migrate for different reasons or who seek international protection. The IACHR also noted setbacks characterized by the implementation of restrictive migration policies aimed at containing the movement of people and limiting access to protection procedures

18. Pursuant to Article 59.2.e.i of the IACHR Rules of Procedure, the following is a country-by-country overview of the human rights situation in the hemisphere during the year 2024. Each section is divided into two parts: **general considerations**, highlighting progress and challenges per country identified by each of the thematic rapporteurships; and **specific issues**, corresponding to the cross-cutting themes prioritized in the IACHR Strategic Plan, in particular: democratic institutions, human rights institutions, access to justice, citizen security, equality and non-discrimination. This overview is complemented by the reports of the Office of the Special Rapporteur for Freedom of Expression (RELE) and the Office of the Special Rapporteur for Economic, Social, Cultural and Environmental Rights (REDESCA), which are published in the respective chapters of this annual report.

## I. ANTIGUA AND BARBUDA

### • General considerations

19. As it relates to **progress**, the Commission notes efforts by the State to reduce delays in its criminal justice system. Moreover, the IACHR takes note of the progress of a judicial challenge against abortion laws in the State. Additionally, the Commission highlights the State's efforts to provide adequate medical care to persons with psychosocial disabilities who are deprived of liberty.

20. As it relates to **challenges**, the IACHR notes with concern the increase in homicides and the introduction of a juvenile curfew in the State. Moreover, the Commission takes note of the high occupancy levels in His Majesty's Prison.

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

### • Specific issues

22. With respect to **democratic institutional**ity, the Commission notes the Electoral Commission's submission in March of its report on the 2023 general election. According to public information, this Report underscores the need for the reform of electoral laws, particularly regarding campaign financing, and identifies current lacunas in the laws, including the Representation of the People's Act, which make it challenging to regulate the financing activities of political parties.<sup>6</sup>

23. Regarding **citizen security**, in September the State passed the Anti-Gang Act, which seeks to discourage gang-related activity and membership in an effort to maintain public order and safety.<sup>7</sup> According to the Act, a person who recruits another person, including a child, to a gang commits an offence and can face up to 10 years in prison if found guilty.<sup>8</sup>

24. Moreover, the Commission notes with concern an increase in homicides in the State. According to public information, for the period between January and June 2024 there were approximately 6 homicides, compared to 2 homicides reported for the same period in 2023.<sup>9</sup> While this is low as compared to

<sup>6</sup> Antigua News Room, [Antigua and Barbuda Electoral Commission Report Urges Overhaul of Campaign Financing Laws](#), March 4, 2024.

<sup>7</sup> Antigua and Barbuda, [Anti-Gang Bill, 2024](#), September, 2024.

<sup>8</sup> Antigua and Barbuda, [Anti-Gang Bill, 2024](#), section 7, September, 2024.

<sup>9</sup> Antigua News Room, [Antigua: Murders up for the first half of 2024](#), July 4, 2024.



other homicide figures in the Caribbean region, this represents an approximate 200% increase in homicides in 2024. The State's homicide rate was 6.23 per 100,000 inhabitants as of June.<sup>10</sup>

25. In relation to **access to justice**, according to public information, in May the amendment to the Criminal Proceedings (Trial by Judge Alone) Act made judge alone trials permanent, including for inchoate offences. This amendment seeks to assist with the reduction of delays in the criminal justice system.<sup>11</sup> The IACHR also notes the State's introduction of the Partnership of the Caribbean and the European Union on Justice (PACE Justice) Project in July. This Project aims to enhance the institutional capacities of officials in the criminal justice system and reduce the backlog of court cases via the training of judicial and public officials on restorative justice and criminal mediation best practices.<sup>12</sup>

26. With respect to the rights of **children**, the IACHR takes note with concern of the juvenile curfew introduced in October through the Small Charges (Amendment) Act, 2024. This legislation, which does not specify an end-term, establishes a curfew which makes it an offence for unaccompanied minors to be out at night unless they are with a parent or guardian, and during the day unless they are engaged in lawful recreational or educational activities.<sup>13</sup> Additionally, the Commission has noted reports indicating an increasing trend of school dropouts among youths under 16, largely attributed to a heightened fear of gang violence.<sup>14</sup>

27. Regarding the rights of **women**, in November the State launched a sexual offenders' registry as part of the implementation of the law approved in 2022 to combat sexual recidivism.<sup>15</sup> Further, the High Court decided to continue with the trial challenging the abortion legislation that allows women to terminate pregnancies only in cases of risk to their health.<sup>16</sup> According to the claimant, the current law lacks guidelines to differentiate between legal and illegal termination of pregnancy, which promotes arbitrary and discriminatory practices against women.<sup>17</sup>

28. In addition, the Commission takes note of the workshop, hosted in March, aimed at the media to promote language with a gender perspective and prevent the dissemination of gender stereotypes within the framework of the Canada-CARICOM Expert Deployment Mechanism.<sup>18</sup> Additionally, the Commission notes that in May the Government proposed the creation of public daycare centers to reduce the costs associated with childcare in order to facilitate the incorporation of young mothers into the labor market, especially those from densely populated areas.<sup>19</sup>

29. As for **persons deprived of liberty**, the Commission takes note of the State's efforts in April to relocate inmates with psychosocial disabilities from His Majesty's Prison to a dedicated facility. According to public information, a refurbished facility in the East of the island will serve as this temporary space and will be

<sup>10</sup> The IACHR calculated the homicide rate based on the State's population of 96,286 according to data from The World Bank Group. The World Bank Group, [Antigua and Barbuda](#), 2023.

<sup>11</sup> Antigua Observer, [Trials by Judge Alone made permanent as Senate passes Bill unanimously](#), May 22, 2024; Antigua and Barbuda, [Criminal Proceedings \(Trial By Judge Alone\) Bill, 2021](#), 2021.

<sup>12</sup> Antigua News, [Government lauds the Pace Justice Project initiative aimed at Speeding Up Court Cases](#), July 5, 2024; UNDP Barbados and the Eastern Caribbean [@UNDP]. (July 4, 2024). *Antigua & Barbuda's heavy backlog of criminal cases is putting a strain on their judicial system* [Tweet]. Twitter. <https://x.com/UNDPBarbadosEC/status/1808943626011168778>; United Nations Development Programme, [The Partnership of the Caribbean and the European Union on Justice \(PACE Justice\) Regional Programme](#), October 17, 2023.

<sup>13</sup> Government of Antigua and Barbuda, [Small Charges \(Amendment\) Act](#), 2024.

<sup>14</sup> Antigua News Room, [Youths Dropping Out of School Because of Fear of Violence](#), September 2, 2024.

<sup>15</sup> Antigua News, [Antigua and Barbuda launches sex offenders registry with controlled access](#), November 30, 2024.

<sup>16</sup> Antigua News Room, [High Court Allows Abortion Law Challenge to Move Forward in Antigua and Barbuda](#), October 17, 2024.

<sup>17</sup> NY Carib News, [Antigua/Barbuda – Colonial Era Abortion Laws Challenged](#), October 29, 2024.

<sup>18</sup> Government of Antigua and Barbuda, [Antigua and Barbuda National Report for the Beijing Declaration and Platform for Action](#), 2024, p. 41.

<sup>19</sup> Antigua News, [Gov't on a roll to uplift women in Antigua and Barbuda](#), May 16, 2024.



staffed with a complement of personnel, including nurses.<sup>20</sup> However, the Commission expresses its concern regarding the State's prison system which, as of September 2024, has an occupancy level of 266.7%.<sup>21</sup>

30. In addition, the Commission expresses its concern regarding the death of an inmate in August at His Majesty's Prison after having an altercation with a prison guard.<sup>22</sup> The IACHR takes note that a prison guard has been charged with homicide and remanded into the custody.<sup>23</sup>

31. In relation to the **death penalty**, the IACHR notes that the State continues to retain the death penalty punishment even though no executions have been carried out since 1991, no one is currently under this penalty, and nobody has been sentenced to death since 1991.<sup>24</sup>

## II. ARGENTINA

### • General considerations

32. In 2024, Argentina achieved **progress** in the implementation of the adversarial system of justice in federal criminal courts, the introduction of a special framework for the regularization of Venezuelan migrants, the development of programs to promote the inclusion of persons with disabilities in the workplace, education and sports, the establishment of a state observatory for the care system for adults and older persons, and the provision of support to Roma communities involved in legislative activities to secure the recognition of their rights.

33. As it relates to **challenges**, the Commission underscores the consequences of the measures aimed at reorganizing and downsizing the State, which have undermined the efforts to combat gender-based violence and discrimination and have had a greater impact on the enjoyment of economic, social, cultural and environmental rights (ESCERs). Moreover, the Commission observed setbacks in memory, truth and justice policies, which are essential for addressing the legacy of human rights violations in the country.

34. On October 10, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>25</sup>

### • Specific issues

35. With regard to the **democratic institutional**ity, the State informed that it had adopted measures to guarantee access to public information and ensure transparency in the public administration, such

<sup>20</sup> Antigua Observer, [Judge tasks minister with finding suitable detention facility for mentally ill murder accused](#), April 12, 2024; Antigua Observer, ['Better late than never': Gov't plans to move mentally ill inmates out of national prison](#), April 19, 2024; Caribbean Loop News, [Antigua: Mentally ill prisoners to be moved to a separate facility](#), April 18, 2024; Antigua Newsroom, [Government Allocates Crabbes Building for Mentally Challenged Offenders' Care and Security](#), April 18, 2024; and Caribbean National Weekly, [Antigua and Barbuda to relocate mentally unstable prisoners](#), April 18, 2024.

<sup>21</sup> World Prison Brief, [Antigua and Barbuda](#), May 2023. Also, see: Statista, [Prison occupancy rates in the Caribbean as of 2024 - by country](#), September 2024.

<sup>22</sup> Antigua Observer, [Prison inmate died of blood clot linked to injuries, death certificate says](#), August 3, 2024; Antigua Newsroom, [Funeral Held for Man Who Died from Injuries After Prison Altercation](#), September 5, 2024; and Caribbean National Weekly, [Correctional officer charged with murder of inmate in Antigua](#), September 12, 2024.

<sup>23</sup> Antigua Newsroom, [Prison officer Remanded To Prison For Murder](#), September 12, 2024; Antigua Observer, [Prison guard detained for questioning over inmate death](#), September 10, 2024; Antigua Observer, [Father awaits justice for son's death after former prison guard charged with murder](#), September 12, 2024; and Caribbean National Weekly, [Correctional officer charged with murder of inmate in Antigua](#), September 12, 2024.

<sup>24</sup> World Coalition Against the Death Penalty, [Antigua and Barbuda](#), May 2023. Last visited: October 2024.

<sup>25</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

as regulations governing requests for information and a new methodology for monitoring active transparency policies within the public administration.<sup>26</sup>

36. As part of these measures, the government issued executive decrees to reorganize state institutions by merging ministries, transferring competencies and closing entities. These actions were carried out under the state of public emergency declared in 2023, which covered economic, financial, fiscal, administrative, social security, public utility rates, health and social matters. The State reported that the purpose of this declaration was to ensure the stability of the national budget and improve bureaucratic efficiency.<sup>27</sup>

37. However, during a thematic hearing organized by the Commission, organizations warned about the regressive effects on human rights of the austerity policies and cuts in social protection programs that were implemented without considering their impact on the most vulnerable sectors, such as workers of the popular economy. They highlighted, in particular, the negative impact on the national intelligence system, retirement and pension programs and telecommunications and internet services. These organizations added that social participation had been weakened and that essential programs aimed at eradicating poverty had been put at risk.<sup>28</sup>

38. In this regard, a report issued by the National Statistics and Census Institute (INDEC) revealed that poverty affected 52.9 percent of the population in the first semester of the year, impacting 15.7 million people. This represents an 11.2 percent increase nationwide compared to the second half of 2023.<sup>29</sup>

39. With respect to **human rights institutions**, the National Congress has yet to appoint the head of the National Office of the Ombudsperson, a challenge that has persisted for 15 years and continues to undermine this institution.<sup>30</sup> Similarly, Congress may fail to adopt measures to extend the mandate of the current Ombudswoman for the Rights of Children and Adolescents in Argentina, set to expire in March 2025, or to appoint a new head to the office, potentially jeopardizing the defense of the rights of this population.<sup>31</sup>

40. The State shut down the National Institute Against Discrimination, Xenophobia and Racism (INADI), which was responsible for handling cases involving racism and xenophobia and served as the focal institution for the United Nations Committee on the Elimination of Racial Discrimination (CERD).<sup>32</sup>

41. Regarding **citizen security**, the State reported that it had provided training to provincial and federal security forces, as well as federal prison staff, as part of the Training Program for Security Forces on Human Rights and the Prevention of Institutional Violence.<sup>33</sup>

42. However, several cases of disproportionate use of public force against demonstrators and journalists were recorded in 2024. The Commission noted that, between January and September 2024, several demonstrations near the National Congress of Argentina were met with violent repression. For instance, from January 31 to February 2, 31 people were arrested and 285 were injured during demonstrations against the “Omnibus Bill of Law” (*Ley de Bases y Puntos de Partida para la Libertad de los Argentinos*), including 35

<sup>26</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

<sup>27</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

<sup>28</sup> IACHR, Press Release No. 290/24, [IACHR Concludes its 191st Period of Sessions with 35 Public Hearings on Human Rights in The Americas](#), November 21, 2024.

<sup>29</sup> National Statistics and Census Institute (INDEC), [Incidencia de la pobreza y la indigencia en 31 aglomerados urbanos - Primer semestre de 2024 - Informes técnicos / Vol. 8, No. 220](#), Buenos Aires, September 26, 2024.

<sup>30</sup> IACHR, [2023 Annual Report, Chapter IV.A. Argentina](#), para. 43.

<sup>31</sup> Office of the Ombudswoman for the Rights of Children and Adolescents, *Op. cit.* See also: *Tiempo Argentino*, “[La Defensoría de la Niñez podría quedar acéfala: ‘Sería trágico para el sistema de protección de derechos’](#),” December 5, 2024.

<sup>32</sup> DW, “[Argentina cierra instituto nacional contra la discriminación](#),” February 23, 2024; Government of Argentina, “[INADI](#),” August 6, 2024.

<sup>33</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

journalists who were struck by rubber bullets and sprayed with tear gas.<sup>34</sup> On June 12, reports highlighted the excessive use of nonlethal weapons by security forces during demonstrations against the “Bill of Law on Principles,” (which was a second debate on the former Omnibus Bill of Law); as a result, several journalists were injured.<sup>35</sup> On September 11, the use of tear gas and rubber bullets was reported during demonstrations by pensioners against the veto on the Pension Adjustment Law. Demonstrators and bystanders, including children and older adults, were injured during the protest, as documented by the National Committee to Prevent Torture.<sup>36</sup>

43. On **access to justice**, the State informed that National Directorate for Assistance to Victims of Institutional Violence and Discrimination, which operates under the Secretariat of Human Rights, had provided assistance and support in 549 cases of institutional violence. These cases involved torture and arbitrary detentions, among other issues.<sup>37</sup> The Argentina State also reported measures to ensure access to justice for persons with disabilities through the National Registry of Communication Facilitators. For its part, the Ministry of Justice published a decree for the gradual implementation of the adversarial system of justice in the federal criminal courts, based on principles such as equality between the parties, as well as oral and public proceedings. The State indicated that this system is expected to be implemented nationwide by 2027.<sup>38</sup>

44. With regard to the rights of **indigenous peoples**, the State repealed the decree extending the “emergency concerning the possession and ownership of lands traditionally occupied by indigenous communities.” This action represents a regulatory setback, inasmuch as it put an end to the suspension of evictions on lands traditionally occupied by indigenous peoples.<sup>39</sup> However, evictions were carried out in the provinces of Jujuy,<sup>40</sup> Río Negro<sup>41</sup> and Chubut<sup>42</sup> even while the territorial emergency was in place.

45. In addition, the State reopened technical legal-cadastral land surveys that had already been completed, thus creating legal uncertainty over lands traditionally occupied by indigenous peoples.<sup>43</sup> It also suspended the National Registry of Indigenous Communities and halted administrative procedures for granting legal status to indigenous communities. In addition, 13 districts still lack a provincial registry.<sup>44</sup>

46. These measures were adopted in a context marked by stigmatizing statements against indigenous peoples and their leaders.<sup>45</sup> In response to these challenges, the Commission issued a press release calling on the Argentine State to uphold its international obligations regarding the rights of indigenous peoples when adopting administrative measures and legal provisions concerning the recognition of indigenous peoples’ legal personality and land titling.<sup>46</sup>

47. As to the **rights of women**, the restructuring process of the public administration that began in December 2023 has significantly weakened the institutional framework and policies dedicated to women’s

<sup>34</sup> IACHR, Press Release No. 30/24, [Amid Social Protests in Argentina, the IACHR and Its Special Rapporteurship for Freedom of Expression Highlight Inter-American Standards Concerning Respect for Human Rights, Especially the Right to Peaceful Protest and the Right to Freedom of the Press](#), February 8, 2024.

<sup>35</sup> IACHR, Press Release No. 158/24, [Argentina Must Respect Rights to Freedom of Association and Peaceful Assembly While Keeping Its Citizens Safe, Say IACHR and Its Special Rapporteurship for Freedom of Expression](#), July 4, 2024.

<sup>36</sup> IACHR, Press Release No. 220/24, [IACHR and SRFOE urge Argentina to uphold the right to social protest](#), September 23, 2024.

<sup>37</sup> The issues and forms of violence reported more frequently were related to access to justice (21.4 percent, mostly related to difficulties in communicating with public defenders), health (16.6 percent), prison conditions (13.4 percent), unlawful coercion (11.5 percent), injuries (8.5 percent), harassment (7.7 percent), threats (4.8 percent), death (4 percent), arbitrary detention (3.9 percent), gender-based violence (2.5 percent), torture (0.9 percent) and fabricated proceedings (0.8 percent).

<sup>38</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

<sup>39</sup> *Official Gazette of the Argentine Republic*, [Decree No. 1.083/2024](#), December 9, 2024.

<sup>40</sup> *Página 12*, “[Violento desalojo de familias indígenas en Guerrero](#),” October 17, 2024.

<sup>41</sup> *Infoterritorial*, “[Condenas contra el Pueblo Mapuche y negación del derecho indígena](#),” October 3, 2024.

<sup>42</sup> *La Tecla Patagonia*, “[Los Alerces: mapuches convocan a resistir el desalojo](#),” October 22, 2024.

<sup>43</sup> *Official Gazette of the Argentine Republic*, [National Institute for Indigenous Affairs \(INAI\) Resolution No. 44/2024](#), September 12, 2024.

<sup>44</sup> *Official Gazette of the Argentine Republic*, [INAI Resolution No. 53/2024](#), September 30, 2024.

<sup>45</sup> *Página 12*, “[Patricia Bullrich no cesa con su discurso de odio contra los pueblos originarios](#),” October 19, 2024.

<sup>46</sup> IACHR, Press Release No. 304/24, [IACHR urges Argentina to respect indigenous peoples’ territorial rights](#), December 4, 2024.

protection.<sup>47</sup> In particular, the closure of the Undersecretariat for Protection Against Gender-Based Violence was the final step in the dismantling of the Ministry of Women, Genders and Diversity (MMGyD).<sup>48</sup> For the first time in 40 years, there is no governing body in the country responsible for the design and implementation of policies to prevent and eradicate gender-based violence.<sup>49</sup> This situation, along with other challenges, was addressed during a public hearing convened by the Commission, where organizations reported setbacks in public policies aimed at addressing and eradicating gender-based violence and at guaranteeing sexual and reproductive rights.<sup>50</sup>

48. The State reported that the policies and programs previously implemented by the former Undersecretariat for Protection Against Gender-Based Violence are currently undergoing auditing, review and refocusing.<sup>51</sup> Hence, various secretariats and directorates within the National Ministry of Justice are implementing some of the key programs initially created by the now-defunct MMGyD on prevention, protection, care and access to justice for victims of violence.<sup>52</sup> Notwithstanding that, it is concerning that some of these programs have been adversely affected by the closure of institutions, budget cuts, underexpenditure and/or widespread layoffs. Such is the case of the 144 Helpline, the Acompañar (Support) program, the Access to Justice Centers, the Acercar Derechos (Narrowing Gaps in Access to Rights) program, among others.<sup>53</sup>

49. Moreover, high-rank officials have made statements denying the existence of gender-based violence, a dismissive stance that may incite violence against women, as in the brutal attack on a women human rights defenders.<sup>54</sup> In this context, the National Office of the Ombudsperson documented 147 femicide victims between January and June 2024, most of whom were killed by their partners or former partners.<sup>55</sup> Meanwhile, the civil society had recorded 212 femicides and 526 attempted femicides as of November 20, 2024.<sup>56</sup>

50. Similarly, according to information collected by the civil society, funding for key programs such as the National Plan for the Prevention of Unintended Pregnancy in Adolescence (ENIA Plan) and the Development of Responsible Sexual Health and Procreation Program has been suspended or reduced. Additionally, the Ministry of Health is reportedly failing to distribute supplies for the legal termination of pregnancy (ILE) or contraceptive methods. The civil society also reported barriers to accessing ILE services,

<sup>47</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, p. 22. In IACHR files; *Official Gazette of the Argentine Republic*, [Decree No. 451/2024](#), May 23, 2024.

<sup>48</sup> IACHR [CIDH], (June 11, 2024), #CIDH manifiesta preocupación por la eliminación del Ministerio de Mujeres, Géneros y Diversidades [X post], X, <https://x.com/CIDH/status/1800654013957808526>.

<sup>49</sup> Equipo Latinoamericano de Justicia y Género *et al.*, Request for thematic hearing “Current status of policies to prevent, punish, and eradicate gender-based violence,” 191<sup>st</sup> period of sessions, August 20, 2024, pp. 2 and 9.

<sup>50</sup> IACHR, thematic hearing “[Argentina: Current Status of Policies to Prevent, Punish and Eradicate Gender-Based Violence](#),” 191<sup>st</sup> period of sessions, November 15, 2024.

<sup>51</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, p. 22. In IACHR files.

<sup>52</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, pp. 22–28. In IACHR files; *Official Gazette of the Argentine Republic*, [Decree No. 735/2024](#), August 15, 2024.

<sup>53</sup> IACHR, thematic hearing “[Argentina: Current Status of Policies to Prevent, Punish and Eradicate Gender-Based Violence](#),” 191<sup>st</sup> period of sessions, November 15, 2024; Ministry of Justice, [Response to a request for access to public information submitted by Amnesty International Argentina](#), August 26, 2024, pp. 7–10; National Ministry of Justice, [Resolution No. 178/2024](#), June 6, 2024; Asociación Civil por la Igualdad y la Justicia (ACIJ) and Equipo Latinoamericano de Justicia y Género (ELA), [Presupuesto 2025. Una distribución injusta de los recursos para mujeres, niñas y adolescentes](#), October 10, 2024.

<sup>54</sup> Follow-up Mechanism to the Belém do Pará Convention (MESECVI) and IACHR, [Committee of Experts of MESECVI and IACHR Rapporteur on the Rights of Women condemn attack on Human Rights Defender in Argentina and express concern about guarantees of protection for women](#), April 10, 2024.

<sup>55</sup> National Office of the Ombudsperson, [Observatorio de Femicidios de la Defensoría del Pueblo de la Nación](#), June 30, 2024.

<sup>56</sup> Mujeres de la Matria Latinoamericana (MUMALÁ), National MUMALÁ Observatory, [Registro Nacional de Femicidios](#), November 20, 2024.

including the abusive use of conscientious objections, delays in providing care, refusal to address ILE cases involving advanced pregnancies and instances of violence and stigmatization on the part of the health staff.<sup>57</sup>

51. With regard to the rights of **persons in the context of human mobility**, the Commission highlights the adoption of Provision No. 388 of September 5, 2024, by the National Directorate of Migration, which created a special framework for the regularization of Venezuelan migrants, as a positive development.<sup>58</sup> This measure reportedly benefits Venezuelans who were already in Argentine territory at the time of its coming into force, as well as those lacking valid travel documents who seek to enter the country. In particular, this provision allegedly facilitates access to the country through regular routes by providing flexible options for verifying identity and guaranteeing a legal residence permit of at least two years for those who meet the requirements.

52. Furthermore, the composition of the National Commission for Refugees (CONARE) was modified on September 12, 2024, by means of Decree No. 819, under which the representative of INADI — dissolved pursuant to Decree No. 696 of August 5, 2024— was replaced with a representative of the Ministry of Security.<sup>59</sup> Decree No. 819, issued (allegedly) under a law declaring a public administrative emergency and delegating legislative powers to the executive branch, justified this reform on the alleged need to adopt “urgent state measures” in this area.<sup>60</sup>

53. Subsequently, Decree No. 942 of October 21, 2024, introduced amendments to Law No. 26,165,<sup>61</sup> which were focused on procedural guarantees and grounds for exclusion in international protection proceedings. In particular, it eliminated review instances and reduced the time frame for filing appeals against decisions that deny, terminate or revoke the status of refugee. Moreover, Decree No. 942 classifies as criminal offenses certain conducts that are not explicitly defined as unlawful under national legislation, thus enabling the State to refuse protection even when an asylum seeker has merely been accused. These reforms contravene the principle of presumption of innocence and, by laying down vague or indeterminate criminal criteria, fail to demonstrate the existence of circumstances of sufficient gravity to render such measures proportional, objective and legitimate.

54. With respect to **human trafficking**, the aforementioned Provision No. 388/2024, under which the Special Framework for the Regularization of Migrants Born in the Bolivarian Republic of Venezuela was created, may help reduce the vulnerability of these people, thereby decreasing their risk of becoming potential victims of human trafficking.<sup>62</sup> The government also enacted the Law on Labor Inclusion for Victims of Human Trafficking which had been passed by the Legislature of the Province of Tierra del Fuego and Southern Atlantic Islands.<sup>63</sup> This law aims to provide paid job training for victims of human trafficking who have no prior work or academic experience.

55. With regard to the rights of **children and adolescents**, according to official records, 30 percent of households were unable to afford the basic food basket in the first quarter of 2024, leading to a rise in the number of children and adolescents experiencing poverty and food insecurity. Furthermore,

<sup>57</sup> IACHR, thematic hearing “[Argentina: Current Status of Policies to Prevent, Punish and Eradicate Gender-Based Violence](#),” 191<sup>st</sup> period of sessions, November 15, 2024; Equipo Latinoamericano de Justicia y Género *et al.*, Request for thematic hearing on the “Current status of policies to prevent, punish and eradicate gender-based violence,” 191<sup>st</sup> period of sessions, August 20, 2024; ACIJ *et al.*, [Plan ENIA en riesgo](#), May 28, 2024; *Ámbito*, “[Alerta por el Plan de prevención del Embarazo No Intencional Adolescente \(ENIA\)](#),” April 27, 2024; *El Diario AR*, “[San Isidro: advierten que no se está garantizando el derecho al aborto en el Hospital Materno Infantil](#),” November 5, 2024.

<sup>58</sup> National Directorate of Migration of Argentina, [Provision No. 388/2024](#), September 5, 2024.

<sup>59</sup> National Institute Against Discrimination, Xenophobia, and Racism (INADI), [Decree No. 696/2024](#), August 5, 2024.

<sup>60</sup> National Congress of Argentina, [Law on Principles and Baselines for the Freedom of Argentine People No. 27.742](#), July 8, 2024.

<sup>61</sup> National executive branch of Argentina, [Decree No. 942/2024](#), October 22, 2024.

<sup>62</sup> National Directorate of Migration of Argentina, [Provision No. 388/2024](#), September 5, 2024.

<sup>63</sup> Government of Argentina, “[Tierra del Fuego ya cuenta con una Ley de Inclusión Laboral para Víctimas de Trata](#),” February 8, 2024.



challenges persisted with regard to the continuation of food delivery programs and secure funding for community and school canteens.<sup>64</sup>

56. In addition, as of September 2024, the State had recorded 14 legislative initiatives to lower the age of criminal responsibility, with some proposals suggesting a reduction to as low as 12 years of age. Among these initiatives, there was a bill aimed at reforming National Law No. 22,278, known as the Criminal System for Minors. Moreover, pending initiatives seek to increase prison sentences for this population, with penalties potentially reaching up to 20 years of imprisonment.<sup>65</sup>

57. Regarding **persons deprived of liberty**, the National Committee to Prevent Torture (CNPT), together with other national mechanisms to prevent torture in the region, adopted both the Declaration of San José aimed at institutional strengthening and networking, and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>66</sup> Additionally, according to a CNPT report published in 2024, mass incarceration practices are reportedly in place in the country, which consist in using pretrial detention and denying requests for alternative measures and early release from prison.<sup>67</sup>

58. In this context, the country is reportedly considering adopting a criminal and penitentiary policy that may violate the rights of persons accused or convicted of crimes.<sup>68</sup> In addition, temporary facilities such as police stations or police detention centers are reportedly still being used as permanent detention sites. According to data collected by academic institutions, in 7 out of all 24 Argentina's jurisdictions, the provincial rate of confinement in police stations was over 30 percent.<sup>69</sup> Among these, the provinces of La Pampa, Tucumán and Santiago del Estero had the highest rates with 61.40 percent, 51.86 percent and 50.41 percent, respectively.<sup>70</sup>

59. Furthermore, the number of individuals detained in police stations in the city of Buenos Aires has reportedly increased by nearly 47 percent in one year. In response, the city government announced measures including the implementation of electronic ankle bracelets in cases of house arrest, the deportation of migrants who have committed crimes, the construction of new detention centers and the installation of detention modules in police stations.<sup>71</sup> However, these modules reportedly fail to ensure detention conditions compatible with human dignity, inasmuch as, according to official records, they consist of "conditioned metal structures" located in "yards or parking lots."<sup>72</sup>

60. With regard to the fight against torture, during the first quarter of 2024, the National Office of the Prison Ombudsman (PPN) documented 77 cases of torture and ill-treatment and filed 34 criminal complaints related to these cases. In addition, investigations were conducted into the deaths of six people who

<sup>64</sup> Office of the Ombudswoman for the Rights of Children and Adolescents, *Características generales de la población de niñas, niños y adolescentes en Argentina Desafíos en la garantía de sus derechos*, September, 2024. In IACHR files; ACIJ, "[La respuesta a la crisis alimentaria infantil no puede esperar](#)," February 12, 2024; UNICEF, "[Aumentó la indigencia en la infancia: cada vez más chicas y chicos viven en la pobreza extrema](#)," March 12, 2024; UNICEF, "[10 millones de niñas y niños consumen menos carnes y lácteos por falta de ingresos](#)," June 11, 2024.

<sup>65</sup> Office of the Ombudswoman for the Rights of Children and Adolescents, *Características generales de la población de niñas, niños y adolescentes en Argentina Desafíos en la garantía de sus derechos*, September, 2024. In IACHR files. See also: Fundación Sur Argentina, *Análisis técnico del Proyecto del Poder Ejecutivo de Régimen Penal Juvenil*, August, 2024; Red de Jueces Penales de la Provincia de Buenos Aires, "[Baja de la edad de imputabilidad: pronunciamiento de la red](#)," February 12, 2024.

<sup>66</sup> Committee for the Prevention of Torture (CPT) of Chile, *Declaración de San José para el fortalecimiento institucional y el trabajo en red* and *Acción global por los derechos de las personas con discapacidad en privación de libertad*, May 10, 2024.

<sup>67</sup> National Committee to Prevent Torture (CNPT) of Argentina, *Informe anual 2023*, May 2024, pp. 15–16, 18–20.

<sup>68</sup> See: CNN, "[Análisis | ¿Qué busca Argentina en el 'modelo Bukele' de seguridad?](#)," June 19, 2024; *El Debate*, "[La ministra de Seguridad argentina visita a Bukele para importar su método de lucha contra el crimen](#)," June 17, 2024; *Infobae*, "[Patricia Bullrich: 'Nos interesa adaptar el modelo de Bukele'](#)," February 5, 2024.

<sup>69</sup> This term refers to the percentage of people detained by the province who are held in police stations.

<sup>70</sup> Instituto de Estudios Comparados en Ciencias Penales y Sociales, *Ránking provincial de personas encerradas en comisarías*, August 2024, p. 2.

<sup>71</sup> Jorge Macri [@jorgemacri], (May 3, 2024), MEDIDAS PARA MEJORAR LA SEGURIDAD La situación actual en las comisarías y alcaidías de nuestra Ciudad exige una acción inmediata que garantice la seguridad de los porteños [X post], X, <https://x.com/jorgemacri/status/1786370124099866887>.

<sup>72</sup> Government of the City of Buenos Aires, "[Cómo son los nuevos módulos para alojar a los detenidos en la Ciudad](#)," May 6, 2024.

were held in custody by the Federal Penitentiary Service, as well as into the deaths of four individuals who had been detained under federal court orders in prisons or police stations managed by provincial authorities or the city of Buenos Aires.<sup>73</sup>

61. In terms of progress regarding the situation of **Afro-descendants and the fight against racial discrimination**, the State reported that it provided support to Roma communities that participated in activities held by the National Congress, which is currently studying bills introduced in 2023 aimed at guaranteeing their rights through recognition and reparation.<sup>74</sup> Civil society organizations reported that the State had failed to take action to provide funding for public policies and protection measures aimed at Afro-descendants.<sup>75</sup>

62. As regards the human rights of **LGBTI persons**, in March 2024, the Argentine justice system convicted 11 individuals for crimes against humanity that were committed during the last military dictatorship. Among the victims of these crimes were eight trans women.<sup>76</sup> In its reasoned judgment, the First Federal Oral Criminal Court of La Plata recognized the systemic nature of the persecution and repression of trans women, which sought to establish a generic and hegemonic sex model.<sup>77</sup>

63. Similarly, in October 2024, the Second Oral Criminal Court of La Plata convicted an individual for the aggravated homicide of Tehuel de la Torre, a young transgender man who disappeared in 2021 and was presumed dead by the Argentine authorities. The conviction was based on the hate motivations of the crime.<sup>78</sup> Furthermore, in October, the Argentine justice system acquitted LGBTI activist Pierina Nochetti of charges related to painting a mural with the phrase “Where is Tehuel?” in Necochea.<sup>79</sup> Activists had raised concerns about the potential use of this case to criminalize social protest and freedom of expression.<sup>80</sup>

64. Media outlets and civil society organizations reported that high-rank officials issued stigmatizing statements against diverse gender identities and the gender perspective.<sup>81</sup> Additionally, the authorities announced restrictions on the application of the Gender Identity Law for persons deprived of liberty,<sup>82</sup> and terminated the employment contracts of at least 90 trans persons who held positions in the public sector.<sup>83</sup>

65. A 2024 report published by the National Observatory of Hate Crimes Against the LGBT+ Persons revealed that at least 133 crimes motivated by the sexual orientation, gender identity and/or gender

<sup>73</sup> National Office of the Prison Ombudsperson (PPN), [Boletín estadístico Número 30 - 1er Trimestre 2024](#), July 3, 2024.

<sup>74</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, p. 28. In IACHR files.

<sup>75</sup> Diáspora Africana de la Argentina (African Diaspora of Argentina), [Llamado a contribuciones a la sociedad civil para el Consejo de Derechos Humanos de las Naciones Unidas](#), April 5, 2024; Página 12, [La violencia Avanza](#), March 16, 2024.

<sup>76</sup> *Tiempo Argentino*, [“Juicio Brigadas: un fallo histórico que reconoce la persecución a mujeres trans en la dictadura,”](#) March 27, 2024; *El País*, [“La Justicia argentina reconoce a personas trans como víctimas de delitos de lesa humanidad en un fallo histórico,”](#) March 27, 2024.

<sup>77</sup> National judiciary, First Federal Oral Criminal Court of La Plata, Reasoned Judgment announced on March 26, 2024, File No. FLP 737/2013/T01, Minicucci, Federico *et al.*, July 5, 2024.

<sup>78</sup> *Agencia Presentes*, [“Juicio por Tehuel: la sentencia condenó a Ramos por homicidio agravado por odio a la identidad de género,”](#) August 30, 2024; *Revista Pensamiento Penal*, [“Caso Tehuel: condena por homicidio agravado por odio a la identidad de género y a la orientación sexual,”](#) September 2, 2024.

<sup>79</sup> *Página 12*, [“Absolución para Pierina Nochetti, la activista lgbti enjuiciada por un grafitti,”](#) November 1, 2024.

<sup>80</sup> *Agencia Presentes*, [“Juicio contra Pierina Nochetti por pintar un mural: el municipio propuso una conciliación,”](#) October 30, 2024; Amnesty International, [“En un mismo país, Argentina, dos historias se entrelazan revelando la lucha constante por la justicia y la igualdad,”](#) May 17, 2024.

<sup>81</sup> *Clarín*, [“Mariano Cúneo Libarona: ‘Rechazamos la diversidad de identidades sexuales que no se alinean con la biología,’](#) August 28, 2024.

<sup>82</sup> Office of the President of the Argentine Republic, [“Javier Milei anunció el fin de la utilización de la Ley de Género para lograr un traslado de penal,”](#) November 26, 2024; *La Unión*, [“Milei prohibirá que los presos se trasladen de penal por cambio de género,”](#) November 26, 2024.

<sup>83</sup> *CNN Argentina*, [“¿Cómo afectan los despidos generalizados del Gobierno de Milei a la población trans y no binaria argentina?”](#) April 30, 2024; *Página 12*, [“El gobierno despidió a más de 90 personas trans de la administración pública,”](#) April 6, 2024.



expression of the victims had been committed during the previous year,<sup>84</sup> including an arson attack against three lesbian women, which claimed the lives of two of them. This crime was condemned by the Commission.<sup>85</sup>

66. With regard to **memory, truth and justice** processes, the Argentine State reported that, between 2006 and September 2024, the Office of the Ombudsperson for Crimes Against Humanity recorded 328 judgments on crimes against humanity committed during the dictatorship, resulting in 1,187 convictions and 192 acquittals. The State added that 278 proceedings remain ongoing, with 379 persons being prosecuted, 70 awaiting decisions on their procedural status and 467 facing charges and awaiting trial.<sup>86</sup> As stated above, among these cases is the one in which the Argentine justice system recognized eight trans persons as victims of these crimes for the first time.<sup>87</sup> Furthermore, the State signed the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes.<sup>88</sup>

67. Despite the progress made, civil society organizations expressed concerns over serious setbacks ranging from the weakening of litigation capabilities in cases of crimes against humanity to the closure of programs and specialized institutional spaces. In particular, they reported the dismissal of officials from the Secretariat of Human Rights who were responsible for institutional complaints and victim assistance in cases of crimes against humanity, as well as the cancellation of the Collective Memory and Social Inclusion Program, under which audiovisual records of the trials related to such crimes were created. Moreover, the organizations reported the dissolution of the Special Investigation Unit of the National Commission for the Right to Identity (CONADI), which conducted administrative investigations focused on possible cases of child abduction during the dictatorship. These organizations added that the 2025 budget allocated to the National Genetic Data Bank had been reduced, thus impacting the predictability of its operation. For its part, the State informed that these reforms aim to avoid the duplication of efforts in the context of the economic crisis and guaranteed its commitment to the trials for crimes against humanity and to preserving archives and remembrance sites.<sup>89</sup>

68. In addition to the foregoing, the State disbanded the Armed Forces Documentary Survey and Analysis Team as well as the Joint Committee on Intelligence Documents, both of which had been instrumental in the reconstruction of state archives related to human rights violations. In parallel, the Ministries of Defense and Security refused to respond to the requests for information submitted by the CONADI.<sup>90</sup> The State justified these institutional reforms as necessary to prevent the duplication of efforts in the context of the economic crisis and asserted that only the Public Prosecutor's Office and the judiciary may request information for investigating crimes against humanity.<sup>91</sup>

69. In turn, civil society organizations reported a reduction in the budget of the Secretariat of Human Rights, which allegedly jeopardizes the continued existence of eight remembrance sites that rely on

<sup>84</sup> National Observatory of Hate Crimes Against the LGBT+ Population, *Informe 2023*, 2024; *Página 12*, “En 2023 hubo 133 crímenes de odio,” May 10, 2024.

<sup>85</sup> IACHR [@CIDH], (May 15, 2024), #Argentina: #CIDH condena el ataque incendiario contra cuatro mujeres lesbianas, en el que se afectaron sus derechos a la vida y a la integridad personal [X post], X, <https://x.com/CIDH/status/1790810883867750483>.

<sup>86</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024, October 10, 2024, pp. 17-18.

<sup>87</sup> *El País*, “La Justicia argentina reconoce a personas trans como víctimas de delitos de lesa humanidad en un fallo histórico,” March 26, 2024.

<sup>88</sup> Ministry of Foreign Affairs, International Trade and Worship of Argentina, Press Release No. 084/24, “La Argentina firmó la Convención de Liubliana/La Haya sobre cooperación internacional en la investigación y enjuiciamiento de crímenes de genocidio, de lesa humanidad, de guerra y otros crímenes internacionales,” February 15, 2024.

<sup>89</sup> IACHR, thematic hearing “Argentina: Impact of Memory, Truth and Justice Policies on Human Rights,” 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024.

<sup>90</sup> IACHR, thematic hearing “Argentina: Impact of Memory, Truth and Justice Policies on Human Rights,” 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024.

<sup>91</sup> IACHR, thematic hearing “Argentina: Impact of Memory, Truth and Justice Policies on Human Rights,” 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024.

state funding, thus leading to staff layoffs.<sup>92</sup> According to the information received, all these measures have been implemented in the context of official statements, even from the highest-rank government authorities, which downplay, deny or vindicate the serious human rights violations committed during the dictatorship. In addition, stigmatization campaigns were reportedly mounted against organizations advocating for memory, truth, justice and reparations in the country.<sup>93</sup> Furthermore, the Commission voiced its concern over Bill No. 2,434/23, currently pending before the National Congress, which seeks to establish a statute of limitations of 20 years to determine the criminal liability and advance on the criminal prosecution from the moment the State becomes aware of a crime in cases where a judgment has not become final. The bill fails to include provisions to exempt crimes against humanity from such statute limitations<sup>94</sup>.

70. With regard to the rights of **older persons**, the State created the Observatory of the Care System for Adults and Older Persons under the Ministry of Health.<sup>95</sup> Additionally, the city of Buenos Aires developed the Club+Simple application, which is designed to facilitate older persons' access to community integration and recreational events within a user-friendly digital environment.<sup>96</sup> In the field of health, access to vaccines for respiratory infections was improved.<sup>97</sup> In terms of housing, the Permanent Household Survey (EPH) revealed that 7.25 percent of individuals over the age of 60 in Argentina live in rented homes, which accounts for 6.58 percent of the total tenant population nationwide. It also underscored the barriers to access housing that older persons face due to the unavailability of mortgage options<sup>98</sup>.

71. In October, the Commission, through the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA), requested information from the Argentine State regarding the decline in the purchasing power provided by social security benefits. In its response, the State explained that the method currently in force for calculating retirement and pension allowances was established in Decree No. 274/24, which mandates a monthly adjustment based on the General Level of the National Consumer Price Index. According to the information provided, after the decree came into force, the cumulative inflation between April and September 2024 reached 33 percent; consequently, benefits were adjusted by 74 percent, leading to an increase of 31 percent in their actual value. The government also noted that the extraordinary pension bonus for low-income senior citizens continued to be paid to mitigate the negative effects of the previous system (Law No. 27,609)<sup>99</sup>.

72. Furthermore, the National Agency for Disability (ANDIS), which is currently under the National Ministry of Health, is responsible for designing, coordinating and implementing public policies related to **persons with disabilities**, as well as for promoting the full enjoyment of their rights.<sup>100</sup> The State informed that ANDIS Resolution No. 494/2024 set the starting date for the submission of projects to the Programs for Persons with Disabilities within the framework of the National Fund for the Social Inclusion of Persons with Disabilities (FONADIS). These programs include the Support Program for High Performance Athletes with Disabilities, which provides subsidies to athletes with disabilities for purchasing the equipment necessary for their sports activities; the Program to Strengthen Inclusive Productive Units, which offers financial support to productive units made up of persons with disabilities; and the Educational Inclusion Program, which aims to

<sup>92</sup> IACHR, thematic hearing "Argentina: Impact of Memory, Truth and Justice Policies on Human Rights," 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024; IACHR, thematic hearing "Regional: Impact of Attacks on Remembrance Sites on the Right to Memory, Truth and Justice," 190<sup>th</sup> period of sessions, online, July 11, 2024.

<sup>93</sup> IACHR, thematic hearing "Argentina: Impact of Memory, Truth and Justice Policies on Human Rights," 191<sup>st</sup> period of sessions, Washington, D.C., United States of America, November 14, 2024.

<sup>94</sup> Senate of the Argentine Republic, Bill No. 2434/23, "On the incorporation of paragraph 8 to Article 59 of Law No. 11,179, the Argentine Criminal Code, on the right to be tried within a reasonable time." See also: *El Observador*, "Escándalo en el bloque de la LLA: Lourdes Arrieta publicó un borrador de proyecto de ley para dejar en libertad a represores," August 26, 2024.

<sup>95</sup> *Consultor Salud*, "Nueva iniciativa en Argentina: Observatorio del Sistema de Cuidado para Adultos y Mayores," June 20, 2024.

<sup>96</sup> Computer Weekly, "Club+Simple, la app que busca integrar a los adultos mayores en Argentina," January 22, 2024.

<sup>97</sup> *Ámbito*, "La nueva vacuna clave para adultos mayores que llegó a la Argentina: de qué se trata," May 31, 2024.

<sup>98</sup> *Infobae*, "'Inquilinización': en 20 años se duplicó la cantidad de adultos mayores que alquilan en la Argentina," October 14, 2024.

<sup>99</sup> Communication from Argentina, NO-2024-11510488-APN-DNPSS#MCH, October 21, 2024.

<sup>100</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

improve the infrastructure of public or private schools and thus ensure the inclusion of persons with disabilities<sup>101</sup>.

### III. BAHAMAS

- **General considerations**

73. As it relates to **progress**, the IACHR welcomes the passage of the Ombudsman Act which will establish an Ombudsman's Office responsible for the promotion and protection of human rights. Moreover, the State's legislative efforts to reduce crime are noted including the introduction of the Bail Amendment and Anti-Gang Bills. The State's efforts to improve the situation of detainees is welcomed, in particular, the passage of the Immigration Detention Center Regulation.

74. In relation to **challenges**, the Commission notes an increase in homicides and worrying trends regarding gender-based violence. Additionally, the Commission notes that there has been no amendment to the law following the judicial decision in 2023 regarding statelessness.

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

- **Specific issues**

76. Regarding **democratic institutional**ity, the Commission notes allegations of corruption regarding high-ranking public officials. In November, several Bahamian government officials, including high-ranking members of the Royal Bahamas Police Force, were indicted in the United States in connection with their alleged participation in a massive illicit drug importation conspiracy.<sup>102</sup> Subsequently, the Prime Minister issued a statement assuring that the State will act decisively to investigate all those responsible for the alleged misconduct.<sup>103</sup> In December, the Prime Minister informed the House of Assembly that the Police Commissioner had tendered his resignation, and the Police Force will be reformed under new leadership.<sup>104</sup> Further, the government introduced into the House of Assembly the Independent Commission of Investigations Bill, 2024 which will provide for the establishment of an independent Commission to conduct investigations into serious allegations of criminal activity by members of the security forces and specified public officials.<sup>105</sup>

77. With respect to **human rights institutional**ity, the Commission observes the passage of the Ombudsman Act 2024.<sup>106</sup> As previously reported by the Commission, the Ombudsman will be responsible for the investigation of any administrative action of a State authority to determine whether there is evidence of maladministration or breach of fundamental rights on the part of the authority.<sup>107</sup> According to the Office of the Attorney General, the Office of the Ombudsman's primary role will be "promotion and protection of all human rights".<sup>108</sup> In October, the United Nations High Commissioner for Human Rights established its first dedicated regional office in The Bahamas, led by Michelle Brathwaite of Barbados. The office's creation was

<sup>101</sup> Report submitted by the Argentine Republic in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Diplomatic Note No. OEA 179, October 10, 2024.

<sup>102</sup> United States Attorney's Office, [U.S. Attorney Announces Cocaine Importation Charges Against Chief Superintendent Of Royal Bahamas Police Force And Other Bahamian Officials](#), November 27, 2024.

<sup>103</sup> Office of the Prime Minister of the Commonwealth of The Bahamas, [Prime Minister Davis's Communication to Parliament on the United States District Court Southern District of New York Indictment Regarding Bahamian Nationals and Officials](#), November 27, 2024.

<sup>104</sup> The Tribune, [Police Commissioner Clayton Fernander resigns](#), December 4, 2024; The Nassau Guardian, [Police Commissioner resigns](#), December 4, 2024.

<sup>105</sup> The Government of The Bahamas, [Independent Commission of Investigations Bill](#), December 4, 2024.

<sup>106</sup> The Government of The Bahamas, [Ombudsman Act 2024](#), March 12, 2024.

<sup>107</sup> IACHR, [Annual Report, Chapter IV.A "Bahamas"](#), 2023, para 75.

<sup>108</sup> The Government of The Bahamas, [Ombudsman Act 2024](#), March 12, 2024, section 7; [Ombudsman Bill 2024 will provide a forum where citizens can report mistreatment by government agencies](#), February 13, 2024. the Office of the Ombudsman's primary role will be "promotion and protection of all human rights."

driven by Caribbean Community (Caricom) states, with a resolution introduced by The Bahamas' Permanent Mission and endorsed by Caricom's Ministers of Foreign Affairs. The office will staff members in The Bahamas, Barbados, Belize, Guyana, Jamaica, Suriname, and Trinidad and Tobago.<sup>109</sup>

78. In relation to **citizen security**, the IACHR takes note of the State's efforts to reduce crime and an overall increase in homicides. In relation to its crime suppressing initiatives, the State has tabled the Bail Amendment and the Anti-Gang Bills, 2024. According to the State, the Bail Amendment Bill is an important tool in its crime prevention strategy which will allow the revocation of bail where a person while on bail commits an offence, interferes with a witness or fails to appear in court. The Bill has been passed in the House of Assembly.<sup>110</sup> Further, the State introduced the Anti-Gang Bill in the House of Assembly. The Bill, which targets organized crime, makes it an offence to be a member of an organized criminal group to engage in any related criminal activity.<sup>111</sup>

79. On the other hand, the Commission notes an increase in homicides in the State. According to public information, there were 119 homicides reported for 2024,<sup>112</sup> as compared to a total of 110 homicides reported in 2023,<sup>113</sup> which represents an approximately 8% increase in homicides. This represents a homicide rate of 28.8 per 100,000 inhabitants.<sup>114</sup>

80. Regarding **access to justice**, the IACHR notes the coming into force of the Court Services Act 2023 and the passage of the Trial by Judge Alone Bill 2024 in the House of Assembly. On July 1, 2024, the Court Services Act came into effect. According to the State, this Act aims to modernize and improve the efficiency of the judicial system with the creation of a Court Services Council which will manage all administrative matters of the Courts, provide training, education and support for judicial officers, among other duties.<sup>115</sup> Moreover, the Trial by Judge Alone Bill 2024 was passed in the House of Assembly in May.<sup>116</sup> According to the Bill, an accused person may waive their constitutional right to a jury trial in favor of a trial by a judge alone.<sup>117</sup>

81. Regarding the rights of **women**, the IACHR notes the establishment of a shelter for victims of domestic violence, worrying trends regarding gender-based violence and the existence of a significant wage gap compared to men. In October 2024, according to public information, the State acquired a new shelter for women victims of domestic violence, including their children.<sup>118</sup> A study conducted in the State and published this year revealed that 25.2% of Bahamian women have experienced physical or sexual violence during their lifetime, while 33.7% have been victims of psychological violence and 8.2% have suffered sexual violence by their partner.<sup>119</sup> Within this context, the Commission notes the repeated calls from civil society to make amendments to the Sexual Crimes Law to punish instances of marital rape.<sup>120</sup>

82. Moreover, the IACHR notes with concern reports of alleged sexual abuse against women by members of the Royal Bahamas Police Force. According to public information, at least five members were

<sup>109</sup> Jamaica Observer, [UN High Commission for Human Rights establishes Caribbean office](#), October 12, 2024.

<sup>110</sup> The Government of The Bahamas, [Second Reading of Bail \(Amendment\) Bill Tabled in the Senate](#), February 13, 2024; [Bail \(Amendment\) Bill 2024](#).

<sup>111</sup> Office of the Prime Minister of The Bahamas, ["ENOUGH IS ENOUGH" – Prime Minister Davis Champions Tough New Anti-Gang Legislation in the House of Assembly](#), April 17, 2024; The Government of The Bahamas, [Anti-Gang Bill](#), 2024.

<sup>112</sup> The Tribune, [Murder rate up 8% over prior year](#), January 2, 2025; The Nassau Guardian, [Two shot dead in barbershop](#), December 23, 2024.

<sup>113</sup> Royal Bahamas Police, [The State of Crime](#), January 2024.

<sup>114</sup> The IACHR calculated the homicide rate based on the State's population of 412,623 according to data from The World Bank, [Population, total – The Bahamas](#), 2023.

<sup>115</sup> The Government of The Bahamas, [Court Services Act 2023 Comes Into Effect](#), July 1, 2024; [Court Service Act 2023](#), December 29, 2023.

<sup>116</sup> The Tribune, [Trial by Judge Alone Bill passes in the House of Assembly](#), May 9 2024.

<sup>117</sup> The Government of The Bahamas, [Trial by Judge Alone \(Miscellaneous Provisions\) Bill](#), 2024.

<sup>118</sup> The Tribune, ["Violence shelter bought" - but few details given](#), October 2, 2024.

<sup>119</sup> The Nassau Guardian, [Data on violence against women a wake-up call](#), April 12, 2024.

<sup>120</sup> The Nassau Guardian, [Breaking Chains: The silence of the vows — Unveiling marital rape in The Bahamas](#), September 9, 2024; Eyewitness News, [Path towards criminalizing marital rape still unclear](#), April 13, 2024. The Nassau Guardian, [Crisis Centre presses for action on marital rape bill](#), April 18, 2024; IACHR, [Annual Report 2023](#), Chapter IVa, December 31, 2023, para. 80; IACHR, [Annual Report 2022](#), Chapter IVA, April 1, 2023, para. 70.

charged with several counts of rape for incidents that occurred in October 2024.<sup>121</sup> The Commission also notes the existence of a significant wage gap of 33% compared to men and a notable underrepresentation of women in management positions within the private sector.<sup>122</sup>

83. With respect to the rights of **persons in the context of human mobility**, the Commission continues to observe with concern the State's ongoing practice of deporting irregular migrants, notably Haitian nationals, without proper assessment of international protection needs. According to public information, in March, the Bahamas Department of Immigration and Ministry of National Security repatriated 263 Haitian migrants after their attempt to make landfall in the State.<sup>123</sup>

84. With regard to the prevention of **statelessness**, the Commission notes that there has been no amendment to the law following the judicial decision in 2023 regarding statelessness. In 2023, the Judicial Committee of the Privy Council, the State's highest court, ruled that all children born in The Bahamas can acquire Bahamian nationality at birth once one parent is Bahamian, regardless of the parents' marital status.<sup>124</sup> Despite this ruling, the laws which contained discriminatory provisions against women's ability to transfer nationality remained in force and had not been amended. In this context, the Prime Minister has stated that no legislative amendments were needed to enforce the decision of the Privy Council, and the rules of the passport offices have been amended.<sup>125</sup> The Commission understands that these measures do not address fully the decision of the Privy Council and no further information on how the ruling is being effectively implemented is available to the IACHR.<sup>126</sup>

85. Regarding **trafficking in persons**, the IACHR takes note of the 2024 Regional Trafficking in Persons Committee Forum, which was organized by the State in collaboration with the United Nations Office on Drugs and Crime. This Forum involved 14 participating Caribbean States and sought to advance screening methods and emphasize techniques for detecting trafficking cases.<sup>127</sup>

86. Regarding the situation of **people of African descent and against racial discrimination**, the situation of Haitian migrants raises concerns regarding human rights violations and ethnic discrimination. Human rights institutions and organizations have reported cases of discrimination and labor exploitation, including wages below the minimum, the withholding of work permits by employers, and ethnic-racial profiling by immigration authorities.<sup>128</sup>

87. Regarding the rights of **LGBTI people**, the Commission welcomes the holding of the first LGBTI pride march in the State in October 2024. This event, which was held peacefully, represented a significant advance in the visibility of sexual and gender diversity in The Bahamas. However, it is noted with

<sup>121</sup> Royal Bahamas Police Force, [Daily Crime Reports](#), October 21 2024; Royal Bahamas Police Force, [Daily Crime Reports](#), October 28 2024; Eyewitness News, [Women's rights activists cry shame on men accused of rape](#), October 26, 2024; Eyewitness, [Another officer charged with rape](#), October 29, 2024.

<sup>122</sup> Attiya Waris, Report of the Independent Expert on the Effects of Foreign Debt and Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, Particularly Economic, Social and Cultural Rights, Attiya Waris, January 31, 2024, para. 20.

<sup>123</sup> IACHR, [Annual Report, Chapter IV.A "Bahamas"](#), 2023, paras 81-82; Eye Witness News, [Govt will not suspend deportations to Haiti](#), March 21, 2024; [Repatriations continue for Haitian migrants](#), March 20, 2024; Inter-American Development Bank and Inter-American Investment Corporation, [IDB Group Country Strategy with The Commonwealth of The Bahamas \(2024-2028\)](#), February 2024.

<sup>124</sup> Judicial Committee of the Privy Council, [Attorney General v Shannon Tyreck and others \(Bahamas\)](#), Case ID JCPC/2022/0015, May 4, 2023. See also: IACHR, [Annual Report, Chapter IV.A "Bahamas"](#), 2023, paras 83.

<sup>125</sup> Eyewitness News, [No citizenship legislation coming after privy council ruling](#), September 20, 2024.

<sup>126</sup> IACHR, [Press Release No. 230/24](#), "IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region", September 27, 2024.

<sup>127</sup> United Nations, [Regional Trafficking in Persons Committee \(TIPCOM\) Forum to Focus on Enhancing Screening and Best Practices in the Caribbean](#), July 19, 2024.

<sup>128</sup> United States Department of State, Bureau of Democracy, Human Rights and Labor, [Country Reports on Human Rights Practices for 2023 – The Bahamas](#), April 22, 2024.



concern that participants faced insults and ridicule from some spectators during the march, reflecting the persistence of attitudes of discrimination towards the LGBTI population.<sup>129</sup>

88. Note is also taken of the challenges faced by LGBTI people and people with disabilities in the country, especially in the context of migration. Recent reports indicate that migrants are particularly exposed to discrimination in various areas, which limits their access to basic services and opportunities for social integration.<sup>130</sup> A worrying case is the disappearance in June 2024 of Taylor Casey, a transgender human rights defender originally from Chicago.<sup>131</sup>

89. As for **persons deprived of liberty**, the Commission observes the State's efforts to improve the situation of detainees. In particular, it values the passing of the Immigration Detention Center Regulation in December 2023, which seeks to establish domestic standards for the administration of detention centers in line with international human rights standards.<sup>132</sup>

90. In addition, the IACHR takes note of the State's plans, expressed in September, to build a new detention facility focused on rehabilitation.<sup>133</sup> On the other hand, the IACHR expresses its concerns about the occupancy level of 161.7% of the State's prison system as of September 2024.<sup>134</sup>

91. In relation to the **death penalty**, the IACHR observes that the Bahamas has maintained a *de facto* moratorium in place. According to the World Coalition Against Capital Punishment, no executions have taken place since 2000, no one has been sentenced to death since this time, and nobody is currently under a sentence of death.<sup>135</sup>

#### IV. BARBADOS

- **General considerations**

92. As it relates to **progress**, the IACHR notes the establishment of a National Advisory Council on Citizen Security, the intention of the State to establish a National Gender Policy to address the prevalence of gender-based violence, and of significant efforts by the State in promoting the call for reparations for people of African descent. The Commission also highlights the technical cooperation and promotional visit to the State in October.

93. With regards to **challenges**, the Commission notes with concern the increase in homicides and high levels of domestic and sexual violence against women. Moreover, the IACHR takes note that discriminatory provisions against women's ability to transfer nationality to daughters and sons remain in force in the State.

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

<sup>129</sup> The Tribune, [First gay pride march safely held but participants faced onlookers' jeers](#), October 15, 2024.

<sup>130</sup> Eyewitness News, [REPORT: LGBTQ+, migrants and people with disabilities face significant discrimination in The Bahamas](#), March 25, 2024.

<sup>131</sup> Blade, America's LGBTQ News Source, [Black transgender woman from Chicago disappears in the Bahamas](#), July 11, 2024.

<sup>132</sup> The Bahama Journal, [New Immigration and Detention Regulations](#), December 1, 2024; and Eyewitness News, [Sears insists Detention Center using best practices](#), August 10, 2024.

<sup>133</sup> Eyewitness News, [Plans for new correctional facility shaping up](#), September 16, 2024.

<sup>134</sup> World Prison Brief, [Bahamas](#), May 2023. Last visited: October 2024. Also, see: Statista, [Prison occupancy rates in the Caribbean as of 2024, by country](#), September 2024.

<sup>135</sup> World Coalition Against the Death Penalty, [Bahamas](#), May 23, 2023. Last visited: October 2024.

- **Specific issues**

95. In relation to **democratic institutional**ity, the IACHR notes the submission of the final Report by the Parliamentary Reform Commission and the Constitutional Reform Commission.<sup>136</sup> The Parliamentary Reform Commission has recommended the introduction of National Members of Parliament. According to the Report, these National Members of Parliament will not represent a specific constituency but instead represent the interests of the entire populace and be empowered to advocate in Parliament on national policy issues. Further, the Report recommended increasing the number of Opposition Senate seats from two to five and the introduction of an intermittent progress report on all legislation passed but not yet proclaimed in order to promote the Executive's accountability to Parliament.<sup>137</sup>

96. In addition, following public consultations which commenced in 2022, the final report of the Constitutional Reform Commission prescribes the expansion of the fundamental rights and freedoms to include, in particular, the right to work, to access information held by the State, to fair and just administrative action, to vote and to stand for election, as well as the establishment of a National Human Rights Commission which would raise awareness about human rights as well as receive and investigate alleged human rights violations.<sup>138</sup> According to public information, the reports of both Commissions will be the subject of public consultation.<sup>139</sup>

97. Concerning **human rights institutions**, in October the IACHR conducted a technical cooperation and promotional visit to Barbados. This visit focused on promoting the Inter-American System of Human Rights, strengthening the Commission's relations with the country to increase collaboration in human rights and promoting technical cooperation mechanisms and capacity building for the State, civil society and other non-state actors.<sup>140</sup>

98. With respect to **citizen security**, the Commission highlights the passage of the new Bail Act in July which repeals the previous law relating to the granting of bail within criminal matters. This new law increases the age under which a person is considered a child from 14 years to 18 years, expands the grounds and factors for refusing bail, and places the burden onto the accused to prove that bail should be granted.<sup>141</sup> Further, the IACHR notes the establishment of a National Advisory Council on Citizen Security, whose mandate includes multi-sectoral consultations on solutions to the crime situation and the proposal for the establishment of a Serious Organized Crime Unit.<sup>142</sup>

99. According to public information, the State recorded 50 homicides in total in 2024, compared to 21 homicides recorded in total in 2023, which represents an approximate 138.09% increase.<sup>143</sup> This indicates that the State's homicide rate was 17.71 per 100,000 inhabitants.<sup>144</sup>

100. Regarding **access to justice**, the IACHR observes the efforts to improve the justice system through the launch of a new Court Case Management System in the Magistrate's Courts which is expected to assist with modernizing the justice system and reducing some of the existing delays in the administration of

<sup>136</sup> Barbados Government Information Service, [Parliamentary Reform Commission Presents Report to President](#), July 22, 2024; Barbados Government Information Service, [CRC Hands over Report to President of Barbados](#), September 30, 2024.

<sup>137</sup> Parliamentary Reform Commission, Report 2024, June 27, 2024, para 3.19-3.25.

<sup>138</sup> IACHR, [Annual Report, Chapter IV.A "Barbados"](#), 2022, para. 87; Report of the Constitutional Reform Commission 2024, September 16, 2024.

<sup>139</sup> Barbados Today, [Barbadians to weigh in on reform recommendations this month](#), November 2, 2024.

<sup>140</sup> IACHR, [Press Release No. 256/24](#), "IACHR concludes technical cooperation and promotional visit to Barbados", October 18, 2024.

<sup>141</sup> Parliament of Barbados, [Bail Act, 2024](#), sections 2 and 6, July 30, 2024.

<sup>142</sup> Barbados Government Information Service, [PM announces new National Advisory Council on Citizen Security](#), September 19, 2024; Barbados Government Information Service, [Serious Organised Unit Coming To Tackle Crime](#), July 8, 2024.

<sup>143</sup> Caribbean Broadcasting Cooperation, [Police correct 'inaccurate' report of murder statistics](#), January 9, 2025; Nation News, [Year in Review: A drop in crime](#), January 15, 2024.

<sup>144</sup> The IACHR calculated the homicide rate based on the State's population of 282, 336 according to data from The World Bank. [The World Bank, Population – total Barbados](#), 2023; Barbados Today, [We can't continue on this path, says AG](#), December 12, 2024.



justice.<sup>145</sup> Further, in August, the State passed the Criminal Justice (Plea Negotiations and Agreements) Bill which aims to provide for plea negotiations and plea agreements between the accused and prosecutor in criminal cases and will assist in expediting the criminal justice process.<sup>146</sup> The Commission also highlights the new Sentencing Guidelines of the Barbados Supreme Court which were released in May to help ensure consistency and fairness in the sentencing of offenders by prescribing a detailed sentencing process for judges and magistrates.<sup>147</sup>

101. Concerning the rights of **children**, the Commission welcomes the passage of the Child Protection Act in May to safeguard children from abuse and neglect, provide for children in need of care and protection and to promote overall child welfare.<sup>148</sup> The IACHR also acknowledges the reestablishment of the National Child Labour Committee and its efforts to drive and guide national initiatives aimed at preventing and eliminating all forms of child labor in Barbados.<sup>149</sup>

102. With regard to the rights of **women**, the Commission takes note of the announcement of a study on the prevalence of gender-based violence on the island.<sup>150</sup> This study will accompany the proposed creation of the National Gender Policy which will be delivered to the Government by March 2025.<sup>151</sup> However, the Commission notes with concern the prevalence of domestic and sexual violence against women.<sup>152</sup> According to public information made available in 2024, there were 572 cases of domestic violence in 2023, a 21% increase compared to 471 cases in 2022. Of these reports, 55% of the incidents were related to physical assault.<sup>153</sup> Moreover, between January and June, there were 22 rapes reported<sup>154</sup> and civil society reported a 30% increase in calls to crisis lines.<sup>155</sup>

103. In relation to the rights of **persons in the context of human mobility**, the IACHR notes the State's intention to enact a new Immigration Bill. According to public information, this new Bill, which will replace the Immigration Act of 1976, is to be tabled in Parliament before the end of 2024.<sup>156</sup> However, the IACHR was not informed of the content of the bill and as of the date of writing this report, the Bill is yet to be laid in Parliament.

104. With regards to **statelessness**, the Commission notes that laws containing discriminatory provisions against women's ability to transfer nationality to daughters and sons remain in force in the State but also takes note of the recommendation of the Barbados Constitutional Reform Commission to address gender discrimination in relation to citizenship.<sup>157</sup> In its final report, the Reform Commission recommended the removal of all gender discrimination in citizenship provisions of the laws and the conferral of citizenship on an equal basis regardless of sex.<sup>158</sup>

<sup>145</sup> Barbados Government Information Service, [United States & Barbados Partner To Improve Court System Efficiency](#), March 25, 2024.

<sup>146</sup> Parliament of Barbados, [Criminal Justice \(Plea Negotiations and Agreements\) Bill, 2024](#), June 24, 2024.

<sup>147</sup> Barbados Government Information Service, [Sentencing Guidelines: Delivering Fairness & Justice in Barbados](#), May 15, 2024.

<sup>148</sup> The Barbados Parliament, [Children Protection Act, 2024](#), May 29, 2024.

<sup>149</sup> Ministry of Labour, Barbados, Press Release, "[Message by the Hon. Colin E. Jordan, M.P. Minister of Labour, Social Security and the Third Sector for World Day Against Child Labour 2024](#)", June 12, 2024.

<sup>150</sup> CBC, [Effort to address gender-based violence in Barbados](#), November 25, 2024.

<sup>151</sup> St Kitts & Nevis Observer, [Barbados Setting The Pace On Updating Gender Laws](#), November 26, 2024; IACHR, Annual Report, [Chapter IV.A "Barbados"](#), 2023, para. 99.

<sup>152</sup> Barbados Today, [Spike in domestic violence despite drop in serious crime](#), March 14, 2024; Barbados Today, [Rape stats intensify calls to end gender-based violence](#), November 26, 2024.

<sup>153</sup> Barbados Today, [Spike in domestic violence despite drop in serious crime](#), March 14, 2024.

<sup>154</sup> Barbados Today, [Crime in decline despite surge in slayings, police report](#), June 15, 2024.

<sup>155</sup> CBC, [Effort to address gender-based violence in Barbados](#), November 25, 2024.

<sup>156</sup> Loop News, [Budget 2024: New Immigration Bill coming this year](#), March 18, 2024.

<sup>157</sup> IACHR, Press Release No. 230/24, [IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region](#), September 27, 2024; Barbados Government Information System, [CRC Report, Pocket Guide & Draft Constitution Bill 2024](#), November 21, 2024.

<sup>158</sup> Barbados Government Information System, [CRC Report, Pocket Guide & Draft Constitution Bill 2024](#), November 21, 2024.

105. Regarding the situation of **people of African descent and against racial discrimination**, the State has undertaken significant efforts calling for a reparations agenda linked to the period of slavery. The Commission notes that the Prime Minister requested that Caribbean countries be included in the Church of England's reparations plan due to its role in the transatlantic slave trade.<sup>159</sup> Additionally, the State decided to halt the acquisition of a former slave plantation, owned by a British conservative Parliamentarian, in response to civil society demands urging the owner to transfer the land to the State as a gesture of reparations for historical injustices.<sup>160</sup>

106. With respect to the rights of **LGBTI persons**, the Commission notes statements made in October by high-level public officials in favor of the use of gender-neutral language by amending the Sexual Offences Act. The inclusion of such a perspective regarding gender would aim to ensure the protection of all persons against sexual offences, regardless of their gender identity.<sup>161</sup> In addition, the IACHR notes with concern the ruling of the Employment Rights Tribunal of Barbados, issued in August, which dismissed the complaint of an unjustified termination of employment brought by a transgender woman against her employer. The Tribunal ruled that there was no standing to allege gender discrimination since transgender persons are not recognized under the laws of the State.<sup>162</sup>

107. With respect to the rights of **persons deprived of liberty**, the Commission takes note of the State's continuous efforts during 2024 to attain food security and improve the health of inmates through food production programs in the national prison system. This includes the installation of a new water irrigation system and other infrastructure.<sup>163</sup>

108. In relation to the **death penalty**, the Commission notes that no executions have been carried out since 1984.<sup>164</sup> According to the most updated information, as of May 2023, there were six individuals under the sentence of death.<sup>165</sup>

## V. BELIZE

### • General considerations

109. As it relates to **progress**, the IACHR highlights the proposed expansion of the Ombudsman's Office's mandate to include the protection and promotion of human rights, the passage of several pieces of legislation aimed at reforming the criminal justice system and the passage of the Marriage Amendment Bill which raises the age of legal marriage to 18. Further, the Commission notes the approval of the National Gender Policy and proposed legislative reform regarding sexual harassment in the State. Further, the Commission highlights the technical cooperation and promotional visit to the State in October.

110. As it relates to **challenges**, the Commission notes with concern an increase in homicides and the continued reliance on States of Emergency (SOE). Moreover, the IACHR highlights high levels of complaints regarding gender-based violence and restrictive regulations regarding abortion, and reports of the mistreatment of persons deprived of liberty that include the use of isolation as a form of punishment.

<sup>159</sup> The Voice UK, [Mia Mottley slams 'unacceptable' exclusion of the Caribbean in church reparations plans](#), October 1, 2024.

<sup>160</sup> Reuters, [Barbados 'pauses' acquisition of former slavery plantation owned by Tory MP](#), April 24, 2024.

<sup>161</sup> Barbados Today, [Abrahams defends gender-neutral amendments to Sexual Offences Act](#), October 9, 2024.

<sup>162</sup> Loop Caribbean News, [Barbados: Tribunal rules against transgender dismissal by law firm](#), August 13, 2024; Barbados Today, [Right bodies back ERT's dismissal of transgender case](#), August 15, 2024.

<sup>163</sup> Barbados Today, [Prison gets closer to food self-sufficiency goal](#), September 17, 2024. Also see: Caribbean Broadcasting Corporation, [Efforts on to make Dodds Prison self-sufficient](#), November 24, 2023; and Barbados Today, "Prison on mission to boost food security", September 22, 2022.

<sup>164</sup> World Coalition Against the Death Penalty, [Barbados](#), May 23, 2023. Last visited: October 2024.

<sup>165</sup> World Coalition Against the Death Penalty, [Barbados](#), May 23, 2023. Last visited: October 2024.

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

- **Specific issues**

112. In relation to **democratic institutional**ity, the IACHR takes note of the tabling of the Representation of the People Amendment Bill, 2024 in the House of Representatives of the Belizean Parliament. This Bill proposes to give effect to the Redivision Report of the Elections and Boundaries Commission by varying boundaries and removing and creating electoral divisions.<sup>166</sup> Civil society has expressed opposition to the redistricting proposed by the Bill and have called for it to be rejected by the Parliament. At the time of writing this report, the Bill was before the Public Service House Committee.<sup>167</sup>

113. With regards to **human rights institutions**, the Commission welcomes the approval granted by the government for the restructuring of the Ombudsman's Office, which includes expanding its mandate "to protect and promote human rights as set out in the Paris Principles and its General Observations". Further, the IACHR notes the intention of the government to establish a National Human Rights Institution in line with its commitment under the human rights treaties signed by Belize.<sup>168</sup>

114. Further, in October the IACHR conducted a technical cooperation and promotional visit to Belize. This visit focused on promoting the Inter-American System of Human Rights, technical cooperation mechanisms and capacity building, strengthening the Commission's relations with the country to increase collaboration in human rights, as well as conducting meetings to gather information relevant to the State's progress with Case 12.053 on the Maya Indigenous communities in Toledo.<sup>169</sup>

115. In December, Belize officially joined the Inter-American Convention on the Protection of Human Rights of Older Persons by depositing its accession document with the Organization of American States General Secretariat. During the deposit ceremony, Belize's Permanent Representative to the OAS, emphasized the country's commitment to human rights at all life stages, promoting dignity and inclusivity for older adults.<sup>170</sup>

116. Regarding **citizen security**, according to the Belize Crime Observatory, there were 80 homicides reported for the period January to November 2024, which represented an approximately 2.5% increase as compared to the 78 homicides reported for the same period in 2023.<sup>171</sup> This represents a homicide rate of 19.4 per 100,000 inhabitants as of June 2024.<sup>172</sup>

117. With respect to the use of States of Emergency, in its 2023 Annual Report the Commission noted the use of an SOE in Belize City which ended in August 2023 and resulted in the detention of 25 persons.<sup>173</sup> In June 2024, the State again implemented an SOE in certain parts of the Belize and Cayo districts with the aim of suppressing increasing homicides and organized criminal activity. Under Article 18 of its Statute, the IACHR requested information from the State on this SOE particularly regarding the persons detained, specifically children.<sup>174</sup> In response, the State informed that 107 persons had been detained as of August 22, 2024 under the SOE, with 8 of those persons being children. Further, the State noted that all detainees,

<sup>166</sup> National Assembly of Belize, [Representation of the People Amendment Bill](#), 2024.

<sup>167</sup> Amandala, [House Committee hears objections to redistricting report](#), June 12, 2024; Breaking Belize News, [Opposition Leader, Peace Movement denounce proposed electoral bill: A "violation of fundamental rights"](#), June 11, 2024.

<sup>168</sup> Office of the Ombudsman of Belize, 2023 Annual Report, July 2024, pgs. 38 – 41.

<sup>169</sup> IACHR, [Press Release No. 268/24](#), "IACHR concludes visit to Belize", October 30, 2024.

<sup>170</sup> Organization of American States, [Belize Joins the Inter-American Convention on the Protection of Human Rights of Older Persons](#), December 16, 2024.

<sup>171</sup> Belize Crime Observatory, [Crime Comparative January-November 2023-2024](#), July 2024.

<sup>172</sup> The IACHR calculated the homicide rate based on the State's population of 410,825 according to data from The World Bank, [Population, total - Belize](#), 2023.

<sup>173</sup> IACHR, [Annual Report, Chapter IV.A "Belize"](#), 2023, para 112.

<sup>174</sup> IACHR, Belize – State of Emergency, Article 18 IACHR Statute, August 14, 2024, IACHR Archive.

including children, had the right to legal representation, either chosen by themselves, provided by their families, or through the Government's Legal Aid Department.<sup>175</sup> The SOE ended on September 24, 2024.<sup>176</sup>

118. On the issue of **access to justice**, the State enacted the Criminal Procedure (Plea Discussion and Plea Agreement) Act 2024; the Alternative Sentencing Act 2024; and the Criminal Records (Rehabilitation of Offenders) Act 2024.<sup>177</sup> According to official information, these pieces of legislation are collectively geared towards facilitating a more efficient system for the timely disposal of criminal cases, focusing on restorative justice, and providing offenders with the ability to reintegrate into society without the stigma of a criminal record inhibiting their future.<sup>178</sup>

119. Moreover, in October the State launched a new website for its Senior Courts with the aim of enhancing the delivery and access to justice. According to official information, the new website is designed to provide easier access to information from litigants, judicial officers, legal practitioners, and members of the public thereby ensuring greater transparency and efficiency. In this regard, the new website would serve as a central hub for a wide range of services and resources, allowing users to access judgments, practice directions and other relevant updates.<sup>179</sup>

120. With regard to the rights of **children**, the IACHR welcomed the passage of the Marriage Amendment Bill, which raises the age of legal marriage to 18 and eliminates provisions allowing parental or guardian consent for the marriage of children.<sup>180</sup> The Commission also welcomes the Cabinet's approval for Belize to accede to the 1996 Hague Convention on Child Protection and the 2007 Hague Convention on Child Support. The 1996 Convention enhances safeguards for children across borders, while the 2007 Convention provides a framework for the enforcement of child support decisions abroad.<sup>181</sup> In addition, the IACHR commends the State on receiving certification from the World Health Organization (WHO) for eliminating the mother-to-child transmission of HIV and syphilis (EMTCT).<sup>182</sup>

121. With respect to the rights of **women**, the IACHR welcomes the approval of the National Gender Policy 2024-2030 that focuses on various areas such as health, education, employment, the prevention of gender violence and the participation of women in decision-making positions.<sup>183</sup> On the other hand, the Commission takes note of the introduction of new Bill which seeks to reform the Protection Against Sexual Harassment Act to provide protection for victims in the digital sphere and means of redress. In addition, employers will be obligated to implement a sexual harassment policy and maintain a register of complaints. However, this reform proposal includes criminal sanctions for reports considered false, which may discourage victims from reporting.<sup>184</sup> Between January and October 2024, 2,400 gender-based violence complaints were registered, of which 1,924 corresponded to female victims.<sup>185</sup>

<sup>175</sup> Government of Belize, Response: Belize – State of Emergency, August 22, 2024, IACHR Archive.

<sup>176</sup> Love FM, [Over 150 Men Set to Be Released as State of Emergency Expires on September 24](#), September 19, 2024.

<sup>177</sup> National Assembly of Belize, [Criminal Procedure \(Plea Discussion and Plea Agreement\) Act 2024; Alternative Sentencing Act 2024; Criminal Records \(Rehabilitation of Offenders\) Act 2024](#).

<sup>178</sup> Government of Belize Press Office, [Cabinet Brief](#), February 29, 2024.

<sup>179</sup> Government of Belize Press Office, [PRESS RELEASE - The Senior Courts of Belize Launch the New Website to Enhance the Delivery and Access to Justice](#), October 30, 2024.

<sup>180</sup> CIDH - IACHR [@CIDH]. (December 3, 2024). The IACHR welcomes the Senate's unanimous approval of the Marriage Amendment Bill [Tweet]. Twitter: <https://x.com/CIDH/status/1864040640465502492>

<sup>181</sup> Government of Belize Press Office, Press Release, ["Cabinet Grants Approval for Belize to Accede to Three International Conventions"](#), June 26, 2024.

<sup>182</sup> UNICEF, Press Release, ["Belize, Jamaica and St. Vincent and the Grenadines eliminate mother-to-child transmission of HIV and syphilis"](#), May 7, 2024.

<sup>183</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Responses of Belize to the list of issues and questions relating to its combined fifth and sixth periodic report. Committee on the Elimination of Discrimination against Women](#), October 11, 2024, para. 15.

<sup>184</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Responses of Belize to the list of issues and questions relating to its combined fifth and sixth periodic report. Committee on the Elimination of Discrimination against Women](#), October 11, 2024, para. 53; BBN, [Belize introduces landmark bill to combat sexual harassment in the digital age](#), June 30, 2024.

<sup>185</sup> Belize Crime Observatory, [Domestic Violence Report](#), October 2024.

122. Moreover, in terms of sexual and reproductive rights, the IACHR notes restrictive regulations on access to abortion which expose victims of rape or incest to criminalization.<sup>186</sup> Likewise, the Commission notes that there are no regulations to guarantee the access of adolescents to sexual and reproductive health services.<sup>187</sup>

123. Regarding the situation of **persons in the context of human mobility**, the IACHR notes that The State's Amnesty Program, realized in collaboration with the International Organization for Migration (IOM), seeks to regularize the status of migrants in Belize<sup>188</sup>. According to official information, as of May, 2024, approximately 12,765 applications from migrants from 32 countries were being processed.<sup>189</sup> This Amnesty Program has resulted in migrants receiving permanent residency cards which allow them to reside, work and operate in Belize, and also qualifies them to apply for Belizean nationality after five years of residency.<sup>190</sup>

124. Regarding **human trafficking**, in January the Group of Women Parliamentarians, members of the Senate and the House of Representatives, participated in a training aimed at providing legislative leaders with the knowledge and tools necessary to contribute to the eradication of human trafficking.<sup>191</sup> In August, the Leadership Summit on Human Trafficking took place, with the objective of strengthening the knowledge on best practices as well as common errors in the response to human trafficking.<sup>192</sup>

125. Regarding the **rights of indigenous peoples**, the Government of Belize and the Ministry of Human Development acted to advance in the delimitation of villages and the implementation of a Maya customary land tenure policy. The draft policy proposes a conceptual model for Maya villages to apply for areas of land to be automatically registered as Maya customary lands. The draft allows for the application for additional lands to be registered beyond these limitations once villages can show evidence or proof of customary land use and occupation.<sup>193</sup>

126. On the situation of **people of African descent and against racial discrimination**, the Commission notes that available data from 2024 indicated an overrepresentation of Garífuna people and women from the Maya community in the highest unemployment rates, when compared to the rates among other ethnicities. Specifically, the unemployment rate for Maya women stands at 8.4%, more than three times higher than the rate among Maya men, which is 2.6%. The highest unemployment rate, however, is found among the Garífuna people, reaching 13.5% of this population.<sup>194</sup>

127. Regarding the rights of **persons with disabilities**, according to official information, a Situational Analysis on Children with Disabilities developed by the State in partnership with UNICEF will provide a comprehensive framework to examine the conditions and challenges faced by this population and aims to uncover critical data gaps, identify barriers to inclusion, and guide the development of evidence-based policies and programs that foster an inclusive society. Consultations will be held with children with disabilities,

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<sup>186</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Responses of Belize to the list of issues and questions relating to its combined fifth and sixth periodic report, Committee on the Elimination of Discrimination against Women](#), October 11, 2024, para. 54.

<sup>187</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Responses of Belize to the list of issues and questions relating to its combined fifth and sixth periodic report, Committee on the Elimination of Discrimination against Women](#), October 11, 2024, para. 55.

<sup>188</sup> IACHR, [Annual Report Chapter IV.A "Belize"](#), 2023, para 115.

<sup>189</sup> Government of Belize Press Office, [Joint Press Release: Office of the Prime Minister and Ministry of Finance, Economic Development and Investment, Blue Economy, and Civil Aviation and Immigration, and Ministry of Rural Transformation, Community Development, Labour, and Local Government](#), April 2, 2024.

<sup>190</sup> Government of Belize Press Office, [Amnesty – Welcoming Residents to our Belizean Society](#), February 23, 2024; Government of Belize Press Office, [Press Release: Belize advances in integration of asylum-seekers](#), September 4, 2024; Breaking Belize News, [New Permanent residents granted status through Belize's flagship Amnesty Program](#), December 6, 2024.

<sup>191</sup> National Assembly, [Women's Parliamentary Caucus – Human Trafficking Training](#), January 29, 2024.

<sup>192</sup> Government of Belize, [Trafficking in Persons Leadership Summit](#), August 30, 2024.

<sup>193</sup> Government of Belize, [Update on Draft Maya Customary Land Tenure Policy](#), January 31, 2024.

<sup>194</sup> International Labour Organization, [Decent Work Country Programme Belize 2024-2029](#), June 11, 2024, p. 19; Statistical Institute of Belize, [Labour Force Survey Tables](#), 2022.



their families, and community stakeholders so that the voices of children and their caregivers can inform the development of targeted interventions.<sup>195</sup>

128. As for **persons deprived of liberty**, the Commission is concerned about reports of mistreatment of prisoners. According to public information published in 2024, the prison system uses isolation without proper sanitation or ventilation as a form of punishment.<sup>196</sup> Also, inmates have reported the use of pepper spray inside the cells.<sup>197</sup>

129. Regarding the **death penalty**, the IACHR notes that there has been no progress to remove this punishment from the statutory books, even though no execution has occurred since 1985, and nobody is currently sentenced to death.<sup>198</sup>

## VI. BOLIVIA

### • General considerations

130. In 2024, the State made **progress** in conducting national and penitentiary censuses, drafting bills to address sexual crimes and introducing measures to combat climate change focused on Afro-descendant women and young people. Bolivia also established the Interinstitutional Commission for Victims of Political Violence to promote memory, truth and justice and preserve the memory of victims of the dictatorship.

131. However, **challenges** persisted in terms of institutional weakness, which was aggravated by the partial renewal of the positions in the high courts and the extension of the duration of some positions in the judiciary. Additionally, political polarization within the party in office worsened, and the lack of effective dialogue mechanisms led to social unrest.

132. On October 8, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>199</sup>

### • Specific issues

133. As regards the progress made in terms of **democratic institutionality**, in 2024, the State completed the National Population and Housing Census, a critical step for the allocation of resources and the implementation of public policies.<sup>200</sup> In addition, the Plurinational Constitutional Court (TCP) ratified the prohibition of indefinite reelection.<sup>201</sup> In parallel, political parties met and agreed to hold general elections in 2025, ensure the fair distribution of seats and suspend primary elections.<sup>202</sup> Following this meeting, the Plurinational Legislative Assembly (ALP) passed a law to uphold the political parties' decision, although it faced

<sup>195</sup> Government of Belize, [The Government of Belize and UNICEF Partner to Produce a Groundbreaking Situational Analysis on Children with Disabilities](#), December 10, 2024.

<sup>196</sup> United States Department of State, [2023 Country Reports on Human Rights Practices: Belize](#), April 22, 2024; and Belize Breaking News, [2023 Human Rights Report revealed prison isolation rooms infested with snakes, roaches](#), April 22, 2024.

<sup>197</sup> Channel 5, [S.O.E. Prisoners Complain about Life at Prison](#), September 24, 2024.

<sup>198</sup> World Coalition Against the Death Penalty, [Belize](#), May 23, 2023. Last visited: October 2024.

<sup>199</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024.

<sup>200</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024.

<sup>201</sup> Bolivian Information Agency (ABI), ["TCP veta reelección continua o discontinua a la Presidencia. Morales no puede buscar nuevo mandato"](#), November 8, 2024.

<sup>202</sup> This declaration was adopted as part of the Multiparty and Interinstitutional Meeting for Democracy. Plurinational State of Bolivia, *Official Gazette*, Law No. 1578, August 19, 2024.

criticism from opposition sectors.<sup>203</sup> Judicial elections were held on December 15 after several postponements by the ALP and the TCP.<sup>204</sup>

134. However, the judicial election process was completed only partially after the TCP declared the call for candidates to the Plurinational Constitutional Court void in the departments of Pando, Cochabamba, Santa Cruz, Beni and Tarija, as well as to the Supreme Court of Justice (TSJ) in the departments of Beni and Pando, which resulted in the extension of the duration of some positions in the judiciary and was met with rejection by the public.<sup>205</sup>

135. In parallel, governance was affected by the escalation of internal disputes within the Movement for Socialism–Political Instrument for the Sovereignty of the Peoples (MAS-IPSP) political party.<sup>206</sup> This division fueled tensions within the ALP, where opposing factions fought to control the legislative branch. One faction began protests to demand the acknowledgment of former president Evo Morales’s leadership and his registration as presidential candidate. Conversely, the other faction within the party backed the political leadership of current President Luis Alberto Arce Catacora.<sup>207</sup> On June 26, an alleged coup attempted by a sector of the army deployed military vehicles and occupied public spaces in La Paz, raising concerns over institutional weakness.<sup>208</sup>

136. With respect to **access to justice and judicial independence**, the Commission engaged in a process of technical cooperation with the ALP of Bolivia regarding the preselection of candidates for the country’s courts and the Judicial Council. This process was guided by inter-American standards related to the selection of judicial authorities and involved various state institutions. As part of the cooperation process, the Commission and the ALP drafted and presented a document systematizing the inter-American standards applicable to the judiciary, as well as a technical note on the merits criteria for evaluating candidates, which was a matter of discussion between the ALP and the Commission’s country rapporteur.<sup>209</sup>

137. According to information from the Plurinational Electoral Entity, 82 percent of the population participated in the election held in late 2024. Unlike the judicial elections that took place in 2011 and 2017, the percentage of valid votes surpassed that of blank and null votes, reaching 64.29 percent of the total.<sup>210</sup>

138. Nevertheless, the partial suspension of the elections and the further extension of the duration of the terms of the representatives from Pando, Cochabamba, Santa Cruz, Beni and Tarija in the TCP, as well as those from Beni and Pando in the TSJ, were met with public rejection, inasmuch as they were perceived as a threat to the Rule of Law and undermined the confidence in the justice system.<sup>211</sup> In this context, the TCP announced criminal and disciplinary sanctions against judges who contravened this precedent, a measure that justice operators considered a violation of their judicial independence.<sup>212</sup> This situation has heightened social

<sup>203</sup> These sectors viewed this decision as disregarding the internal democratic procedures required by electoral law. *EFE, “Evo Morales dice que las primarias en Bolivia se suspendieron porque Arce tiene ‘miedo’,”* August 20, 2024.

<sup>204</sup> The Ombudsperson warned that the suspension of the judicial elections posed a threat to democracy and expressed concern over the institutional weakness of the State. See: *La Razón, “El Defensor del Pueblo advierte sobre el riesgo democrático por la suspensión de las judiciales,”* October 15, 2024.

<sup>205</sup> Plurinational Constitutional Court (TCP), Judgment No. 0770/2024-S4, November 4, 2024. See also: OAS, *Preliminary Report of the OAS Electoral Observation Mission in Bolivia*, December 17, 2024.

<sup>206</sup> The Commission expressed its concern over this situation. See: IACHR, Press Release No. 282/24, *IACHR warns of human rights impacts of growing unrest in Bolivia and calls for dialogue*, November 8, 2024.

<sup>207</sup> IACHR, Press Release No. 282/24, *IACHR warns of human rights impacts of growing unrest in Bolivia and calls for dialogue*, November 8, 2024.

<sup>208</sup> IACHR, Press Release No. 156/24, *IACHR Condemns Coup Attempt in Bolivia*, July 3, 2024.

<sup>209</sup> IACHR, Press Release No. 73/24, *IACHR Announces Technical Cooperation with the State of Bolivia*, April 15, 2024.

<sup>210</sup> Plurinational Electoral Entity (ONPE), *“Conozca los resultados de las Elecciones Judiciales de 2024,”* December 29, 2024.

<sup>211</sup> International Commission of Jurists, Due Process of Law Foundation and Latin American Federation of Judges, *Ni elecciones judiciales integrales ni reforma de la justicia en Bolivia*, 2024, p. ; *Erbol, “Asociación de Magistrados critica la sentencia del TCP que obstaculiza las Elecciones Judiciales,”* November 11, 2024; *El Deber, “El TCP bloquea el diálogo político por la ley 144 y crece rechazo a la ‘autoprórroga,’* February 1, 2024.

<sup>212</sup> *ATB, “TCP advierte con remitir al Ministerio Público a quienes incumplan sentencia que dispuso elecciones judiciales parciales,”* December 4, 2024.



distrust, particularly regarding the treatment of ongoing judicial cases, including those related to the 2019 electoral crisis, such as the case against former governor of Santa Cruz Luis Fernando Camacho.<sup>213</sup>

139. With regard to **human rights institutions**, the Commission for the Submission of State Reports on Human Rights and Enforced Disappearances (CPIE) held six sessions.<sup>214</sup>

140. As to **citizen security**, the State provided human rights training for police officers on the legal limits on the use of force.<sup>215</sup> In turn, the Police issued Memorandum No. 17/2024 to ensure respect for the rights of LGBTI persons during police operations.<sup>216</sup>

141. However, political polarization fueled violence during social protests, which mimicked historical conflict dynamics in Bolivia. The Office of the Ombudsperson recorded 410 conflicts between January and September, which were linked to labor, economic and governance demands.<sup>217</sup> In October, the government deployed joint military and police forces<sup>218</sup> to clear road blockades. In addition, according to reports, non-state armed groups were involved in violent incidents or citizen security operations,<sup>219</sup> and opposition demonstrators were detained with no access to medical screening for 12 hours.<sup>220</sup> Former President Evo Morales also denounced an armed attack, which the State attributed to an antinarcotics operation.<sup>221</sup>

142. With regard to the situation of **Afro-descendant persons and policies against racial discrimination**, the State committed to prioritizing measures to address the impact of climate change on Afro-descendant women and young people.<sup>222</sup>

143. In turn, the CERD concluded that discrimination and structural racism had been perpetuated in the country, noting the excessive use of force and racial profiling by law enforcement officials against

<sup>213</sup> IACHR, Request for information submitted under Article 41 of the American Convention on Human Rights, May 28, 2024. In IACHR files.

<sup>214</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024.

<sup>215</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024.

<sup>216</sup> Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission.

<sup>217</sup> According to the quarterly reports on unrest in Bolivia issued by the Office of the Ombudsperson, 410 conflicts were recorded between January and September 2024, primarily driven by social demands related to labor (19 percent), economic issues (19 percent) and governance (15 percent), among others. The parties involved frequently used pressure tactics such as demonstrations (27 percent), blockades (9 percent) and confrontations (8 percent), among others. Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission.

<sup>218</sup> Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission; *EFE*, “La Policía desbloquea la carretera tomada por ‘evistas’ en la región más grande de Bolivia,” November 4, 2024.

<sup>219</sup> The Ombudsperson informed: “During the demonstration held between September 17 and 23 and led by former president EMA [Evo Morales Ayma], the Ombudsperson raised concerns over the presence of paramilitary groups, which the Public Prosecutor’s Office did not investigate. In addition, during the operations led by police forces to clear road blockades on the Ichilo bridge (Santa Cruz) on October 22, the Office of the Ombudsperson once again expressed concern over reports that paramilitary groups were (allegedly) operating alongside the police, an irregular and unlawful situation. Moreover, in the early hours of October 31, groups of civilians attempted to remove a blockade in the Santa Cruz-Cochabamba highway in the city of Mairana (Santa Cruz), leaving one person seriously injured. Furthermore, according to a press release from the Ministry of Foreign Affairs, on November 1, irregular groups attacked three military units in Chapare, department of Cochabamba. These groups reportedly took over 200 military officers hostage and stole combat weapons and ammunition from military vehicles.” Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission.

<sup>220</sup> Information submitted by the Office of the Ombudsperson for the preparation of the Annual Report of the Commission.

<sup>221</sup> IACHR [@CIDH], (October 30, 2024), #Bolivia: #CIDH llama al Estado a investigar con la debida diligencia la denuncia de ataque armado contra el vehículo que transportaba al expresidente Evo Morales, el 27 de octubre en Cochabamba [X post], X, [https://x.com/CIDH/status/1851630455574929714?ref\\_src=twsrc%5Etfw](https://x.com/CIDH/status/1851630455574929714?ref_src=twsrc%5Etfw); ABL, “Revelan que Evo Morales atropelló e intentó asesinar a un efectivo antinarcóticos,” October 28, 2024.

<sup>222</sup> *Ahora El Pueblo*, “Bolivia plantea diplomacia de los pueblos para cambiar la realidad de los afrodescendientes,” July 31, 2024; United Nations Development Programme (UNDP), “Afrodescendientes de los países andinos dialogan sobre los desafíos del cambio climático,” July 30, 2024.

indigenous persons, Afro-Bolivians, migrants, asylum seekers and refugees.<sup>223</sup> The CERD emphasized that structural racism contributed to high rates of maternal mortality, obstetric violence and teenage pregnancy among indigenous and Afro-descendant women in rural areas.<sup>224</sup>

144. With regard to the rights of **women**, bills were introduced to repeal provisions on the crime of statutory rape and to amend Article 308 of the Criminal Code on the crime of rape. The amendment seeks to establish the absence of the victim's consent as the basic requirement for the crime and to remove intimidation or violence as requirements.<sup>225</sup> Additionally, the State made progress in drafting a protocol for assisting victims of harassment and political violence.<sup>226</sup>

145. However, in 2024, the Public Prosecutor's Office recorded 45,396 cases of gender-based violence, mostly related to family or domestic violence (33,907).<sup>227</sup> Seventy-eight femicides had been reported as of November, most of them in La Paz,<sup>228</sup> including an attempted femicide in a detention center in Cochabamba, where the victim was assaulted by her former partner, who had been previously convicted of femicide.<sup>229</sup> Sexual violence also reached alarming levels, with 3,390 cases of sexual abuse, 2,813 cases of rape, 2,449 cases of rape against minors and 1,677 cases of statutory rape.<sup>230</sup> In this challenging context, the legislative branch advanced a bill to amend Article 94 of the Comprehensive Law to Guarantee a Life Free of Violence to Women, which raised concerns over the potential revictimization of the victims by reducing deadlines and subjecting complaints to additional review.<sup>231</sup>

146. As regards the rights of **indigenous peoples**, communities denounced the contamination of water sources in Ayllu San Agustín de Puñaca, Oruro, caused by mining activity, highlighting its disproportionate impact on indigenous women, forced migration and agricultural and livestock farming.<sup>232</sup> In turn, the forest fires in September particularly affected indigenous peoples, forcing at least 10 communities to relocate and seek shelter in the cities of Concepción and San Javier.<sup>233</sup>

147. In terms of progress related to the human rights of **LGBTI persons**, the Office of the Ombudsperson, in cooperation with organizations of transgender people, convened a committee to advocate

<sup>223</sup> United Nations, Committee on the Elimination of Racial Discrimination (CERD), [Concluding Observations on the combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia](#), CERD/C/BOL/CO/21-24, January 4, 2024, para. 29.

<sup>224</sup> United Nations, Committee on the Elimination of Racial Discrimination (CERD), [Concluding Observations on the combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia](#), CERD/C/BOL/CO/21-24, January 4, 2024, para. 45.

<sup>225</sup> Committee on the Elimination of Discrimination against Women (CEDAW), *Information received from the Plurinational State of Bolivia on follow-up to the concluding observations on its seventh periodic report*, CEDAW/C/BOL/FCO/7, July 2, 2024, para. 3; Chamber of Deputies, [Bill on the "Enhanced protection for infants, children and adolescents"](#), April 1, 2024; Plurinational Legislative Assembly of Bolivia, [Law No. 010/2023-2024 C.V. "creating the criminal offense of incestuous rape, repealing the provisions on statutory rape and recognizing the lack of consent as an element of the crime of rape to guarantee access to justice"](#), April 4, 2024.

<sup>226</sup> Report submitted by the Plurinational State of Bolivia in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note Verbale OI.US. Cs-275/2024, Route Sheet: 54786.24, October 8, 2024, p. 15. In IACHR files.

<sup>227</sup> Government of the Plurinational State of Bolivia, ["Fiscalía reporta 45.396 casos de violencia en Bolivia y hace un llamado a fortalecer las campañas de prevención"](#), November 25, 2024.

<sup>228</sup> Public Prosecutor's Office of Bolivia, ["Bolivia registra 78 víctimas de feminicidio y 31 de infanticidio: la paz es el departamento con mayor incidencia"](#), November 21, 2024.

<sup>229</sup> *La Razón*, ["Feminicida torturó, quemó e intentó sacarle los ojos a su expareja dentro de El Abra"](#), October 14, 2024.

<sup>230</sup> Government of the Plurinational State of Bolivia, ["Fiscalía reporta 45.396 casos de violencia en Bolivia y hace un llamado a fortalecer las campañas de prevención"](#), November 25, 2024.

<sup>231</sup> This would consist of an interview in a Gessel chamber with the intervention of specialized experts. Citizen Platform for Access to Justice and Human Rights, Request for thematic hearing "Bolivia: Setbacks in the legal framework for addressing gender-based violence," 191<sup>st</sup> period of sessions, August 20, 2024, p. 2. In IACHR files; *Visión 360*, ["Organizaciones defensoras de derechos de mujeres rechazan proyecto de Ley 143 de senadora Arce"](#), April 23, 2024.

<sup>232</sup> IACHR, thematic hearing ["Bolivia: Impact of mining on the right to water"](#), 190<sup>th</sup> period of sessions, Washington, D.C. [online], July 8, 2024.

<sup>233</sup> *Debates Indígenas*, ["Incendios forestales devastan comunidades indígenas en Bolivia"](#), October 1, 2024.

for the rights of transgender people in Bolivia and coordinate joint actions in their favor.<sup>234</sup> It also urged the State to protect the rights of an intersex person born in 2024.<sup>235</sup>

148. Furthermore, as of May, the Office of the Ombudsperson had documented two murders against trans persons. In one case, the alleged perpetrator was arrested and brought before judicial authorities.<sup>236</sup> In this context, civil society organizations reiterated the need for the State to adopt measures guaranteeing the full enjoyment of rights by trans, non-binary and gender-diverse persons without discrimination, particularly in light of the effects of a 2017 TCP judgment that restricted the exercise of some rights.<sup>237</sup>

149. With regard to **memory, truth and justice** processes, as of May 2024, the Bolivian State had compensated 853 victims of political violence during the dictatorship and established the Interinstitutional Commission for Extraordinary Review to reassess over 4,000 reparation requests which had previously been rejected.<sup>238</sup> In addition, the Ministry of Justice and Institutional Transparency installed memorial plaques in former detention and torture centers, and launched the virtual Paseo de la Memoria (memory route) to facilitate access to historical information about that period, thus reinforcing the country's memory, truth and justice processes.<sup>239</sup>

150. Notwithstanding the foregoing, six decades after the *coup d'état*, serious human rights violations committed during the dictatorship in Bolivia remain unpunished. In addition, there are no policies in the country in relation to the search for disappeared people and new legislation is still required to certify their absence, as well as to preserve and protect remembrance sites, thus hindering progress in terms of justice and historical memory.<sup>240</sup>

151. With regard to the rights of **children and adolescents**, the Ministry of Health and Sports and the Departmental Health Services signed a manifesto for the health of children and adolescents, by which they committed to prioritize the full vaccination schedule as a fundamental healthcare measure to curb and reduce the spread of preventable diseases.<sup>241</sup> Moreover, the State carried out vaccination campaigns against several diseases such as human papillomavirus infection,<sup>242</sup> poliomyelitis<sup>243</sup> and influenza.<sup>244</sup>

152. In 2024, there was an increase in sexual violence against children and adolescents in Bolivia. Between January and June, 1,466 cases of rape were reported, which accounts for an upturn of 6.7 percent

<sup>234</sup> Office of the Ombudsperson of Bolivia, "[Defensoría del Pueblo y organizaciones conforman comité de incidencia para la vigencia de derechos de las personas trans](#)," April 3, 2024.

<sup>235</sup> Office of the Ombudsperson of Bolivia, "[Pronunciamiento Ante El Nacimiento De Una Persona Intersexual, La Defensoría Del Pueblo Exige Protección De Sus Derechos Y Dignidad Humana](#)," July 26, 2024.

<sup>236</sup> Office of the Ombudsperson of Bolivia, "[Defensoría del Pueblo insta a las autoridades garantizar derechos de las personas LGBTI](#)," May 17, 2024; *El día*, "[Oruro: Presunto autor de feminicidio de Noelia fue aprehendido](#)," May 23, 2024.

<sup>237</sup> *La Razón*, "[En 8 años, 671 personas registraron el cambio de su identidad género](#)," March 31, 2024.

<sup>238</sup> Pursuant to Law No. 1568 of July 4, 2024. In: Government of the Plurinational State of Bolivia, Annex, Human Rights Situation in the Plurinational State of Bolivia, Note Verbale OI.US. Cs-275/2024 of October 8, 2024, p. 19.

<sup>239</sup> Government of the Plurinational State of Bolivia, Annex, Human Rights Situation in the Plurinational State of Bolivia, Note Verbale OI.US. Cs-275/2024 of October 8, 2024, p. 19.

<sup>240</sup> IACHR, thematic hearing "Regional: Impact of attacks on remembrance sites on the right to memory, truth, and justice," 190<sup>th</sup> period of sessions [online], July 11, 2024. See also: IACHR, Social Cohesion: The Challenge to Consolidate Democracy in Bolivia, OEA/Ser.L/V/II. Doc.1/24, January 20, 2024, paras. 476–483.

<sup>241</sup> Ministry of Health and Sports of Bolivia, "[Gobierno nacional y sedes suscriben un manifiesto por la salud de las niñas y niños de Bolivia y asumen la vacunación como prioridad sanitaria](#)," March 4, 2024.

<sup>242</sup> Ministry of Health and Sports of Bolivia, "[Gobierno inicia histórica vacunación contra el virus del papiloma humano a niñas de 10 a 14 años y niños de 10 años](#)," April 11, 2024.

<sup>243</sup> Ministry of Health and Sports of Bolivia, "[Bolivia activa la Vacunación de las Américas con la meta de proteger a 1.1 millones de niñas y niños de la poliomieltis](#)," April 23, 2024.

<sup>244</sup> Ministry of Health and Sports of Bolivia, "[La vacunación contra la influenza cubrió a más del 100 por ciento de la meta en niñas y niños de 2 a 12 años de edad](#)," August 28, 2024.

compared to the figures recorded in the same period of 2023 according to official data,<sup>245</sup> which points to an increasingly concerning issue.

153. In relation to the rights of **older persons**, the Ministry of Health and Sports carried out medical campaigns free of charge by means of the Unified Health System (SUS) and the National Program for Strengthening Functional Healthcare Networks.<sup>246</sup> In addition, the State recorded an increase in the access of older persons to the annuity program Renta Dignidad (Dignified Pension) and to different state initiatives that seek to shed light on the problem of violence against the elderly.<sup>247</sup>

154. However, in terms of challenges, people protested against Bill No. 035/2023-2024, which, according to union leaders, was intended to impose mandatory retirement at 65 years of age. The Government of Bolivia later clarified that the text of said bill only establishes the need for a medical examination at that age, so as to prove that people can continue working.<sup>248</sup> In this regard, the International Labor Organization (ILO) warned about the high rate of labor participation of persons over 65 years old in Bolivia, which is the State with the highest percentage thereof in the region.<sup>249</sup> In this context, the civil society expressed their concern about physical, psychological, economic and verbal violence against older persons<sup>250</sup> and demanded that the State address the phenomenon of loneliness that is currently affecting this population.<sup>251</sup>

155. With regard to **persons deprived of liberty**, Bolivia completed a prison census that included over 29,000 persons deprived of liberty.<sup>252</sup> Furthermore, the State undertook social reinsertion programs, such as work activities for women inmates at the Women's Prison (COF) in Obrajes,<sup>253</sup> and educational and artistic workshops at three prisons in Cochabamba.<sup>254</sup> In addition, the Bolivian mechanism for combating torture, together with others in the region, adopted both the Declaration of San José aimed at institutional strengthening and networking and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>255</sup>

156. However, the Office of the Ombudsperson reported that prisons in Bolivia face serious overcrowding, which is aggravated by the overuse of pretrial detention. This has hampered access to health services and has led to problems with the allocation of *prediarios* (monthly state allowances to inmates for purchasing food and other personal expenses), which are insufficient to cover nutrition needs.<sup>256</sup> According to official data reported by the World Prison Brief, as of July 2024, Bolivia's prison population amounted to 31,105 persons, while as of December 2023, the official prison capacity was 10,521 persons.<sup>257</sup> These figures indicate that, with an overpopulation of 20,584 persons, the current overcrowding rate accounts for 195.6 percent. This

<sup>245</sup> Office of the Ombudsperson of Bolivia, "[Día Nacional de la Solidaridad con las Víctimas de Agresiones Sexuales y en Contra de la Violencia Sexual en Niños, Niñas y Adolescentes](#)," August 9, 2024.

<sup>246</sup> ABI, "[Salud fortalece políticas y programas para mejorar la calidad de vida del adulto mayor](#)," August 26, 2024 (accessed on November 15, 2024).

<sup>247</sup> La Razón, "[El 10% de la población boliviana ya cobra la Renta Dignidad](#)," August 18, 2024 (accessed on November 15, 2024).

<sup>248</sup> Ministry of Economy and Finance, "[El Proyecto de Ley N° 035/2023-2024 no limita el derecho a seguir trabajando a los adultos mayores de 65 años o más](#)," April 9, 2024 (accessed on November 15, 2024).

<sup>249</sup> La Razón, "[Bolivia es el país con más trabajadores mayores de 65 años](#)," April 21, 2024 (accessed on November 15, 2024).

<sup>250</sup> Los Tiempos, "[Los ancianos sufren cinco tipos de abuso y hay más casos en la zona sur](#)," June 16, 2024 (accessed on November 15, 2024).

<sup>251</sup> Episcopal Conference of Bolivia, "[Estudio revela que el 42% de las personas mayores en Bolivia se sienten solas y el 25% viven solas](#)," July 26, 2024 (accessed on November 15, 2024).

<sup>252</sup> ABI, "[Concluye censo en cárceles, más de 29.000 privados de libertad fueron empadronados](#)," March 23, 2024.

<sup>253</sup> Bolivia.com, "[Privadas de libertad de Obrajes lanzan 'La Perruquería', una peluquería canina operada por las reclusas](#)," February 7, 2024; ABC, "[Conocé 'La Perruquería': así es la peluquería canina atendida por privadas de libertad en Bolivia](#)," February 7, 2024; Infobae, "['Puya' es el escaparate para los tejidos hechos por jóvenes y mujeres reclusos en Bolivia](#)," February 18, 2024; ABC, "['Puya' es el escaparate para los tejidos hechos por jóvenes y mujeres reclusos en Bolivia](#)," February 18, 2024.

<sup>254</sup> Nodal, "[El arte que libera: reinserción social en la cárcel de mujeres](#)," July 5, 2024; Opinión, "[Talleres creativos transforman vidas detrás de los muros de los penales](#)," June 30, 2024; NotiBolivia, "[Talleres creativos transforman vidas detrás de los muros de los penales](#)," June 30, 2024.

<sup>255</sup> CPT of Chile, "[Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura \(MNP y MLPs\) de América Latina para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad](#)," May 10, 2024.

<sup>256</sup> Office of the Ombudsperson of Bolivia, "[Informe Defensorial revela que el 55 por ciento de la población penitenciaria femenina pertenece a poblaciones en situación de vulnerabilidad](#)," August 22, 2024.

<sup>257</sup> Institute for Crime & Justice Policy Research, Birkbeck, University of London, [World Prison Brief data – Bolivia](#), 2024.

makes Bolivia the country with the third highest rate of prison overcrowding in the Americas.<sup>258</sup> Moreover, between January and June 2024, the number of women deprived of liberty increased by 12.5 percent; more than half of them (55.39 percent) are pregnant women, mothers, older women, persons with disabilities or persons who belong to vulnerable groups, which therefore points to the need for urgent measures to address overcrowding.<sup>259</sup>

157. In relation to **human trafficking**, the Plurinational Council against Human Trafficking and Smuggling reactivated a technical commission for the criminal prosecution of crimes of human trafficking, smuggling of migrants and related offences.<sup>260</sup> This initiative seeks to strengthen the coordinated work between the members of the Council on prevention and investigation of these crimes. The Regional Platform against Human Trafficking and Smuggling of Migrants was created to consolidate best practices between Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela.<sup>261</sup>

## VII. BRAZIL

### • General considerations

158. The Commission noted progress in the strengthening of democratic institutions and access to justice, along with the enactment of laws that benefit people with disabilities and protect the rights of children and adolescents. It also observed actions undertaken against racial discrimination and the recognition of the land rights of the Quilombola communities.

159. Nevertheless, the Commission identified challenges in relation to citizen security, given the reports on deaths during police operations in the state of São Paulo and the increase of violence in indigenous territories. Moreover, it noted the advancement of bills that might curtail women's sexual and reproductive health rights, as well as undermine the rights of trans persons.

160. On November 7, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>262</sup>

### • Specific issues

161. In terms of **democratic institutional**ity, the State reported on the creation of the National Observatory on Misinformation and for the Defense of Democracy, linked to the Superior Electoral Court (TSE), in response to the attacks on the electoral system observed during the elections in 2022.<sup>263</sup> In the same vein, the Federal Supreme Court (STF) ordered the arrest of 208 persons for failing to comply with precautionary measures related to the extremist acts of January 8, 2023.<sup>264</sup> The Federal Police have indicted former President Jair Bolsonaro and 36 former officials for attempting a coup d'état following the 2022 elections. They face

<sup>258</sup> Institute for Crime & Justice Policy Research, Birkbeck, University of London, [World Prison Brief data. Highest to Lowest – Occupancy level \(based on official capacity\)](#), 2024.

<sup>259</sup> Office of the Ombudsperson of Bolivia, [“Cinco de cada diez mujeres privadas de libertad se encuentran en situación de vulnerabilidad por ser madres, estar embarazadas, ser personas adultas mayores o personas con discapacidad entre otros,”](#) August 21, 2024.

<sup>260</sup> Ministry of Justice and Institutional Transparency of Bolivia, [“Primera sesión del consejo contra la Trata y Tráfico de Personas 2024, determina reforzar acciones de persecución penal,”](#) March 4, 2024.

<sup>261</sup> IOM, [“PRETT: Se llevó a cabo la Primera Reunión Técnica 2024 para la prevención y respuesta a la trata de personas y el tráfico ilícito de migrantes en América del Sur,”](#) June 11, 2024.

<sup>262</sup> Permanent Mission of Brazil to the Organization of American States (OAS), Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report. In IACHR files.

<sup>263</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 5. In IACHR files.

<sup>264</sup> *Poder 360*, [“Moraes manda prender mais de 200 envolvidos no 8 de Janeiro,”](#) June 6, 2024.



charges of violently undermining the Democratic Rule of Law, coup d'état, and criminal conspiracy, with the alleged intent to assassinate magistrates and elected officials, including the president and vice president.<sup>265</sup>

162. Furthermore, the STF suspended the operation of the social network X from August 30 to October 8 for failing to comply with a court order requiring the appointment of a legal representative in Brazil, in accordance with the country's prevailing legal framework. This measure was ordered once the company shut down its office in disagreement with a court ruling ordering it to block accounts used to spread hate speech and fake news.<sup>266</sup> In October 2024, the platform complied with the legal requirements and was authorized to resume operations in the country.<sup>267</sup>

163. Regarding **human rights institutions**, the State reported on the adoption of strategies for the protection of human rights with a special focus on groups exposed to greater discrimination. Specifically, the State implemented the National Human Rights System, with a decentralized perspective;<sup>268</sup> it launched the Opinion or Hate website, a tool to raise awareness and combat hate speech;<sup>269</sup> it enacted Law No. 14,992, which establishes guidelines to promote the inclusion of persons with an autism spectrum disorder (ASD) in the labor market;<sup>270</sup> and it established the Committee for Monitoring the National Strategy to Combat Violence against LGBTQIA Persons.<sup>271</sup> It also reactivated the Special Commission on Political Deaths and Disappearances, created in 1995.<sup>272</sup>

164. As for **access to justice**, the STF and the National Council of Justice (CNJ) launched the New Judicial Service Portal, which centralizes access to justice and updates the Brazilian judicial system with upgraded technology.<sup>273</sup> In addition, the executive branch enacted Law No. 14,941, which provides for a committee to manage the resources of the Federal Public Defense Fund, which will allow for the expansion of comprehensive and free legal assistance to regions in the interior of Brazil.<sup>274</sup>

165. These initiatives are complementary to the efforts made to democratize justice, given that, according to data from the Brazilian Bar Association (OAB), only 16 percent of the persons prosecuted in the country have access to public defenders.<sup>275</sup>

166. With regard to **citizen security**, the State reported on the modernization of public security actions through initiatives such as the National Body Cameras Project, which promotes the use of recording devices by security agents; the Project to Increase Homicide Investigation Capacity through Specialized Units; the Project to Increase the Service Capacity of the Military Police; the Project on Digital Transformation for Public Security Agencies, which seeks to centralize information; and the National Guidelines on the Use of Force by Public Security Agents.<sup>276</sup>

<sup>265</sup> BBC, "[Joias, vacina e, agora, golpe: as acusações contra Bolsonaro](#)," November 21, 2024.

<sup>266</sup> Federal Supreme Court (STF), "[STF determina suspensão do X, antigo Twitter, em todo o território nacional](#)," August 30, 2024.

<sup>267</sup> *O Globo*, "[Um mês após desbloqueio, plataforma X retoma acessos no Brasil, mas em patamar menor, mostra levantamento](#)," November 2, 2023.

<sup>268</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 1. In IACHR files.

<sup>269</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 1. In IACHR files.

<sup>270</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 2. In IACHR files.

<sup>271</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 3. In IACHR files.

<sup>272</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, pp. 4–5. In IACHR files.

<sup>273</sup> UNDP, "[Novo Portal de Serviços do Poder Judiciário centraliza acesso à Justiça no Brasil](#)," December 3, 2024.

<sup>274</sup> Federal Senate, "[Conselho que amplia acesso à justiça gratuita no interior do país é sancionado](#)," July 31, 2024.

<sup>275</sup> Brazilian Bar Association, "[Desigualdade no acesso à justiça no Brasil: Entre formalismos e a busca por soluções – por Eduardo Koetz](#)," July 18, 2024.

<sup>276</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, p. 55. In IACHR files.

167. Available official data also shows that the homicide rate dropped by 5 percent —50 percent in 2024 compared to 2023—, amounting to a total of 32,451 victims of intentional homicide as of November 2024. The states with the highest number of recorded cases were Bahia, Ceará, Pernambuco and Rio de Janeiro.<sup>277</sup>

168. Regarding police violence, the State faces a significant challenge. According to information provided by the civil society, during the first quarter of 2024 alone, the number of deaths perpetrated by the civil and military police in the Baixada Santista, São Paulo, reportedly reached a record high of 84 victims, the highest toll in the last 11 years and a 394 percent increase compared to the 17 victims recorded in the same period of 2023.<sup>278</sup> In response, the Supreme Federal Court (STF) mandated the use of body cameras by military police officers during operations in São Paulo. It also called for the implementation of additional cameras based on a police lethality risk analysis and urged the publication of relevant data on the website of São Paulo's Public Security Secretariat, following a request from the Public Defender's Office.<sup>279</sup> The Commission has received alarming reports indicating that investigations into police interventions lack sufficient independence, as they are conducted by the police themselves. This raises serious concerns about potential threats to the right to access justice.<sup>280</sup>

169. Regarding the situation of **indigenous peoples**, in 2024, the Amnesty Commission of the Ministry of Human Rights and Citizenship (MDHC) approved, for the first time since its creation, a request for collective reparations for serious violations of the rights of indigenous communities during the military regime (1964–1985), including massacres, torture and forced displacement.<sup>281</sup> In addition, the State undertook measures to curb and remove trespassers and *garimpeiros* (illegal gemstone miners) from the Yanomami Amazon reservation, thus reinforcing the protection of this indigenous territory.<sup>282</sup>

170. In terms of challenges, legal uncertainty in relation to land tenure persisted due to the possible reestablishment of the “timeframe thesis,” which restricts claims and titling in favor of indigenous communities. In this context, the STF created a settlement committee, although organizations pointed out they are inadequately represented therein and expressed their disagreement with the proposal.<sup>283</sup> An increase in violence in indigenous territories was also reported, especially in the states of Bahia,<sup>284</sup> Paraná<sup>285</sup> and Mato Grosso do Sul,<sup>286</sup> where indigenous leaders and members of the Pataxó Hã-Hã-Hãe, Avá-Guarani and Guarani Kaiowá communities have been murdered.

171. Publicly available sources reported that Ademir Machado Reis, from the Caramuru Catarina Paraguassu Indigenous Reserve, was found dead days after a military intervention by the Força-Tarefa in the area on January 9, which took place without the community's prior consent. On January 16, Roberto Bráz Ferreira, a Pataxó Indigenous man, was found dead in his home with signs of severe beatings.<sup>287</sup> Additionally,

<sup>277</sup> Ministry of Justice and Public Security of Brazil, [Mapa da Segurança Pública 2024](#) and [Dados Nacionais de Segurança Pública. Vítimas – Homicídio Doloso](#).

<sup>278</sup> Ponte, “[Mortes pela polícia na Baixada Santista \(SP\) cresceram 394% no 1º trimestre de 2024](#),” April 30, 2024. In addition, official data published in 2024 report that 6,381 people died due to police intervention in 2023. See Ministry of Justice and Public Security of Brazil, [Mapa da Segurança Pública 2024](#) and [Dados Nacionais de Segurança Pública. Vítimas-Mortes por Intervenção Policial](#).

<sup>279</sup> STF, “[Presidente do STF vê risco a direitos fundamentais e determina uso obrigatório de câmeras corporais por PMs em SP](#),” December 9, 2024.

<sup>280</sup> Federal Prosecutor's Office for Citizen Rights. Information sent to the IACHR on February 12, 2025. In IACHR files.

<sup>281</sup> Agência Brasil, “[Comisión aprueba perdón a víctimas indígenas de la dictadura militar](#),” April 3, 2024.

<sup>282</sup> Reuters, “[Brazil says it has nearly cleared gold miners from Amazon Yanomami reservation](#),” September 14, 2024.

<sup>283</sup> Instituto Socioambiental, “[Organizaciones advierten sobre riesgo de retroceso en derechos indígenas en el STF](#),” August 29, 2024.

<sup>284</sup> Agência Brasil, “[Indígenas denunciam assassinato de mulher pataxó em conflito na Bahia](#),” January 21, 2024.

<sup>285</sup> Conselho Indigenista Missionário, “[Fazendeiros atacam Avá-Guarani do Tekoha Y'Hovy, no oeste do Paraná, como se fossem caça](#),” August 28, 2024.

<sup>286</sup> G1, “[Índigena é morto a tiros em confronto com a polícia militar em Antônio João, em MS](#),” September 18, 2024.

<sup>287</sup> Conselho Indigenista Missionário, “[Em 2024 violência contra os povos indígenas persiste no Sul e Extremo Sul da Bahia](#),” January 22, 2024.



on September 18, Neri Guarani Kaiowa was fatally shot during an operation conducted by the Military Police of Mato Grosso do Sul.<sup>288</sup>

172. Regarding advances in the situation of **Afro-descendant persons and policies against racial discrimination**, the Jury Court of Rio de Janeiro convicted two former policemen as direct perpetrators of the murders of human rights defender Marielle Franco and her driver Anderson Gomes in 2018. In addition, the police concluded the investigation into the masterminds of the murders, which resulted in the imprisonment of two political leaders.<sup>289</sup>

173. Furthermore, the State demarcated and titled lands for more than 19 Quilombola communities in nine states, benefiting more than 4,500 families,<sup>290</sup> and created a special directorate to guarantee that this population enjoys their territorial rights.<sup>291</sup> The State also promoted an agenda of reparations for damages caused during the time of slavery, which was submitted to the Government of Portugal.<sup>292</sup> Moreover, the executive branch launched the first policy targeted at the country's Roma population, which includes anti-discrimination measures, the recognition of land rights and access to human rights.<sup>293</sup>

174. However, rates of lethal violence in Afro-descendant communities during police operations increased significantly in 2024, especially in the states of São Paulo, Rio de Janeiro and Bahia.<sup>294</sup> In the first two months of the year, deaths perpetrated by police officers increased by 94 percent, including reprisal killings against specific communities, according to reports.<sup>295</sup> Among the most serious cases, the Commission notes that of Gabriel Renan Soares, 26, who was shot 11 times in the back after attempting to steal cleaning products in São Paulo on November 3.<sup>296</sup> Moreover, Thainara Vitória Francisco dos Santos, who was 18 years old and pregnant, died on November 14 in Governador Valadares, Minas Gerais, after being arrested and assaulted by police officers while defending her 15-year-old autistic brother.<sup>297</sup> Also, Marcelo Barbosa do Amaral, 25, was assaulted and thrown from a bridge by military police in São Paulo on December 3.<sup>298</sup>

175. Furthermore, structural racism continued to disproportionately impact Quilombola communities, who denounced the granting of environmental licenses to operate in their ancestral territories, as well as deforestation, the use of pesticides, threats and the criminalization of environmental defenders.<sup>299</sup> The Quilombola community of Queimadas, in Minas Gerais, reported threats and reprisals due to their opposition to the operations of mining company Herculano.<sup>300</sup> Other reports point to human rights violations

<sup>288</sup> BdF, "['Indígenas são assassinados, mandantes são impunes', denunciam organizações em nota de solidariedade aos Guarani Kaiowá](#)," September 18, 2024.

<sup>289</sup> BBC News, "[Assassinos de Marielle e Anderson são condenados a décadas de prisão](#)," October 31, 2024.

<sup>290</sup> Government of Brazil, "[Governo Federal destina mais de 120 mil hectares a 4,5 mil quilombolas de Alcântara](#)," September 19, 2024.

<sup>291</sup> Ministry of Racial Equality of Brazil, "[Governo Federal cria Diretoria de Territórios Quilombolas no Incra e fortalece agenda de titulações no Brasil](#)," September 9, 2024.

<sup>292</sup> UOL, "[Brasil trabalhará com Portugal para adotar medidas concretas de reparação](#)," April 24, 2024.

<sup>293</sup> Ministry of Racial Equality of Brazil, "[MIR lança Plano Nacional de Políticas para Povos Ciganos](#)," August 1, 2024.

<sup>294</sup> IACHR, thematic hearing "[Brazil: Human rights violations in police raid contexts](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024; G1, "[Capitão e cabo da PM se tornam réus por homicídio na Operação Escudo no litoral de SP](#)," July 23, 2024. During Operation Summer (formerly known as Operation Shield), 56 persons were killed between February 3 and April 1, 2024.

<sup>295</sup> InSight Crime, "[En Brasil, tácticas policiales recicladas dan los mismos resultados](#)," March 14, 2024.

<sup>296</sup> CNN, "[Novas imagens mostram que policial executou jovem negro pelas costas em SP](#)," December 2, 2024.

<sup>297</sup> G1, "[Polícia Civil vai investigar caso de jovem que morreu ao ser presa em Governador Valadares](#)," November 15, 2024; SBT News, "[Jovem de 18 anos morre em viatura após defender irmão autista de abordagem da PM](#)," November 16, 2024; Brasil 247, "[Jovem grávida de MG é morta em abordagem policial ao tentar defender irmão autista](#)," November 17, 2024.

<sup>298</sup> Folha de S.Paulo, "['Ou você pula da ponte ou eu jogo você': vítima relata como foi jogada por PM em SP](#)," December 6, 2024.

<sup>299</sup> SSB, "[Campanha Contra a Violência no Campo Acompanha Missão da Comissão Nacional de Enfrentamento a Violência no Campo no Maranhão](#)," February 27, 2024.

<sup>300</sup> Brasil de Fato, "[MAM denuncia ameaça de violência a comunidade quilombola de Queimadas, no Serro \(MG\)](#)," March 19, 2024.

by corporate actors,<sup>301</sup> which have sparked high levels of violence against indigenous and Quilombola persons and leaders,<sup>302</sup> as well as the failure to demarcate these communities' territories.<sup>303</sup>

176. Regarding the **rights of women**, the State adopted measures to strengthen its regulatory framework and public policies for the prevention, tackling and eradication of gender-based violence. Among these, it established the crime of femicide as an autonomous crime<sup>304</sup> and modified regulations to guarantee priority and adequate assistance to women in situations of domestic and family violence by the health and public security systems.<sup>305</sup> In terms of prevention, the executive branch launched the Action Plan of the National Pact for the Prevention of Femicide<sup>306</sup> and carried out various awareness campaigns to prevent femicide and political violence against women.<sup>307</sup>

177. Similarly, important measures were undertaken to promote gender equality in various areas, including the ratification of Convention 189 and Recommendation No. 201 of the ILO on the rights of home-based workers,<sup>308</sup> the implementation of a gender perspective in the 2024–2027 multi-year plan,<sup>309</sup> and efforts made to mainstream said approach in public policies and budgets.<sup>310</sup>

178. Moreover, in 2024, only 10 percent of the Women's Police stations operated uninterruptedly, as established by law,<sup>311</sup> and there are currently only 10 Brazilian Women's House units in operation, despite efforts to expand their coverage.<sup>312</sup> In this context, sexual violence rates against girls and adolescents continue to be alarming, as 49.6 percent of cases involve girls aged 10 to 14 years.<sup>313</sup> In addition, in some of its rulings, the Superior Court of Justice underestimated the seriousness of sexual violence against girls under 14 years of age in cases involving consensual relationships, young aggressors or subsequent pregnancies.<sup>314</sup> High rates of sexual exploitation of women, girls and adolescents were still observed in highways, tourist areas in the northeast region, coastal areas<sup>315</sup> and indigenous communities living in poverty.<sup>316</sup> Moreover, the State

<sup>301</sup> IACHR, thematic hearing "[Brazil: State responsibility for human rights violations in company activities](#)," 190<sup>th</sup> regular period of sessions, July 16, 2024.

<sup>302</sup> IACHR, Press Release No. 097/24, [IACHR Grants Precautionary Measures to Members of the Tapeba Indigenous People of Caucaia in Brazil](#), May 10, 2024; IACHR, Press Release No. 134/24, [IACHR extends precautionary measures to members of the Pataxó Hã-Hã-Hã Indigenous People in Brazil](#), June 11, 2024; Front Line Defenders, "[Brazil: Attack on Antonio Alves and death threats against Human Rights Defenders from Quilombo Onça in Maranhão](#)," June 25, 2024.

<sup>303</sup> *Ibid.*

<sup>304</sup> Presidency of the Republic, [Law No. 14,994](#), October 9, 2024.

<sup>305</sup> Presidency of the Republic, [Law No. 14,847](#), April 25, 2024; [Law No. 14,899](#), June 17, 2024.

<sup>306</sup> Presidency of the Republic, "[Governo Federal lança Plano de Ação do Pacto Nacional de Prevenção aos Femicídios](#)," March 19, 2024; *Agência Brasil*, "[Brasil apresenta plan nacional para la prevención de feminicidio](#)," March 20, 2024.

<sup>307</sup> Information provided by the State of Brazil for the Commission's annual report. In IACHR files. Information provided by the Federal Prosecutor's Office for Citizen Rights, under the Public Prosecutor's Office, for the Commission's annual report, November 29, 2024. In IACHR files; *Agência Brasil*, "[El gobierno brasileño lanza la campaña Femicidio Cero](#)," August 8, 2024; Presidency of the Republic, "[Ministério das Mulheres lança campanha 'Mais mulheres no poder, mais democracia'](#)," June 11, 2024.

<sup>308</sup> Presidency of the Republic, [Decree No. 12,009](#), May 1, 2024.

<sup>309</sup> Presidency of the Republic, [Law No. 14,802](#), Art. 4, Item II, January 10, 2024.

<sup>310</sup> Ministry of Planning and Budget, [Transversalidade de Gênero nas Políticas Públicas, no Plano e no Orçamento. Guia Prático para Gestoras e Gestores Públicos](#), Brasília, 2024; Ministry of Women's Affairs, [National Report on the implementation of the Beijing Declaration and Platform for Action](#), 2024, p. 13.

<sup>311</sup> VEJA, "[Apenas 10% das delegacias da mulher do país funcionam 24h: veja mapa](#)," May 10, 2024; Presidency of the Republic, [Law No. 14,541](#), April 3, 2023.

<sup>312</sup> Ministry of Women's Affairs, "[Governo federal investiu R\\$ 296 milhões em Casas da Mulher Brasileira desde 2023](#)," November 12, 2024.

<sup>313</sup> Cerqueira, D. and Bueno, S., [Atlas da violência 2024](#), Ipea and FBSP, Brasília, 2024.

<sup>314</sup> Representatives of the Office of the Special Prosecutor for Women of the Assembly of the state of Amazonas, September 19, 2024. In IACHR files. Superior Court of Justice of Brazil, Panel No. 5, AREsp 2,389,611, October 17, 2024, and Panel No. 6, AgRg Resp 2,015,310, September 12, 2023.

<sup>315</sup> In the first semester of 2024 alone, Disque 100 received 2,128 reports of sexual exploitation. MDHC of Brazil, [Disque Direitos Humanos \(Disque 100\)](#), first semester of 2024, accessed on December 4, 2024. See: *GI*, "[Exploração sexual de crianças e adolescentes: Rodovias federais tem 9,745 pontos vulneráveis](#)," May 18, 2024; Freedom Fund, "[Prevalence of commercial sexual exploitation in Recife, Brazil](#)," February 15, 2024.

<sup>316</sup> INESC, "[Sexo em troca de comida, violência sexual contra crianças indígenas](#)," 2022. *Brasil 247*, "[PF investiga esquema de aliciamento de indígenas menores de idade e favorecimento à prostituição](#)," December 23, 2023. *Brasil de Fato*, "[Associação de mulheres indígenas denuncia estupro coletivo e morte de mulher Kaingang no Paraná](#)," September 25, 2024.

recorded several cases of gender-based violence against women human rights defenders, journalists, community leaders in favelas, activists<sup>317</sup> and women in politics.<sup>318</sup>

179. In addition to the above, the STF decided as a precautionary measure to suspend the validity of the resolution of the Federal Medical Board of Brazil that prohibited the performance of legal abortions after 22 weeks of gestation.<sup>319</sup> However, obstacles to access legal abortion persist, such as inadequate or delayed healthcare provision, the demands for patients to meet criteria that are not provided for by law, the denial of service in cases permitted by law, the spread of misinformation, the claim of conscientious objection by medical personnel and the lack of such health services outside the state capitals.<sup>320</sup> Moreover, several bills have been introduced with a view to imposing greater restrictions on access to sexual and reproductive healthcare.<sup>321</sup> This took place in a context of high maternal mortality rates in the country, which amounted to 43,196 cases between January and August 2024, most of the victims being Afro-descendant women.<sup>322</sup>

180. Regarding **persons deprived of liberty**, the STF decriminalized the possession of cannabis for personal use, establishing a limit of 40 grams or six female *Cannabis sativa* plants to differentiate between personal use and commercialization.<sup>323</sup> In addition, the State adopted the Fair Sentence strategy at the national level to address the unconstitutional state of affairs in Brazilian prisons,<sup>324</sup> in compliance with the STF ruling of October 4.<sup>325</sup> This plan, already approved by the STF in December, must be implemented within three years and defines specific actions to address the challenges related to detention.<sup>326</sup> The National Council of Justice also adopted a resolution providing for judicial inspections in detention facilities,<sup>327</sup> in addition to the accession of the National Committee to Prevent and Combat Torture (CNPCT) to the Declaration of San José —aimed at institutional strengthening and networking—, and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>328</sup>

181. In addition, the CNPCT issued Recommendation No. 13 on April 24, 2024, which establishes guidelines for the creation and strengthening of the aforementioned mechanisms in all units across the country.

<sup>317</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), [Concluding observations on the combined eighth and ninth periodic reports of Brazil](#), June 6, 2024, para. 28.

<sup>318</sup> In the context of the 2024 elections, over 66.7 percent of elected women mayors claimed to have suffered some form of gender-based political violence during the campaign or mandate. National Confederation of Municipalities of Brazil, [Estudo Violência Política de Gênero e Fundo Especial de Financiamento de Campanha – MMM](#), 2024.

<sup>319</sup> STF, “[STF suspende resolução do CFM que dificulta aborto em gestação decorrente de estupro](#),” May 17, 2024; Federal Medical Board, [CFM Resolution No. 2.378/2024](#), April 3, 2024.

<sup>320</sup> CEDAW, [Concluding observations on the combined eighth and ninth periodic reports of Brazil](#), June 6, 2024, para. 34; Agência Brasil, “[STJ autoriza aborto legal que foi negado a adolescente de 13 anos](#),” July 25, 2024; Metrôpoles, “[Há sete meses, hospital de SP não oferece aborto legal após 22ª semana](#),” June 17, 2024; Metrôpoles, “[Menina de 14 anos estuprada viajou de SP à BA para fazer aborto legal](#),” June 19, 2024; ABC, “[Desinformación y burocracia: el calvario de las brasileñas para acceder al aborto legal](#),” July 18, 2024; IACHR, [2023 Annual Report. Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 165; IACHR, [2022 Annual Report. Chapter IV.A. Development of Human Rights in the Region](#), April 1, 2023, para. 176.

<sup>321</sup> Chamber of Deputies, [Constitutional Amendment Proposal No. 164/2012](#), passed by the CCJC on November 27, 2024; Chamber of Deputies, [Bill No. 1904/2024](#); AP News, “[Proyecto de ley que equipara aborto tardío con homicidio genera protestas masivas en Brasil](#),” June 15, 2024.

<sup>322</sup> Ministry of Health, [Painel de Monitoramento da Mortalidade Materna](#), accessed on December 4, 2024; Ministry of Health, “[Morte de mães negras é duas vezes maior que de brancas, aponta pesquisa](#),” November 23, 2023.

<sup>323</sup> Agência Brasil, “[La Corte Suprema de Brasil despenaliza consumo personal de marihuana](#),” June 26, 2024; Agência Brasil, “[Se fijan 40g de marihuana para diferenciar usuario de traficante](#),” June 27, 2024; El país, “[Brasil despenaliza el consumo de marihuana en una decisión que abre la puerta a miles de excarcelaciones](#),” June 27, 2024.

<sup>324</sup> National Secretariat of Criminal Policy, Ministry of Justice and Public Security of Brazil, [Pena Justa](#), April 2024.

<sup>325</sup> STF, [Summary of Ruling ADPF 347](#), October 4, 2023. See also: Association for the Prevention of Torture, “[La APT propone acciones estratégicas para el plan nacional de reforma penitenciaria de Brasil](#),” September 12, 2024.

<sup>326</sup> IACHR [CIDH], (December 23, 2024), #Brasil: #CIDH comemora a aprovação do “Plano de Pena Justa” pelo Supremo Tribunal Federal [X post], X, <https://x.com/cidh/status/1871290210400780689?s=43&t=uf3HRk57pcbUZ8Q3BWn5zg&mx=2>.

<sup>327</sup> National Council of Justice of Brazil, [Resolution No. 593](#), November 8, 2024.

<sup>328</sup> CPT of Chile, [Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura \(MNP y MLPs\) de América Latina para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad](#), May 10, 2024.

The State also mapped the State Systems to Prevent and Combat Torture on the platform of the National Human Rights Observatory to monitor their creation, their current status and other additional information.<sup>329</sup>

182. Notwithstanding the progress made, with a total prison population of 642,491 persons as of December 2023,<sup>330</sup> Brazil continues to rank third in largest prison populations in the world.<sup>331</sup> Furthermore, taking into account that the country's official prison capacity is 487,208 people, the overcrowding rate is 31.9 percent.<sup>332</sup> In this outlook, the Congress amended legislation to prohibit humanitarian temporary releases on specific dates, such as Christmas. As a result, temporary releases are only granted to people who request to leave to attend professional training or go to work.<sup>333</sup>

183. In addition to the above, specific risk situations were observed in the prisons of some states, such as Pará, where the civil society reported various violations.<sup>334</sup> In the prisons of Goiás, a CNJ report identified overcrowding in 14 facilities and shed light on precarious infrastructure, insufficient food, acts of torture and lack of legal assistance.<sup>335</sup> In Minas Gerais, available data shows that 69 percent of the 218 prisons are overcrowded and in "regular, bad or very bad" condition.<sup>336</sup> Finally, the federal and Rio de Janeiro mechanisms for combating torture indicated that the José Frederico Marques Public Prison, where custody hearings are held, is currently in a precarious status mainly due to unsanitary conditions, lack of drinking water, inadequate toilets, lack of mattresses and shortage of medicines.<sup>337</sup>

184. In relation to the rights of **human rights defenders**, the State reported that the Program for the Protection of Human Rights Defenders (PPDDDH) operated across Brazil through voluntary agreements between the federal government and the federated states. Paraíba, Pará, Bahia and other states had state teams in place, while Amazonas, Roraima and Mato Grosso do Sul had region-focused federal teams in place; the remaining states worked under the guidance of the Federal Technical Team.<sup>338</sup> The State also noted that, in 2024, program funding was increased by 85 percent—from 17.6 million Brazilian reais in 2023 to 32.9 million Brazilian reais in 2024, including 4.8 million Brazilian reais allocated to the protection of the Yanomami people. In addition, region-focused technical teams were expanded, and an office was set up in Porto Seguro, Bahia, thus bolstering the program's coverage in the southern area of the state of Bahia.<sup>339</sup>

185. The Commission continued to follow up on the activities carried out by the Sales Pimenta Technical Working Group (GTT), whose purpose is to prepare the National Plan for the Protection of Human Rights Defenders, Communicators and Environmentalists and a bill on the National Policy for the Protection of Human Rights Defenders.<sup>340</sup> In the framework of the public hearing "Follow-up on the Joint Working Group on Precautionary Measures in favor of Bruno Araújo Pereira, Dom Phillips and 11 members of UNIVAJA – MC 449-

<sup>329</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report, pp. 38 and 42. In IACHR files.

<sup>330</sup> National Secretariat of Criminal Policy, Ministry of Justice and Public Security of Brazil, [Relatório de Informações Penais. 15º ciclo SISDEPEN. 2º semestre de 2023 \(RELIPEN\)](#), 2024, p. 12.

<sup>331</sup> World Prison Brief and Institute for Crime & Justice Policy Research, [Highest to Lowest – Prison Population Total](#), 2024.

<sup>332</sup> National Secretariat of Criminal Policy, Ministry of Justice and Public Security of Brazil, [Dados Estatísticos do Sistema Penitenciário. Presos em Unidades Prisionais no Brasil – Período de Julho a Dezembro de 2022](#), 2023. See also: IACHR, [2022 Annual Report](#), Chapter IV.A. Development of Human Rights in the Region, para. 185.

<sup>333</sup> *France 24*, "El Congreso de Brasil no permitirá más la salida de presos por razones humanitarias," June 1, 2024; *The Rio Times*, "Brazil's Congress Overturns Lula's Veto. Ends Prisoner 'Holiday' Releases," May 29, 2024; *SWI swissinfo.ch*, "El Congreso tumba el veto de Lula y vuelve a prohibir las salidas temporales de los presos," May 29, 2024.

<sup>334</sup> Coletivo Felipa Maria Aranha, Official Letter No. 0008/2024, July 30, 2024. In IACHR files; Information provided to the IACHR by the civil society via email, May 21–22 and July 3, 2024. In IACHR files.

<sup>335</sup> CNJ, [Relatório de Inspeções. Estabelecimentos Prisionais do Estado de Goiás](#), 2023. Agência Brasil, "CNJ encontra superlotação e tortura nos presídios de Goiás," April 11, 2024.

<sup>336</sup> Public Prosecutor's Office of the state of Mato Grosso, "Superlotação: quase 70% dos presídios de Minas Gerais estão em condições de regulares a péssimas," January 31, 2024; *G1*, "Superlotação: quase 70% dos presídios de Minas Gerais estão em condições de regulares a péssimas," January 31, 2024.

<sup>337</sup> National Mechanism for Preventing and Combating Torture and Mechanism for Preventing and Combating Torture of the state of Rio de Janeiro, [Relatório de Inspeção. Cadeia Pública Frederico Marques – Rio de Janeiro/RJ, 07 de dezembro 2023](#), May 13, 2024.

<sup>338</sup> Federative Republic of Brazil, Input for Chapter IV of the 2024 Annual Report of the IACHR, November 7, 2024, p. 44.

<sup>339</sup> Federative Republic of Brazil, Input for Chapter IV of the 2024 Annual Report of the IACHR, November 7, 2024, pp. 44–45.

<sup>340</sup> Federative Republic of Brazil, Input for Chapter IV of the 2024 Annual Report of the IACHR, November 7, 2024, p. 45.



22,” the State reported to the Commission that it had held three public hearings, 54 public consultations and 11 sessions as part of the work of the GTT, including consultations with the Commission and with the United Nations Special Rapporteur on human rights defenders. The draft National Plan for the Protection of Human Rights Defenders was subject to public consultation between November 13 and 26, 2024 and had to be submitted by December 12, 2024.<sup>341</sup>

186. Nevertheless, 2024 was marked by attacks on human rights defenders, especially indigenous defenders. On May 30, Quilombola defender Antonio Alvez was the victim of an armed attack in Santa Inés, Maranhão, and other defenders from Quilombo Onça, such as Antonio Jean, Valdivino Lopes and Reginaldo da Conceição, received death threats.<sup>342</sup> Due the context of violence against indigenous peoples in Bahia, Paraná and Mato Grosso do Sul linked to the defense of their territorial rights, the Commission extended the scope of the precautionary measures granted to the Pataxó Hã-Hã-Hãe people after the murder of the *majé* Nega Pataxó Hã-Hã-Hãe on January 21 and following threats against community leaders.<sup>343</sup>

187. Regarding progress related to the rights of **LGBTI persons**, Brazil undertook various public policies, such as a campaign to celebrate trans visibility as part of its national strategy to combat violence against LGBTQIA+ persons under the Ministry of Human Rights.<sup>344</sup> This Ministry also created a program to support homeless LGBTQIA+ persons, promote economic empowerment and decent employment, and combat violence in rural areas, to which 8.5 million Brazilian reais (1.62 million US dollars) were earmarked.<sup>345</sup> Moreover, the Federal Prosecutor’s Office for Citizen Rights supported the establishment of quotas for trans persons in universities,<sup>346</sup> and the Ministry of Education issued an ordinance against harassment and prejudice that incorporates an inclusive perspective.<sup>347</sup>

188. Additionally, the STF unanimously ratified the ruling indicating that the Unified Health System should update its platforms so that trans persons can access consultations, examinations and procedures according to their specific needs and regardless of their sex assigned at birth.<sup>348</sup> The STF also ordered an investigation of transphobic actions on social media against trans Congresswoman Erika Hilton.<sup>349</sup>

189. In terms of challenges, according to data published by the civil society in January, 257 LGBTI persons died under violent circumstances during 2023 in Brazil.<sup>350</sup> Out of these deaths, 145 victims were trans persons.<sup>351</sup> In this context, the civil society reported that there are over 70 laws in force that limit the rights of trans persons in various contexts, such as education, health, sports and the use of public spaces and restrooms.<sup>352</sup>

190. Regarding the processes of **memory, truth and justice**, the State reported the reinstatement of the Special Commission on Political Deaths and Disappearances —in charge of the search for people killed

<sup>341</sup> IACHR, public hearing “[Brazil: Follow-up on preventive measures for members of UNIAIA indigenous peoples](#),” held during the 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>342</sup> Front Line Defenders, “[Brazil: Brazil: Attack on Antonio Alves and death threats against Human Rights Defenders from Quilombo Onça in Maranhão](#),” June 25, 2024; Protect Defenders, “[Brazil – Physical attack and death threats against Indigenous leaders and HRDs](#),” July 31, 2024.

<sup>343</sup> IACHR, [Resolution No. 38/2024](#), Precautionary Measure No. 61-23, Members of the Pataxó Hã-Hã-Hãe indigenous people regarding Brazil (Extension), June 3, 2024.

<sup>344</sup> MDHC, “[MDHC lança campanha alusiva aos 20 anos da visibilidade trans](#),” January 22, 2024.

<sup>345</sup> Social Communication Secretariat, “[Programas de proteção e garantia de direitos de pessoas LGBTQIA+ terão investimentos de R\\$ 8.5 milhões](#),” June 3, 2024; Permanent Mission of Brazil to the OAS, Note No. 346, November 7, 2024, pp. 3 *et seq.* In IACHR files.

<sup>346</sup> *Brasil de Fato*, “[MPF defende cotas para pessoas trans em concursos públicos e universidades](#),” January 18, 2024.

<sup>347</sup> Permanent Mission of Brazil to the OAS, Note No. 346, November 7, 2024, pp. 23 *et seq.* In IACHR files.

<sup>348</sup> MDHC, “[Após 20 anos, pessoas trans recebem reconhecimento histórico em evento promovido pelo MDHC](#),” January 30, 2024.

<sup>349</sup> STF, “[STF determina prosseguimento de investigação sobre transfobia contra deputada Erika Hilton](#),” October 16, 2024.

<sup>350</sup> Agência Brasil, “[Brasil: Cifran en 257 las muertes violentas de LGBTQIA+ durante 2023](#),” January 27, 2024.

<sup>351</sup> Agência Brasil, “[Brasil registrou 145 assassinatos de pessoas trans no ano pasado](#),” January 29, 2024; Benevides, B. G., *Dossiê: Assassinatos e violências contra travestis e transexuais brasileiras em 2023*, Associação Nacional de Travestis e Transexuais (ANTRA), Brasília, 2024.

<sup>352</sup> Meeting with Brazilian civil society organizations, April 3, 2024. Notes in IACHR files; *Farol da Bahia*, “[Brasil tem pelo menos 77 leis antitrans em vigor em 18 estados](#),” January 28, 2024.



and disappeared for political reasons during the military dictatorship—,<sup>353</sup> following its dissolution in December 2022.<sup>354</sup> The State also announced a plan to resume the search and identification of the victims of the guerrilla of Araguaia.<sup>355</sup> In addition, it reported that it is advancing on the creation of a permanent committee to follow up on the recommendations contained in the Final Report of the National Truth Commission,<sup>356</sup> and it reported on the calls for tender to set up two Memory Centers of Victims of State Violence in the cities of Santos and Rio de Janeiro.<sup>357</sup> Furthermore, the Public Prosecutor's Office filed a complaint requesting that 42 former agents of the military dictatorship be found liable for the torture and disappearance of persons who opposed the regime.<sup>358</sup>

191. Despite these advances, the lack of financial resources has hindered the operation of the Amnesty Commission.<sup>359</sup>

192. With respect to **children and adolescents**, Brazil made progress in the protection of their rights by means of Law No. 14,811 and Law No. 15,032, which established measures against violence in schools and child sexual abuse,<sup>360</sup> in addition to allocating public funds for sports clubs to implement policies against child abuse.<sup>361</sup> It also created the National System to Monitor and Combat Violence in Schools<sup>362</sup> and it passed resolutions on digital rights<sup>363</sup> and family coexistence.<sup>364</sup> It was further reported that during the 12<sup>th</sup> National Conference on the Rights of Children and Adolescents over 300 children and adolescents participated in the drafting of public policies.<sup>365</sup>

193. However, in 2024, complaints of sexual exploitation of children and adolescents in the island of Marajó, in Pará, led the MDHC to promote the establishment of two Comprehensive Care Centers in Portel and Soure, equipped in collaboration with Fundação ParáPaz. In addition, the Marajó Citizenship Program, focused on combating child abuse and sexual exploitation and guaranteeing access to public policies in the region, has continued to be implemented since its launch in 2023.<sup>366</sup> According to official data, as of July, there were over 255,000 complaints of human rights violations against children and adolescents, including physical, psychological and sexual abuse, as well as neglect and exploitation.<sup>367</sup>

194. Regarding the situation of **persons in the context of human mobility**, between January and September, Brazil recorded the entry of 143,352 people, including 71,266 Venezuelans under the category of "shelter." In that period, the country received 55,940 asylum applications, and the National Committee for Refugees (CONARE) resolved 43,019 cases, granting asylum to 5,938 persons (13.8 percent). In addition, between January and August, 203,473 migrants, refugees and stateless persons formally joined the labor market. Between 2017 and September 2024, 255,972 Venezuelans requested asylum in Brazil, out of which

<sup>353</sup> Federative Republic of Brazil, Note No. 346, Annex, November 7, 2024. Federative Republic of Brazil, Input for Chapter IV of the 2024 Annual Report of the IACHR, pp. 49 and 52.

<sup>354</sup> IACHR, [2022 Annual Report, Chapter IV.A, Development of Human Rights in the Region](#), April 1, 2023, para. 178.

<sup>355</sup> Federative Republic of Brazil, Note No. 346, Annex, November 7, 2024. Input for Chapter IV of the 2024 Annual Report of the IACHR, p. 53.

<sup>356</sup> Federative Republic of Brazil, Note No. 346, Annex, November 7, 2024. Input for Chapter IV of the 2024 Annual Report of the IACHR, p. 49.

<sup>357</sup> Federative Republic of Brazil, Note No. 346, Annex, November 7, 2024. Input for Chapter IV of the 2024 Annual Report of the IACHR, p. 15.

<sup>358</sup> Agência Brasil, "[MPF pede responsabilização e multas para 42 ex-agentes da ditadura](#)," March 18, 2023.

<sup>359</sup> *Brasil de Fato*, "[Comissão de Anistia do governo opera com dinheiro 'emprestado' e não tem verbas para próximos meses](#)," September 2, 2024.

<sup>360</sup> Special Secretariat for Legal Affairs of Brazil, [Law No. 14,811](#), January 12, 2024.

<sup>361</sup> Special Secretariat for Legal Affairs of Brazil, [Law No. 15,032](#), November 21, 2024.

<sup>362</sup> Presidency of the Republic of Brazil, [Decree No. 12,006](#), April 24, 2024.

<sup>363</sup> MDHC, National Secretariat on the Rights of Children and Adolescents, General Coordination of the National Council on the Rights of Children and Adolescents, [Resolution No. 245](#), April 5, 2024.

<sup>364</sup> National Council of the Public Prosecutor's Office, [Resolution No. 293](#), May 28, 2024.

<sup>365</sup> Agência Brasil, "[Crianças e adolescentes debatem propostas sobre direitos pós-pandemia](#)," April 4, 2024; *Brasil de Fato*, "[Após 5 anos, conferência nacional volta a debater políticas para crianças e adolescentes](#)," April 5, 2024; Social Protection Secretariat, "[Ceará marca presença na 12ª Conferência Nacional da Criança e do Adolescente, em Brasília](#)," April 3, 2024.

<sup>366</sup> MDHC, Request for information No. 249/2024. Information submitted by Congressman Nikolas Ferreira on April 11, 2024.

<sup>367</sup> MDHC, [Painel de Dados da Ouvidoria Nacional de Direitos Humanos](#), July 8, 2024.

134,070 were granted refugee status (52.3 percent), which thus evidences the country's role as a recipient of human mobility flows in the region.<sup>368</sup>

195. The legislative branch also passed an amendment to the Migration Law that expands legal protection for refugees and migrants, especially those in a situation of socioeconomic vulnerability. The amendment allows for easier access to the labor market and to education, inasmuch as it removes bureaucratic obstacles that used to restrict access to these rights.<sup>369</sup> In addition, the Ministry of Justice and Public Security held the 2<sup>nd</sup> National Conference on Migration, Asylum and Statelessness (COMIGRAR), which included an inclusive approach to guide public policies aimed at strengthening the rights of these groups. The Conference resulted in the selection of proposals in six key areas: equal treatment, socioeconomic inclusion, addressing rights violations, governance, migration regularization and interculturality. These actions constitute progress in the protection of migrants in the country.<sup>370</sup>

196. In April and May 2024, extreme weather events in Rio Grande do Sul affected 2.3 million people, internally displacing more than 600,000 people. Six months later, challenges persisted in restoring public services, rebuilding infrastructure and ensuring adequate housing for the displaced persons.<sup>371</sup> Moreover, the situation worsened at the Guarulhos airport, in São Paulo, where 192 migrants and asylum seekers were held in precarious conditions, given that they were not provided with a space for sleeping, had insufficient food and hygiene resources and faced mobility restrictions.<sup>372</sup> Reports indicate there were deportations without warning, families were separated, women were detained in the same spaces as men and officials engaged in medical negligence, as in the case of the Ghanaian citizen Evans Ossêi Ússu, who died of a widespread infection.<sup>373</sup> In addition, the State issued Technical Note No. 18/2024, in which it advised to not grant admission to migrants in transit, therefore restricting their right to seek asylum.<sup>374</sup>

197. With respect to **human trafficking**, the Ministry of Foreign Affairs, the Ministry of Justice and Public Security and the International Organization for Migration (IOM) launched a campaign to inform and advise Brazilian nationals, particularly fashion models and soccer players, about working abroad and the risk of human trafficking.<sup>375</sup> Moreover, in July, the State held a bilateral meeting with Bolivia to strengthen operations at its border with Brazil to combat human trafficking, among other crimes.<sup>376</sup>

198. In relation to **persons with disabilities**, among the progress made, the Commission highlights that the Government of Brazil created the National Registration System for Persons with Autism Spectrum Disorder, which simplifies the issuance of credentials, so as to grant easier access to public policies.<sup>377</sup>

199. However, according to official data, 8,302 cases of domestic violence against persons with disabilities have been reported, out of which 3,662 involved people with psychosocial disabilities, who were the majority of victims.<sup>378</sup> Civil society organizations also expressed their concern<sup>379</sup> about the processing of a

<sup>368</sup> Ministry of Justice and Public Security of Brazil, [Migração no Brasil: Boletim Informativo N° 5](#), November 2024.

<sup>369</sup> Permanent Mission of Brazil to the OAS, Situation of Human Rights in Brazil, Input for Chapter IV of the 2024 Annual Report. In IACHR files.

<sup>370</sup> Ministry of Justice and Public Security of Brazil, "[Comigrar elegeu 60 prioridades para migrantes, refugiados e apátridas](#)," November 11, 2024.

<sup>371</sup> UNHCR, [Brazil Floods Emergency Six-Month Impact Report, May–November 2024](#), December 2024.

<sup>372</sup> IACHR, Request for public hearing during the 192<sup>nd</sup> regular period of sessions on the prohibition to seek asylum/shelter at international airports in Brazil, December 3, 2024. In IACHR files.

<sup>373</sup> IACHR, *op. cit.*

<sup>374</sup> Ministry of Justice and Public Security, National Secretariat of Justice, Migration Department of Brazil, [Technical Note No. 18/2024/Gab-DEMIG/DEMIG/SENAIUS/MJ](#), August 2, 2024.

<sup>375</sup> Government of Brazil, [Tráfego de Pessoas e Orientações para o Trabalho no Exterior](#), May 2, 2024.

<sup>376</sup> Government of Brazil, "[Lula: 'Estamos comenzando una nueva era en las relaciones Brasil-Bolivia'](#)," July 10, 2024.

<sup>377</sup> *Exame*, "[Governo cria sistema de emissão de carteira nacional da pessoa com TEA](#)," July 17, 2024.

<sup>378</sup> Brazilian Public Security Forum, "[Violência contra pessoas com deficiência](#)," July 3, 2024.

<sup>379</sup> Human Rights Watch Brazil [@hrw\_brasil], (July 11, 2024), Está tramitando na @camaradeputados um projeto de lei (PL 5679/23) p/ possibilitar a esterilização de pessoas com deficiência intelectual ou condições de saúde mental, [X post], X, [https://x.com/hrw\\_brasil/status/1811475425853423828](https://x.com/hrw_brasil/status/1811475425853423828). See also: Federative Republic of Brazil, Chamber of Deputies, Chamber News Agency, "[Projeto altera norma sobre esterilização cirúrgica de pessoas com deficiência mental](#)," March 15, 2024.

bill to amend Article 10 of the Family Planning Law to allow for the nonconsensual sterilization of persons with disabilities.<sup>380</sup>

## VIII. CANADÁ

### • General considerations

200. With respect to **progress**, the Commission takes note of the coming into force of the Act to Enact the Fighting Against Forced Labor and Child Labor in Supply Chains and to amend the Customs Tariff. It also welcomes the launch of the Supporting Indigenous Victims of Crime (SIVC) initiative, aimed at funding projects to enhance access to victim-centered services led by indigenous communities. In addition, it takes note of efforts carried by the State, the Government of the Northwest Territories, and the Inuvialuit Regional Corporation to support Inuit-led child and family services.

201. In relation to **challenges**, the Commission expresses its concern about migrant workers who are participants of the Temporary Foreign Worker Program (TFWP) program as they may be at a higher risk of labor exploitation. It also observes with concern that, indigenous women, girls and adolescents continue to be exposed to being victims of murder, disappearances, and family violence. In addition, the IACHR expresses concern over allegations of racial profiling and discrimination, according to a report on anti-black racism from the Canadian Human Rights Commission.

202. On October 10, the State submitted its response to the Commission's request for information to prepare this chapter.

### • Specific issues

203. In relation to **democratic institutional**ity, the Commission values efforts by the State to protect the integrity of its electoral system. In May, the State approved Bill C-70, an Act Respecting Countering Foreign Interference, which proposes to update existing laws to better equip the government to detect, disrupt, and protect against foreign threats.<sup>381</sup> A Bill C-70 will also amend existing laws, among others: the Security of Information Act, the Canadian Security Intelligence Service Act, and the Canada Evidence Act. In addition, the Commission takes note of introduced amendments to Canada Election Act (CEA) to enhance citizens' participation and trust in Canada's electoral process.<sup>382</sup>

204. In relation to **human rights institutional**ity, the Commission takes note of the appointment in June, of the new chief commissioner of the Canadian Human Rights Commission (CHRC).<sup>383</sup> Based on publicly available information, the Ministry of Justice is conducting a background check on the new appointee for allegedly making antisemitic comments in the past.<sup>384</sup>

205. Regarding **citizen security**, the State indicated that, in 2024, it continued to move forward with Bill C-21, an act focused on strengthening gun control measures and containing violence. The Bill's measures will include among others the implementation of a nationwide freeze on handguns and the

<sup>380</sup> Federative Republic of Brazil, [Law No. 9.263](#), January 12, 1996.

<sup>381</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 1.

<sup>382</sup> Government of Canada, [Minister LeBlanc introduces legislation to further strengthen Canada's electoral process](#), March 20, 2024.

<sup>383</sup> Government of Canada, [New Chief Commissioner of the Canadian Human Rights Commission appointed by Minister of Justice](#), June 14, 2024.

<sup>384</sup> CBC, [Feds reviewing new human rights commissioner's online posts after Jewish advocates raise concerns](#), June 25, 2024; Toronto Sun, [Minister delays appointment of new human-rights commissioner after independent review](#), August 7, 2024.

establishment of a technical definition for prohibited firearms to address the risk of assault-style firearms.<sup>385</sup> In addition, the State informed that in 2024, funds were allocated to the Canada Border Service Agency (CBSA) and the Royal Canadian Mounted Police (RCMP) to prevent firearms from illegally entering Canada.<sup>386</sup>

206. With respect to **access to justice**, the State indicated that in 2024, launched the Supporting Indigenous Victims of Crime (SIVC) initiative to improve the availability of, and access to, indigenous-led, culturally safe and trauma-informed victims services.<sup>387</sup> It is expected that this initiative will support projects that advance a wide range of activities to increase access to survivor-centered services and support, and activities that will reflect community needs. In addition, the IACHR takes note of other initiatives such as the provision of funding to support access to legal aid in the criminal justice system, and to support increased access to justice for tenants through resources, advice, and information.<sup>388</sup>

207. Regarding the rights of **children**, the Commission welcomes the coordination agreement signed in September by the Government of Canada, the Government of the Northwest Territories, and the Inuvialuit Regional Corporation to support Inuit-led child and family services<sup>389</sup>. This agreement paves the way for Inuvialuit to rightfully determine how best to support the well-being of their families, reinforce their way of life, and strengthen ties within their communities, including by preserving children's connections to their culture.<sup>390</sup> In addition, the Commission takes note that in February the Online Harms Act was introduced, aimed at making online platforms responsible for addressing harmful content and for creating a safer online space that protects all people in Canada, especially children.<sup>391</sup>

208. Regarding the rights of **women**, the Commission welcomes the continuation and/or adoption of new measures to guarantee sexual and reproductive rights. Among others: i) the launch of a national coverage plan that would guarantee free access to contraceptive medicines and devices;<sup>392</sup> ii) the investment in research projects on health issues that affect women and people of sexual diversity;<sup>393</sup> iii) the continuation of the Menstrual Equity Fund pilot project that seeks to guarantee access to menstrual hygiene products and education on sexual and reproductive health and rights for people in a situation of economic vulnerability,<sup>394</sup> and; iv) amendments to the Labor Code that requires the availability of menstrual hygiene products in all federally regulated workplaces.<sup>395</sup>

209. However, the Commission notes with concern that indigenous women, girls, and adolescents continue to be exposed to a greater risk of being victims of murder, disappearances, violence in the family or intimate partner sphere, sexual violence and forced sterilizations, compared to other women.<sup>396</sup> In the absence

<sup>385</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 5.

<sup>386</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 5.

<sup>387</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 6.

<sup>388</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 6.

<sup>389</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 6.

<sup>390</sup> Prime Minister of Canada, Press Release, "[Government of Canada, Government of the Northwest Territories, and Inuvialuit Regional Corporation reach a historic coordination agreement to support Inuit-led child and family services](#)", September 30, 2024.

<sup>391</sup> Government of Canada, Press Release, "[Government of Canada introduces legislation to combat harmful content online, including the sexual exploitation of children](#)", February 26, 2024.

<sup>392</sup> Prime Minister of Canada, [Making contraception and diabetes medications free for Canadians](#), May 24, 2024.

<sup>393</sup> [Government of Canada, Finding solutions for women and gender diverse people's top health priorities](#), October 21, 2024.

<sup>394</sup> Government of Canada, [Government of Canada continues to advance menstrual equity](#), May 28, 2024.

<sup>395</sup> Government of Canada, [Government Response to the Report of the Standing Committee on the Status of Women](#), March 1, 2024, p. 2.

<sup>396</sup> CEDAW Committee, Concluding Observations on Canada's Tenth Periodic Report, October 29, 2024, paras. 21, 23, 29, and 37; Government of Canada Department of Justice, [Understanding Indigenous Women and Girls' Experiences with Victimization and Violence](#), June 11, 2024; Government of Canada, [Ending gender-based violence against Indigenous Peoples](#), September 9, 2024; Government of Canada, Indigenous [Services Canada Statement of Support for Canada's National Action Plan on Women, Peace and Security – 2023 to 2029](#), March 26, 2024; Statistics Canada, [Court outcomes in homicides of Indigenous women and girls, 2009 to 2021](#), October 4, 2023.

of specific official data on femicide,<sup>397</sup> the IACHR resorts to other publicly available sources of information that indicate that, as of October 2024, 137 violent deaths of women were reported, mostly perpetrated by their partners or family members,<sup>398</sup> of which 16% would be indigenous women and girls. They would also account for 11% of all missing women.<sup>399</sup>

210. In relation to **human mobility**, the State indicated that actions have been put in place under the Temporary Foreign Worker Program (TFWP) to protect migrant workers. Official information shows that, from January 1 to August 31, 2024, the Immigration, Refugees and Citizenship Canada (IRCC) has granted 2,789 permits under the TFWP and the Open Work Permit for Vulnerable Workers (OWP-V). Moreover, the State reported that since the launching of the OWP-V in 2019 and until August 31, 2024, a total of 7,652 permits for vulnerable workers have been approved.<sup>400</sup>

211. Despite the above initiative, the Commission observes with concern that, based on information available to the IACHR, migrant workers who are participants of the TFWP program are at a higher risk of labor exploitation compared to Canadian nationals mainly due to the nature of their visas.<sup>401</sup> According to information available, migrant workers under this program may suffer wage theft, unsafe conditions at work, excessive working hours without rest, inadequate housing, and racist abuse, among others. After an official visit to Canada in July, the United Nations Special Rapporteur on Contemporary Forms of Slavery stated that TFWP expressed their concerns over the Program indicating that it “serves as a breeding ground for contemporary forms of slavery, as it institutionalizes asymmetries of power that favor employers and prevent workers from exercising their rights”.<sup>402</sup>

212. Regarding the detention of migrants, the Commission takes note of the use of alternative programs to migration detention by the Canada Border Service Agency (CBSA). According to official information, as of March 2024, a total of 12,819 individuals were enrolled in these programs.<sup>403</sup> However, the Commission expresses concern over the preliminary findings of the United Nations Working Group on Arbitrary Detention, who conducted an official visit to Canada from May 13 to 24, 2024. As per their findings, alternatives to detention are often only considered after arrest at the review hearing, when the prejudice of being removed from family, community and employment may have already been done.<sup>404</sup>

213. Furthermore, the Working Group was alarmed by the fact that Canada allows children and youths to be held in centers for migrants and recommended the State to prohibit any migration-related detention of persons under the age of 18.<sup>405</sup> In addition, the Working Group expressed concerns over the fact that private security contractors who guard the detainees are not CBSA officials, making it more difficult for detainees to access information regarding their status and to lodge complaints about their detention conditions.<sup>406</sup>

<sup>397</sup> CEDAW Committee, Concluding Observations on Canada's Tenth Periodic Report, October 29, 2024, par. 21.

<sup>398</sup> Canadian Femicide Observatory for Justice and Accountability, [2024 Victims](#), October 2024; Battered Women's Support Services, [Should Femicide Be a Distinct Crime in the Criminal Code?](#), September 13, 2024.

<sup>399</sup> Assembly of First Nations, [Indigenous women are four times more likely than non-Indigenous women to be victims of violence](#), October 25, 2024; Amnesty International, [Canada must Protect Indigenous Women, Girls and 2SLGBTQIA+ People](#), September 10, 2024.

<sup>400</sup> Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 6.

<sup>401</sup> CIDH, *Solicitud de audiencia pública en el ámbito del 192 Período de Sesiones sobre explotación laboral de trabajadores migrantes bajo el programa canadiense de trabajador extranjero temporal*, archivo de la CIDH, 3 de diciembre de 2024.

<sup>402</sup> United Nations, [Visit to Canada Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#), July 22, 2024.

<sup>403</sup> Government of Canada, [Parliamentary Committee Notes: Immigration Detention](#), July 8, 2024

<sup>404</sup> Office of the United Nations High Commissioner for Human Rights, [Working Group on Arbitrary Detention: Preliminary Findings from its visit to Canada \(13 to 24 May 2024\)](#), May 24, 2024.

<sup>405</sup> Office of the United Nations High Commissioner for Human Rights, [Working Group on Arbitrary Detention: Preliminary Findings from its visit to Canada \(13 to 24 May 2024\)](#), May 24, 2024.

<sup>406</sup> Office of the United Nations High Commissioner for Human Rights, [Working Group on Arbitrary Detention: Preliminary Findings from its visit to Canada \(13 to 24 May 2024\)](#), May 24, 2024, pages 9 and 10.



214. With respect to the prevention of **statelessness**, the Commission welcomes the State's decision to introduce Bill C-71 on May, 2024,<sup>407</sup> that would: i) automatically remedy the status of any person already born who would have been a citizen were it not for the first-generation limit; and ii) establishes a new framework for citizenship by descent going forward that would allow for access to citizenship beyond the first generation based on a substantial connection to Canada.<sup>408</sup> According to public information, while the amendments are passed, Canada appears to be processing applications for subsequent generations born abroad if the applicant can demonstrate an urgent need for Canadian citizenship such as statelessness, among others.<sup>409</sup> On December 19, 2023, the Ontario Superior Court of Justice declared that the first-generation limit for those born abroad is unconstitutional.<sup>410</sup>

215. In relation to **human trafficking**, the State informed of its first Supply Chain Act, which requires certain entities and government institutions to report annually on the measures taken to prevent and reduce forced and child labor in supply chains. By May of 2024, 5,795 report submissions had been received, of which 5,650 came from entities and 145 were governmental.<sup>411</sup> However, the Commission takes note of the report presented by the United Nations Special Rapporteur on Contemporary Forms of Slavery including its causes and consequences, which indicated that the distribution of responsibilities between the Federal Government and provincial and territorial governments systematically create situations of interjurisdictional negligence, thus, contributing to increased vulnerability to contemporary forms of slavery for certain groups and hampering efforts to protect and assist victims, with particular impacts on indigenous peoples, migrants, the homeless and people with disabilities.<sup>412</sup>

216. Regarding the rights of **indigenous peoples**, the Commission welcomes the launch in October of the Supporting Indigenous Victims of Crime (SIVC)<sup>413</sup> initiative, aimed at funding projects to enhance access to victim-centered services led by indigenous communities. Similarly, the Commission was informed about the availability of funding to improve access to justice for indigenous and "racialized communities" in British Columbia.<sup>414</sup>

217. In January 2024, the British Columbia Supreme Court convicted three Indigenous land defenders—Sleydo' (Molly Wickham), Shaylynn Sampson, and Corey Jayohcee Jocko—of criminal contempt for defying an injunction against obstructing Coastal GasLink pipeline construction on Wet'suwet'en territory. They subsequently filed abuse of process applications, alleging misconduct by the Royal Canadian Mounted Police (RCMP) during their November 2021 arrests.<sup>415</sup> In July 2024, Wet'suwet'en Chief Dsta'hyl was sentenced to 60 days of house arrest for peacefully opposing the pipeline construction. Amnesty International condemned his conviction and confinement, asserting he was unjustly penalized for defending his people's land and rights amid a climate emergency, and declared him a 'prisoner of conscience'.<sup>416</sup>

218. In relation to **people of African descent and against racial discrimination**, the State reported the findings of the Steering Group for Canada's Black Justice Strategy, outlining policy recommendations and accountability measures that will guide the Government's response to address systemic

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<sup>407</sup> Parliament of Canada, [An Act to amend the Citizenship Act \(2024\)](#), s.f.

<sup>408</sup> Government of Canada, [Bill C-71: An Act to amend the Citizenship Act \(2024\)](#), May 23, 2024.

<sup>409</sup> Bart Law LPP, [Canada Expands Citizenship to Second Generation Born Abroad](#), June 27, 2024.

<sup>410</sup> Government of Canada, [Bill C-71: An Act to amend the Citizenship Act \(2024\)](#), May 23, 2024.

<sup>411</sup> Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 4.

<sup>412</sup> United Nations, [Visit to Canada Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#), July 22, 2024.

<sup>413</sup> Government of Canada, [Support for Indigenous Victims of Crime Initiative](#), October 15, 2024.

<sup>414</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 7.

<sup>415</sup> Frontline Defenders, [Court rules RCMP abused its power in criminalisation of three Wet'suwet'en defenders](#), February 25, 2025.

<sup>416</sup> Amnesty International, [Wet'suwet'en Campaign Updates: First Prisoner of Conscience and Key Legal Developments - Prisoner of Conscience Designation](#), September 13, 2024.

racism and the overrepresentation of individuals of African descent in the criminal justice system.<sup>417</sup> In January, the Royal Canadian Mounted Police (RCMP) launched the Race-Based Data Collection Initiative, which collects and analyzes race-based data to better understand the experiences of racialized communities in their interactions with frontline officers RCMP.<sup>418</sup> In June, the State launched the Canada's Anti Racism Strategy 2024-2028, aimed at building a better, fairer and more inclusive country by advancing racial equity and promoting economic, social and cultural empowerment.<sup>419</sup>

219. On the other hand, the Ontario Human Rights Commission (OHRC) proposed an enforceable agreement with the Toronto Police Service (TPS) and the Toronto Police Services Board (TPSB) in response to insufficient progress on recommendations issued in 2023 aimed at addressing anti-Black racism in the city's policing practices.<sup>420</sup> Moreover, a report from the Canadian Human Rights Commission revealed allegations of interpersonal and institutional racial discrimination within the Privy Council's Office.<sup>421</sup> It also documented racial profiling and excessive use of force by police officers in Ottawa, Hamilton, and Montreal.<sup>422</sup> The report highlighted the murder of Vanessa Rentería Valencia, an Afro-Colombian refugee, who was fatally shot by a RCMP officer in Surrey, British Columbia.<sup>423</sup> Additionally, 51% of racialized individuals aged 15 and older reported experiencing discrimination, compared to 27% of non-racialized individuals, underscoring persistent inequalities.<sup>424</sup>

220. Regarding the **rights of LGBTI persons**, the Canadian government invested public funds to support civil society initiatives that aim to recognize the rights of LGBTI persons. For example, in June the Government proposed \$12 million over five years for projects to combat hate against the 2SLGBTQI+ communities.<sup>425</sup> Nevertheless, several bills were introduced in October in the province of Alberta that aim to restrict the rights of transgender persons.<sup>426</sup> According to public information, the Health Statutes Amendment Act seeks to limit access to gender-affirming healthcare for transgender children and adolescents, including hormonal treatments and gender-affirming surgeries, although such surgeries are rarely performed.<sup>427</sup>

221. In relation to **human rights defenders**, the Commission notes with concern the case of Wet'suwet'en indigenous defenders who since 2022 have been accused of contempt after allegedly failing to comply with a court order (injunction) granted in favor of a gas company that is building a gas pipeline within the community's territory.<sup>428</sup> In January 2024, of the 20 people accused, three were found guilty of the crime

<sup>417</sup> Government of Canada, Government of Canada, Report of Canada on the Request for Information from the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, on file with the IACHR, October 10, 2024, p. 3.; Department of Justice Canada, [A Roadmap for Transformative Change: Canada's Black Justice Strategy](#), June 2024; Toronto Star, "[Canada is putting too many Black Canadians behind bars. Here is what we can do about it](#)", August 7, 2024; Government of Canada, [Canada's Black Justice Strategy](#), June 28, 2024.

<sup>418</sup> Royal Canadian Mounted Police, [RCMP launches Race-Based Data Collection pilot project](#), January 9, 2024.

<sup>419</sup> Government of Canada, [The Government of Canada launches Changing Systems, Transforming Lives: Canada's Anti-Racism Strategy 2024-2028](#), June 8, 2024.

<sup>420</sup> Ontario Human Rights Commission, [Ontario Human Rights Commission written deputation to the Toronto Police Services Board on the implementation of recommendations from the OHRC's report From Impact to Action](#), March 18, 2024.

<sup>421</sup> CBC News, "[Privy Council Office workers face culture of 'racial stereotyping': internal report](#)", July 29, 2024; The Conversation, [International review of the Canadian Human Rights Commission can provide limited gains for anti-racism advocacy](#), June 28, 2024.

<sup>422</sup> CTV News, [Ottawa Police disproportionately used force against Black and Middle Eastern residents in 2022: report](#), January 19, 2024; CBC News, [Hamilton police still using force disproportionately on Black people: report](#), June 28, 2024; The Guardian, [Racial profiling is systemic problem in Montreal police](#), judge rules, September 4, 2024.

<sup>423</sup> Global News, [Supporters of mother killed in Surrey RCMP shooting call for transparent investigation](#), September 27, 2024; CBC News, [Community demands answers in fatal police shooting of Surrey mom](#), September 26, 2024; RCI, [Refugiada colombiana es abatida por la policía canadiense en Surrey](#), October 1, 2024.

<sup>424</sup> Statistics Canada, [Half of racialized people have experienced discrimination or unfair treatment in the past five years](#), May 16, 2024.

<sup>425</sup> Government of Canada, [Security funding to support Pride organizations amidst increased hate](#), June 3, 2024; Government of Canada, Response to the IACHR 2024 Annual Human Rights Report Request, Archived by the IACHR, October 10, 2024, p. 3.

<sup>426</sup> CTV News, ['Doctors aren't always right': Alberta goes ahead with controversial transgender policies in 3 new bills](#), October 31<sup>st</sup>, 2024; CBC, [Alberta tables bills on transgender youth health care, students' pronouns, opt-in sex education](#), October 31<sup>st</sup>, 2024.

<sup>427</sup> Legislative Assembly of Alberta, Bill 26, [Health Statutes Amendment Act](#), 2024.

<sup>428</sup> Amnistía Internacional, [Canada: International Delegation to Attend Trial of Wet'suwet'en Land Defenders](#), 11 de junio de 2024.

of contempt and challenged this process,<sup>429</sup> while, in February of this year, another of the leaders was found guilty and sentenced to 60 days of house arrest in July of 2024.<sup>430</sup> The deliberations have continued throughout the year.

222. Regarding the processes of **memory, truth and justice**, the IACHR takes note of the final report on Indigenous-led Reparation Framework for Missing and Disappeared Children and Unmarked Burials associated with Indian Residential Schools, of October 29. The appointment of the Independent Special Interlocutor responsible for the report followed the investigation of the Truth and Reconciliation Commission of Canada and aimed to support the recovery of the indigenous children who went missing after they were separated from their families to attend those schools up until the decade of 1990<sup>431</sup>. The report indicated that, among others: i) many disappearances are attributable to the State; ii) highlights the urgency for creating a commission of inquiry; and iii) reveals the existence of a culture of amnesty and impunity in Canada.<sup>432</sup> The Report identifies 42 obligations to be met within an indigenous people-led reparation system for truth, justice, and reconciliation.<sup>433</sup> In this regard, the IACHR values the inclusion of the signature and ratification of the American Convention on Human Rights and the acceptance of the jurisdiction of the Inter-American Court on Human Rights as one of the obligations cited.

## IX. CHILE

### • General considerations

223. In 2024, Chile made significant **progress** in relation to social rights, especially in terms of labor and pension reforms. A bill was drafted to create the National System of Support and Care; gender mainstreaming was implemented in foreign policy and international trade programs; and measures were adopted to prevent, punish and eradicate violence against women.

224. Nevertheless, Chile faced **challenges** in the field of citizen security, insomuch as bills that might be regressive with respect to the use of force by law enforcement officers and the armed forces were processed. Human mobility policies also raised concern, given the possible risk of measures restricting the exercise of refugee and asylum rights.

225. On November 5, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>434</sup>

### • Specific issues

226. In relation to **democratic institutional**ity, Chile enacted Law No. 21,693, which "amends various legal bodies to improve the electoral system and hold the 2024 municipal and regional elections in two

<sup>429</sup> Amnistía Internacional, [Canada: International Delegation to Attend Trial of Wet'suwet'en Land Defenders](#), 11 de junio de 2024.

<sup>430</sup> Amnistía Internacional, [Canada: International Delegation to Attend Trial of Wet'suwet'en Land Defenders](#), 11 de junio de 2024.

<sup>431</sup> Government of Canadá, [Indian Residential Schools Settlement Agreement](#), September 9, 2021; Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burials Sites Associated with Indian Residential Schools, [Executive Summary Final Report on the Missing and Disappeared Indigenous Children and Unmarked Burials in Canada](#), October 29, 2024.

<sup>432</sup> Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burials Sites Associated with Indian Residential Schools, [Today, The Independent Special Interlocutor Released her Final Report and the Indigenous-led Reparations Framework for Missing and Disappeared Children and Unmarked Burials](#), Press Release, Gatineau, Quebec, October 29, 2024.

<sup>433</sup> Office of the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools, [Executive Summary: Final Report on the Missing and Disappeared Indigenous Children and Unmarked Burials in Canada](#), 2024, pags. 203 – 222.

<sup>434</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024. In IACHR files.

days.” During these two days, elections of regional governors, mayors, councilpersons and regional councillors were held. According to Chile’s Electoral Service (SERVEL), 13,112,090 people casted their votes out of a total of 15.4 million eligible voters, which accounts for an 84.87 percent turnout, the highest figure in the country’s electoral history.<sup>435</sup>

227. Regarding **human rights institutions**, Chile undertook measures to advance the implementation of the Escazú Agreement, including the drafting of the 2024–2030 National Plan for the Participatory Implementation of the Escazú Agreement, and the submission to Congress of an amendment to Law No. 19,300 on General Environmental Principles. The latter is intended to make the country’s institutions stronger and more efficient in dealing with environmental issues.<sup>436</sup>

228. In November 2024, when passing the 2025 Budget Law, the Chamber of Deputies excluded the allocation of resources to the National Human Rights Institute (INDH) due to the lack of guidance from the government on increasing these funds.<sup>437</sup> Subsequently, the Senate approved the allotment of resources to the INDH with 18 votes in favor, 15 votes against and one abstention, according to official sources.<sup>438</sup>

229. Moreover, the bill that “establishes a new Criminal Code” constitutes progress in terms of **access to justice**, inasmuch as it includes new crimes such as cybercrimes, environmental crimes, cyber harassment, phishing and pharming. Additionally, if approved, the reform would eliminate concepts such as offenses against decency or public morals from national legislation and introduce a new sentencing system.<sup>439</sup> In addition to the above, the United Nations Special Rapporteur on the independence of judges and lawyers highlighted different advances in the consolidation of a robust justice system, among these, the upgrade of the criminal justice infrastructure, the digitalization of the judicial system and the advances made in gender issues by the Technical Secretariat for Gender Equality and Non-Discrimination and the Commission for Peace and Understanding.<sup>440</sup>

230. However, the Rapporteur also underscored some challenges that Chile still faces, such as the persistence of significant socioeconomic inequality, which translates into unequal access to justice, and the allegations of influence peddling in possible key appointments in the judiciary.<sup>441</sup> Furthermore, the Senate decided to remove a Supreme Court justice who was an environmental and health rights defender following a constitutional accusation,<sup>442</sup> on charges of notable dereliction of duty by failing to exercise correctional functions and omitting to report the misconduct of his daughter, who also performs judicial functions.<sup>443</sup> This decision was criticized by high-level authorities, who warned that the resolution could set a “dangerous precedent” by affecting the indispensable independence of the judiciary through misleading procedural maneuvering.<sup>444</sup>

<sup>435</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 5. In IACHR files.

<sup>436</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 15.

<sup>437</sup> *La Tercera*, “[Gobierno deja al INDH con \\$1 en la tramitación de Presupuesto de la Cámara de Diputados](#),” November 15, 2024.

<sup>438</sup> Senate of Chile, “[Con la reposición de los gastos del INDH avanza votación del erario nacional](#),” November 21, 2024.

<sup>439</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 38. In IACHR files.

<sup>440</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 37. In IACHR files.

<sup>441</sup> Office of the United Nations High Commissioner for Human Rights, “[Chile debe aprovechar los logros alcanzados en el Poder Judicial para abordar la desigualdad y evitar la influencia indebida: Relatora Especial](#),” August 9, 2024.

<sup>442</sup> *La Tercera*, “[Senado destituye al juez Sergio Muñoz de la Corte Suprema](#),” October 16, 2024.

<sup>443</sup> Senate of Chile, “[Senado aprueba acusación constitucional contra juez Sergio Muñoz](#),” October 16, 2024.

<sup>444</sup> *El País*, “[Boric sobre la destitución del juez Sergio Muñoz de la Suprema: ‘Sienta un precedente que es muy peligroso’](#),” October 17, 2024.

231. Concerning **citizen security**, the State incorporated the Supraterritorial Prosecutor's Office, specialized in organized crime and highly complex crimes, into the Public Prosecutor's Office.<sup>445</sup> The State also created the Ministry of Security and introduced reforms to the anti-terrorist law.<sup>446</sup>

232. However, the State faced challenges in passing the bill on the use of force by agents of the public security forces and the armed forces at the first legislative stage, that is, the Chamber of Deputies. This bill excluded the principle of proportionality and established new presumptions to release law enforcement agents from criminal liability.<sup>447</sup> According to official sources, this bill is currently being examined by the Senate.<sup>448</sup>

233. In this regard, in a joint press release, the Inter-American Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed their concern about the removal of the principle of proportionality (according to which the use of force needs to be in strict accord with the seriousness of the threat or crime and the legitimate public order or law enforcement purpose that is being pursued). Both agencies also recalled that international standards indicate that military justice may only handle crimes committed by active military officers in the course of duty and that civilians may not, under any circumstances, be tried by military courts.<sup>449</sup>

234. Regarding the situation in the country's southern macro-region, the State reported on the successive decrees issued on the constitutional state of emergency in the Araucanía region and the provinces of Arauco and Biobío since 2022. While the State reported a decrease of 36 percent in rural violence during 2024 compared to the same period in 2023, and a fall of 26 percent compared to 2021,<sup>450</sup> the Commission still observed alarming facts, such as the murder of three police officers who were shot and then incinerated inside their police car on April 27, 2024, in the region of Biobío.<sup>451</sup>

235. The Chilean State has made some progress in the processes of **memory, truth and justice** with the implementation of the National Search Plan intended to locate 1,469 disappeared persons during the dictatorship. This plan identified over 36,000 relevant documents and 47 sites of interest for forensic search.<sup>452</sup> The government announced the expropriation of land to build memory sites<sup>453</sup> and urgently submitted a bill to repeal the Amnesty Law, which has been in force since 2014.<sup>454</sup> In addition, Chile signed the Ljubljana-The Hague Convention, which reinforces international cooperation to investigate and prosecute the crime of genocide, crimes against humanity and other international crimes.<sup>455</sup>

236. As for challenges, Chile recorded repeated attacks to memory sites: over 160 aggressions have been recorded since 2018, out of which 20 took place in 2024. These attacks included acts of vandalism with

<sup>445</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 33. In IACHR files.

<sup>446</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, pp. 34 and 35. In IACHR files.

<sup>447</sup> Chamber of Deputies, [15805-07 Rules on the Use of Force \(RUF\)](#), Official Letter No. 19,441 of May 3, 2024.

<sup>448</sup> Chamber of Deputies, [Bill No. 15.805-07](#) of April 10, 2023.

<sup>449</sup> IACHR, Press Release No. 124/24, [IACHR and OHCHR Ask Chilean Legislators to Respect Human Rights Standards Concerning Security](#), June 13, 2024.

<sup>450</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 36. In IACHR files.

<sup>451</sup> IACHR [CIDH], (May 6, 2024), #Chile: #CIDH repudia el asesinato de los carabineros Carlos Cisterna, Sergio Arévalo y Misael Vidal, el #27Abril en la región del Biobío. Los funcionarios recibieron disparos y el auto policial fue incinerado con los agentes dentro [X post], X, <https://x.com/CIDH/status/1787545929744023590>.

<sup>452</sup> Republic of Chile, Note Verbale No. 234/2024 of November 5, 2024, Annex. Report of the Republic of Chile submitted to the IACHR, pp. 13 – 15.

<sup>453</sup> IACHR, thematic hearing, "Regional: Impact of attacks on remembrance sites on the right to memory, truth and justice," 190<sup>th</sup> period of sessions, online, July 11, 2024. See also: DW, "Chile inicia expropiación de terrenos de Colonia Dignidad," June 2, 2024.

<sup>454</sup> Republic of Chile, Note Verbale No. 234/2024 of November 5, 2024, Annex. Report of the Republic of Chile to the IACHR, pp. 15–16.

<sup>455</sup> Ministry of Foreign Affairs, "Chile Suscribe el Convenio Liubliana – La Haya," February 14, 2024.



negationist slogans, theft and arson,<sup>456</sup> such as the fire reported at the sawmill of Neltume, which had been declared part of the national heritage.<sup>457</sup> Furthermore, the State has faced some challenges in terms of site maintenance due to the absence of a memory law,<sup>458</sup> problems with access to funding and delays in the allocation of resources.<sup>459</sup> In addition, the country's failure to recognize forced displacement during the dictatorship as a crime against humanity has restricted access to justice and reparation for victims.<sup>460</sup>

237. With respect to the situation of **persons in the context of human mobility**, the State created the Interministerial Advisory Committee for the Implementation of the National Policy on Migration and Foreigners, which is in charge of providing advice on policy execution and the design of an action plan.<sup>461</sup> In addition, the State implemented the Sello Migrante (Migration Stamp) program, which acknowledges the work of those municipalities that promote the inclusion of migrants, with 141 municipalities registered as of June 2024.<sup>462</sup> Moreover, the Second Chamber of the Supreme Court annulled a deportation order against a Venezuelan woman with family ties in Chile, which sets a relevant precedent in the protection of the rights of migrants.<sup>463</sup>

238. Additionally, Chile played a key role in the Cartagena +40 Process, leading efforts to strengthen protection and solutions for refugees, displaced persons, and stateless individuals in Latin America and the Caribbean. This process culminated in the adoption of the Chile Declaration and Plan of Action 2024-2034, which serves as an updated guide for governments in the region in the implementation of comprehensive and sustainable responses for refugees, displaced and stateless persons.<sup>464</sup>

239. However, Law No. 21,655, which reforms legislation on the protection of refugees and migrants in Chile, restricted effective access to the right to seek and receive asylum. In particular, it set out an initial verification stage that allows authorities to reject requests found ungrounded or fraudulent without a profound analysis by the corresponding competent authority.<sup>465</sup> This couples with the obstacles faced by Venezuelan and Haitian nationals to exercise their right to seek and receive asylum, as well as to access protection or migration regularization mechanisms. From 2010 to 2024, out of the 30,597 asylum applications filed, only 957 were approved, which translates into a low approval rate of 3.1 percent. In addition, 89.1 percent of the applications remained pending for years, without a final resolution, which posed serious administrative challenges in the system.<sup>466</sup>

240. Regarding indigenous peoples, the State implemented policies with a special focus on the regions of Biobío, Araucanía, Los Ríos and Los Lagos, with an intercultural approach centered mainly in rural areas and Mapuche communities. As part of these measures, the Interministerial Council for Coordination of

<sup>456</sup> IACHR, thematic hearing, "Regional: Impact of attacks on remembrance sites on the right to memory, truth and justice," 190<sup>th</sup> period of sessions, online, July 11, 2024.

<sup>457</sup> Meeting with civil society organizations and memory sites in Chile held on August 13, 2024. In IACHR files. See also: *Diario Futrono*, "Enorme incendio destruyó antiguo aserradero declarado Patrimonio Nacional en Neltume," June 6, 2024.

<sup>458</sup> IACHR, thematic hearing, "Regional: Impact of attacks on remembrance sites on the right to memory, truth and justice," 190<sup>th</sup> period of sessions, online, July 11, 2024. Meeting with civil society organizations and memory sites in Chile held on August 13, 2024. In IACHR files.

<sup>459</sup> IACHR, thematic hearing, "Regional: Impact of attacks on remembrance sites on the right to memory, truth and justice," 190<sup>th</sup> period of sessions, online, July 11, 2024.

<sup>460</sup> Meeting with civil society organizations on forced displacement during the military dictatorship in Chile held on October 1, 2024. In IACHR files. Meeting with civil society organizations and memory sites in Chile held on August 13, 2024. In IACHR files.

<sup>461</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 30. In IACHR files.

<sup>462</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 31. In IACHR files.

<sup>463</sup> Judiciary of Chile, "[Corte Suprema deja sin efecto expulsión de ciudadana venezolana con arraigo familiar en Chile](#)," June 24, 2024.

<sup>464</sup> ACNUR, [Cartagena+40: La Declaración y Plan de Acción de Chile consolidan el liderazgo de América Latina y el Caribe en la protección de personas refugiadas, desplazadas y apátridas](#), 12 de diciembre de 2024.

<sup>465</sup> IACHR, Press Release No. 093/24, [IACHR Concerned About Migration Reforms that Restrict the Right to Asylum in Chile](#), May 7, 2024.

<sup>466</sup> IACHR, public hearing [Chile: Guaranteeing the Right to Asylum](#), 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 13, 2024. Information provided by civil society organizations.

the Plan Buen Vivir (Good Living Plan), created in 2023,<sup>467</sup> started to operate, and dialogue sessions were held through the Presidential Commission for Peace and Understanding. These actions sought to set the foundations for medium- and long-term solutions related to land and reparation for Mapuche communities.<sup>468</sup>

241. Moreover, the Chilean Senate suspended the processing of Coastal Marine Areas of Native Peoples (ECMPO) under the framework of the Lafkenche Law (Law No. 20,249), a tool used by indigenous communities to protect and safeguard their cultural, economic and spiritual practices in coastal territories.<sup>469</sup> In response, unconstitutionality appeals have been filed with the Constitutional Court, which admitted these appeals and scheduled sessions to analyze the merits of the case.<sup>470</sup>

242. As for the human rights of **women**, the State enacted Law No. 21,675, which governs the prevention, punishment and eradication of gender-based violence against women. This law includes types of violence that had been previously overlooked, such as vicarious, symbolic and gynecological and obstetric violence, and provides for a follow-up mechanism designed to ensure compliance with measures related to gender violence.<sup>471</sup> Also, a pilot project for an Integrated System of Information on gender violence was put in place<sup>472</sup> and significant measures concerning equality were adopted. They include labelling budget allocations with a gender perspective in the 2025 budget, an action plan for a feminist foreign policy that has gender equality as its cornerstone, the adoption of a gender approach in international trade agreements<sup>473</sup> and reforms to the Labor Code through laws that promote work-life balance, as well as the prevention, investigation and punishment of labor and sexual harassment and workplace violence.<sup>474</sup> Chile also took steps forward aimed at amending the community property system, which is considered discriminatory against women, and give priority to its processing.<sup>475</sup> The State also amended the rules on conscientious objection under Law No. 21.030, which ensures that the exercise of such objection does not prevent access to the voluntary termination of pregnancy when permitted by law.<sup>476</sup>

243. However, between January and November 2024, the country registered 41 femicides and 266 attempted femicides.<sup>477</sup> Alarming cases of violence and sexual exploitation against migrant women were also reported, especially in border areas, as well as an increase in the use of digital technologies to commit acts of online violence.<sup>478</sup> In addition, challenges persisted in terms of access to reproductive health goods and services, including high rates in the use of conscientious objection, limited access to contraceptives and family

<sup>467</sup> Ministry of Social Development and Family of Chile, "[Consejo Interministerial para la Coordinación del Plan Buen Vivir celebró su primera sesión](#)," January 26, 2024.

<sup>468</sup> Government of Chile, Response by the State, p. 29.

<sup>469</sup> *Resumen*, "[La indicación que suspende la aplicación de la Ley Lafkenche expresa el racismo del estado hacia los pueblos originarios y una peligrosa regresión de derechos en Chile](#)," November 26, 2024.

<sup>470</sup> *Ecooceanos*, "[Tribunal Constitucional: Pueblos originarios expresan total rechazo a iniciativa de la industria salmonera que intenta suspender la Ley Lafkenche](#)," December 27, 2024.

<sup>471</sup> Library of the National Congress of Chile, "[Ley 21675 estatuye medidas para prevenir, sancionar y erradicar la violencia en contra de las mujeres, en razón de su género](#)," June 14, 2024.

<sup>472</sup> Government of Chile, "[Informe nacional para la Conferencia Mundial sobre la Mujer y la aprobación de la Declaración y Plataforma de Acción de Beijing](#)," June 2024, p. 54.

<sup>473</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, pp. 18 and 26. In IACHR files.

<sup>474</sup> Library of the National Congress of Chile, "[Ley 21.645 que modifica el Título II del Libro II del Código del Trabajo "de la protección a la maternidad, paternidad y vida familiar" y regula un régimen de trabajo a distancia y teletrabajo en las condiciones que indica](#)," December 29, 2023; "[Ley N°21.643 que modifica el Código del Trabajo en materia de prevención, investigación y sanción del acoso laboral, sexual y violencia en el trabajo](#)," January 15, 2024.

<sup>475</sup> Human Rights Council, "[National report submitted pursuant to Human Rights Council resolutions No. 5/1 and 16/21. Chile. A/HRC/WG.6/46/CHL/1](#)," February 12, 2024, para. 73; Chamber of Deputies, "[Proyecto que Modifica Código Civil y otras leyes, regulando el régimen patrimonial de sociedad conyugal. Número de boletín 7567-07](#)," Gazette No. 7567-07, accessed on December 9, 2024.

<sup>476</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 20. In IACHR files.

<sup>477</sup> Ministry of Women and Gender Equality, "[Femicidios](#)," accessed on December 6, 2024.

<sup>478</sup> CEDAW, "[Concluding observations on the eighth periodic report of Chile of October 31, 2024](#)," paras. 25 and 49.

planning, stigmatization of women living with HIV and obstetric violence, with a particular impact on women in situations of greater vulnerability.<sup>479</sup>

244. Concerning **human rights defenders**, in April 2024, Chile approved a Protocol for the Protection of Human Rights Defenders. This interinstitutional coordination protocol seeks to reinforce the State's response and set out protection measures for those who face risks or threats to their fundamental rights because of the work they do in the defense of human rights.<sup>480</sup>

245. With respect to the rights of **Afro-descendant persons and policies against racial discrimination**, in the context of the enforcement of Law No. 21,151—which legally recognizes the Chilean tribal people of African descent,<sup>481</sup>—the State passed regulations on prior consultation for this ethnic-racial group.<sup>482</sup> The State also included a self-identification question for Afro-descendant people in the Population and Housing Census carried out between March and June 2024. This census invited several ethnic peoples, including 45 Afro-Chilean organizations at the first stage of intercultural participation.<sup>483</sup>

246. In 2024, educational and informative public policies were implemented to prevent violence against women and **LGBTI persons** in education centers<sup>484</sup> and to promote the rights of women and sexually diverse people, with a focus on trans children and adolescents.<sup>485</sup> In addition, the Ministry of Justice and Human Rights reaffirmed Law No. 20,609 with the creation of anti-discrimination institutions under the Undersecretariat of Human Rights and a Council for Equality and Non-Discrimination.<sup>486</sup>

247. However, significant challenges persisted, such as the exclusion of questions on sexual orientation in the 2024 census by the National Institute of Statistics<sup>487</sup> and regressive measures including the prohibition approved by both the Senate and the Chamber of Deputies against the public funding of hormone therapy for trans children.<sup>488</sup> Furthermore, a Chamber commission recommended that health and education policies for LGBTI persons be repealed and that aspects related to children in the Gender Identity Law be amended.<sup>489</sup>

248. With regard to the rights of **children and adolescents**, the State approved the new Policy on Children and Adolescents together with the 2024–2032 Action Plan, which prioritizes the integral well-being of children and adolescents, supporting their development throughout their life and strengthening political and

<sup>479</sup> CEDAW, [Concluding observations on the eighth periodic report of Chile, October 31, 2024](#), para. 37. El Mostrador, “[Mujeres viviendo con VIH en Chile: esterilizaciones forzadas y falta de Educación Sexual Integral](#),” January 20, 2024; IACHR, 2023 Annual Report, [Chapter IVa](#), December 31, 2023, para. 226.

<sup>480</sup> Government of Chile, Report submitted by the State of Chile in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 234/24, November 5, 2024, p. 11. In IACHR files.

<sup>481</sup> Ministry of Social Development and Family of Chile, [Decree No. 12](#), of August 26, 2024.

<sup>482</sup> Ministry of Social Development and Family of Chile, “[Ministerio de Desarrollo Social y Familia presenta reglamento de consulta al Pueblo Tribal Afrodescendiente Chileno](#),” August 28, 2024.

<sup>483</sup> Government of Chile, Report of the Republic of Chile to the IACHR, Communication No. 701-24/CIDH/SE/MPCT-IA, November 5, 2024, p. 30. In IACHR files.

<sup>484</sup> Movement for Homosexual Integration and Liberation (MOVILH), “[Mineduc lanza Decálogo para prevenir la violencia hacia las mujeres y las personas LGBTIQ+](#),” November 29, 2024; Ministry of Education, [Decálogo para la prevención y el abordaje de la violencia de género en establecimientos educativos](#), 2024.

<sup>485</sup> Ministry of Women and Gender Equality, “[Gobierno lanza campaña de prevención de la violencia con foco en la niñez y la adolescencia trans](#),” December 3, 2024; MOVILH, “[Gobierno lanza campaña para promover los derechos de niños, niñas y adolescentes trans](#),” December 3, 2024.

<sup>486</sup> Ministry of Foreign Affairs of Chile, Report of the Republic of Chile to the Inter-American Commission on Human Rights, Communication No. 701-24/CIDH/SE/MPCT-IA of November 5, 2024. In IACHR files, p. 26.

<sup>487</sup> MOVILH, “[Censo 2024: protestan contra la exclusión de preguntas que ayuden a generar políticas públicas para la diversidad sexual](#),” March 9, 2024; El Mostrador, “[INE elimina pregunta referente a orientación sexual en Censo 2024](#),” January 3, 2024.

<sup>488</sup> MOVILH, “[Transfobia: la Cámara prohíbe al Minsal financiar la salud de niños, niñas y adolescentes trans](#),” November 14, 2024; MOVILH, “[Grave: Senado rechaza financiamiento para terapias hormonales en menores de 18 años](#),” November 21, 2024; La Tercera, “[Senado ratifica decisión de la Cámara: niega recursos al Minsal para terapias hormonales a menores por disforia de género](#),” November 20, 2024.

<sup>489</sup> MOVILH, “[Transfobia: Comisión de la Cámara pide derogar políticas en Salud y Educación para niños, niñas y adolescentes trans](#),” September 19, 2024; Nuevo Poder, “[Comisión pide suspender tratamientos hormonales en niños trans](#),” November 19, 2024.

institutional conditions to guarantee their rights.<sup>490</sup> In addition, comprehensive protection rules were made consistent with key laws, such as the law creating the National Specialized Protection Service, the Law on Financial Contributions and the Law of Guarantees.<sup>491</sup> Furthermore, Chile established the Presidential Advisory Commission to look into and shed light on violations of the rights of children and adolescents under the custody of the National Children's Service.<sup>492</sup> In response to the call made by the Office of the Ombudsperson for Children, the Ministry of Education authorized 8,718 additional vacancies for unenrolled students, as part of the Plan to Strengthen Enrollment.<sup>493</sup>

249. Concerning the rights of **older persons**, the State moved forward with the deployment of the National Support and Care System (SNAC), which is called Chile Cuida (Chile Cares), under which 20 new day community centers were opened as a result of an increase in budget allocation and supply services for older persons.<sup>494</sup> Furthermore, three new "protected housing units" were opened during 2024, which will drive support and care for each person who lives in these units.<sup>495</sup> The country also developed the Diabfrail LatAm project in the city of Cauquenes, whose purpose is to promote healthy aging and the autonomy of older persons by means of recreational activities and multisectoral participation.<sup>496</sup>

250. A public report by the academia indicates that individuals over the age of 50 have faced the greatest challenges in finding employment since the COVID-19 pandemic.<sup>497</sup>

251. As for **persons deprived of liberty**, the Court of Guarantees of Puerto Montt heard a writ of *amparo* filed to protect women detained in the Alto Bonito prison who were in appalling conditions due to overcrowding, deficient infrastructure and lack of appropriate spaces and mattresses. The Court admitted the remedy and ordered such conditions be improved.<sup>498</sup> Furthermore, the Chilean Committee to Prevent Torture (CPT), together with other national mechanisms to prevent torture in the region, adopted the San José Declaration aimed at institutional strengthening and networking and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>499</sup>

252. Chile also took measures in 2024, under the Master Plan on Prison Infrastructure, to increase the number of vacancies in the prison system,<sup>500</sup> including new bidding processes to maintain infrastructure and build new penitentiaries.<sup>501</sup>

<sup>490</sup> Ministry of Education of Chile, "[Comité Interministerial aprueba por unanimidad la nueva Política de la Niñez y Adolescencia y su Plan de Acción 2024-2032](#)," April 30, 2024.

<sup>491</sup> Ministry of Social Development and Family of Chile, "[Por unanimidad: Sala del Senado aprueba en general proyecto de ley de armonización de normas de protección integral de la niñez y adolescencia](#)," March 12, 2024.

<sup>492</sup> Government of Chile, "[Día de los Derechos Humanos: Creamos la Comisión de Verdad, Justicia y Reparación para Víctimas del Sename](#)," December 10, 2024.

<sup>493</sup> Ministry of Education of Chile, "[Mineduc entrega balance del proceso de admisión escolar 2024: fueron habilitados más de 8.700 cupos para escolares sin matrícula](#)," April 5, 2024.

<sup>494</sup> State of Chile, Communication No. 701-24/CIDH/SE/MPCT-IA, November 5, 2024.

<sup>495</sup> State of Chile, Communication No. 701-24/CIDH/SE/MPCT-IA, November 5, 2024.

<sup>496</sup> Pan American Health Organization (PAHO), "[Proyecto Diabfrail LatAm en Chile presenta notables mejoras funcionales en personas mayores con Diabetes de comunidades Rurales y urbanas](#)," November 6, 2024 (November 18, 2024).

<sup>497</sup> *La Tercera*, "[Cuando las empresas no quieren contratar a personas mayores: así es el 'edadismo' que afecta a Chile](#)," June 26, 2024 (November 18, 2024).

<sup>498</sup> *Biobio Chile*, "[Por condiciones indignas: justicia acoge recurso del INDH en favor de 8 internas de cárcel Alto Bonito](#)," August 6, 2024; *El Conquistador Red Los Lagos*, "[Acogen recurso de amparo en favor de reclusas del penal Alto Bonito](#)," August 7, 2024.

<sup>499</sup> CPT of Chile, "[Declaración de San José para el fortalecimiento institucional y el trabajo en red y Acción global por los derechos de las personas con discapacidad en privación de libertad](#)," May 10, 2024.

<sup>500</sup> Asociación de Concesionarios de Obras de Infraestructura Pública A.G. (COPSA), "[Ministerio de Justicia y Derechos Humanos anuncia gran inversión en infraestructura penitenciaria](#)," January 19, 2024.

<sup>501</sup> *Curiocity*, "[Gobierno invita al sector privado a involucrarse en plan de inversiones en infraestructura carcelaria](#)," January 25, 2024; *Emol*, "[No sólo aumento de plazas: Las 'urgencias' de una nueva política carcelaria ante la crisis de seguridad y la nueva criminalidad](#)," January 23, 2024; COPSA, "[Ministerio de Justicia y Derechos Humanos anuncia gran inversión en infraestructura penitenciaria](#)," January 19, 2024.

253. These infrastructure measures were adopted in the context of the prison crisis faced by Chile after the 48-percent increase in prison population between 2021 and 2024<sup>502</sup> due to the tightening of the criminal policy related to citizen security, drug trafficking and organized crime.<sup>503</sup> This approach has led to an increase in the number of sentences, their duration and the use of pretrial detention, which resulted in an overcrowding rate of 137.6 percent in August 2024, with critical conditions in some prisons.<sup>504</sup> In addition, in June 2024, 10 Gendarmerie officials were detained due to the fact that they were allegedly members of a corruption network related to arms trafficking, drug trafficking and other crimes in prisons.<sup>505</sup>

254. Finally, with regard to **human trafficking**, the United Nations Human Rights Council (UNHRC), in its analysis of the Seventh Periodic Report of Chile on the International Covenant on Civil and Political Rights, underscored the progress made in the fight against human trafficking. The measures highlighted included the prevention measures targeted at vulnerable populations, the streamlining of procedures to identify victims, better efforts to investigate, prosecute and punish these crimes and the guarantee of integral reparation for victims, including medical, material and legal assistance, support for their social reintegration and protection against revictimization.<sup>506</sup>

## X. COLOMBIA

### • General considerations

255. In 2024, the State **made progress** in terms of citizen security and democratic institutionality, promoting the rights of Afro-descendant and indigenous people. It performed actions under the Development Plan to transform territories with low state presence and it approved the retirement reform as part of an integral response to armed conflict and violence in the country. Specifically, in April, it welcomed an on-site visit from the IACHR, reaffirming its commitment to international human rights oversight and accountability.

256. As for **challenges**, the violence caused by the armed conflict continued to have a serious impact on human rights defenders, social leaders, indigenous and Afro-descendant peoples, peasant communities, women, children and adolescents. In addition, the lack of political consensus hindered the application of strategies to transform the areas most affected by conflict and state absence.

257. On October 3, 2024, the State submitted an extensive, detailed response to the Commission's request for information to prepare this chapter<sup>507</sup>.

<sup>502</sup> The calculations were made by the IACHR on the basis of data published by Gendarmerie. See: Chilean Gendarmerie, Ministry of Justice and Human Rights of Chile, [Reportes Estadísticos Mensuales - Estadística de población penal a cargo de Gendarmería de Chile](#), August 31, 2021; Chilean Gendarmerie, Ministry of Justice and Human Rights of Chile, [Estadística General Penitenciaria – Subsistema cerrado – Régimen de control cerrado](#), August 31, 2024.

<sup>503</sup> See: Center of Public Studies, [“Un sistema desbordado: radiografía al sistema penitenciario,”](#) July 18, 2024; *El Mostrador*, [“El desborde del sistema penitenciario chileno: la crisis más allá de la cárcel de máxima seguridad,”](#) August 17, 2024; *Espacio Público*, [Informe de Seguridad Pública: Tendencias recientes en crimen](#), April 29, 2024; *Insight Crime*, [“Is Chile Losing Control of its Prisons?,”](#) April, 15, 2024; *Emol*, [“No sólo aumento de plazas: Las ‘urgencias’ de una nueva política carcelaria ante la crisis de seguridad y la nueva criminalidad,”](#) January 23, 2024.

<sup>504</sup> CPT of Chile, [“Máxima seguridad y aislamiento,”](#) July 13, 2024.

<sup>505</sup> *Emol*, [“Red de corrupción, secuestros, y destrucción de infraestructura: Las nuevas alertas en Gendarmería por la crisis carcelaria,”](#) June 24, 2024; *Infobae*, [“Cayó una red de gendarmes que traficaban armas en las cárceles chilenas,”](#) June 19, 2024; *CNN*, [“Desbaratan red de corrupción en cárceles de dos regiones: Gendarmes ayudaban a presos a cometer delitos a cambio de dinero,”](#) June 17, 2024; *Swiss Info*, [“Detienen a 9 gendarmes chilenos en activo por presunta corrupción en las cárceles,”](#) June 17, 2024.

<sup>506</sup> United Nations, [International Covenant on Civil and Political Rights. Concluding Observations on the Seventh Periodic Report of Chile](#), May 1, 2024.

<sup>507</sup> Republic of Colombia, Information sent for the preparation of the 2023 Annual Report of the IACHR, MPC/OEA No. 1347/2023, October 23, 2023.



- **Specific issues**

258. With regard to **democratic institutionalism**, the State emphasized the adoption of a holistic approach towards democracy, one that includes the defense of diversity, equality, justice, the realization of economic, social, cultural and environmental rights, the reaffirmation of the Social Rule of Law and the guarantee to uphold human rights.<sup>508</sup> Under this definition, the State reported on a broad set of actions intended to consolidate peace, drive participation and develop differentiated approaches, among other initiatives.<sup>509</sup> An example of these actions is the implementation of the Permanent Dismantling Action Plan, which embraces several approaches: a differentiated, gender-based and feminist, ethnical, multisectoral, human safety, territorial, supranational plan with a focus on citizen participation. It was designed together with the civil society through the National Commission of Security Guarantees by means of Agreement No. 001 of 2023, adopted by the Government of Colombia through Decree No. 665 of 2024.<sup>510</sup>

259. However, several noticeable security challenges persisted and affected democracy. These challenges included the expansion of armed groups, such as the Clan del Golfo, which expanded its territorial control and its illegal activities.<sup>511</sup> In 2024, violence still affected social leaders and vulnerable communities, and the lack of a clear roadmap in the negotiations clouded peace-making efforts. Furthermore, political polarization and distrust in institutions hindered the effective implementation of initiatives to promote peace. Additionally, the National Electoral Commission (CNE) started an investigation into the expenses of the campaign launched by the Pacto Histórico coalition, represented by the current President Gustavo Petro and other party authorities, which were allegedly above the cap set for electoral campaigns.<sup>512</sup>

260. In terms of **citizen security**, the Public Policy and Permanent Action Plan came into force with the aim of dismantling criminal conducts or organizations that attack human rights defenders, members of social movements or people who participate in the implementation of agreements and the construction of peace.<sup>513</sup> Such actions are supplemented by the Policy on Security, Defense and Coexistence called "Garantías para la Vida y la Paz 2022-2026" (Guarantees for Life and Peace) adopted by the Ministry of Defense<sup>514</sup> and the 2022-2025 National Plan on Criminal Policy.<sup>515</sup>

261. Additionally, the State pointed to the progress made in the implementation of the Paz Total (Total Peace) plan. The plan includes four negotiation tables with armed political groups: the National Liberation Army (ELN) table, created in 2022; the General Staff of the Magdalena Medio Blocks called Comandante Gentil Duarte, Comandante Jorge Suárez Briceño and the Raúl Reyes front of the Revolutionary Armed Forces of Colombia (FARC-EP), a negotiation table created on October 16, 2023; and two recently created tables with Segunda Marquetalia, on June 25, 2024, and Comuneros del Sur, on July 19, 2024.<sup>516</sup>

262. The negotiations held with the ELN and the Central General Staff (EMC) resulted in the complete or partial end of ceasefires, which has increased violence across territories. As for the remaining

<sup>508</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 2-3.

<sup>509</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 1-728.

<sup>510</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 147.

<sup>511</sup> *El País*, "[¿Plomo es lo que viene? Un balance a dos años de la paz total](#)," January 5, 2025.

<sup>512</sup> National Electoral Council, [Press release](#), October 8, 2024.

<sup>513</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 605.

<sup>514</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 127-129.

<sup>515</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 145-148.

<sup>516</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 145-148.

negotiation talks, actions have been agreed to reduce violence in the areas where they exist.<sup>517</sup> With regard to the social and legal talks with criminal organizations from Medellín and Valle de Aburrá, Quibdó and Buenaventura, the State reported a strong reduction in murder rates and other crimes against civilians.<sup>518</sup> In 2024, 13,341 homicides were recorded —the lowest figure since 2020.<sup>519</sup>

263. Despite these efforts, levels of violence remain high across the country. Until November 2024, 26 early alerts had been issued for 24 departments, 123 municipalities and 15 non-municipal areas concerning human rights violations by armed groups and their links to drug trafficking, illegal mining and deforestation.<sup>520</sup>

264. With respect to the challenges faced in the **access to justice**, in 2024, the dismissal and/or disqualification by the Inspector General's Office (PGN) of persons holding positions elected by the people remained in place. In 2024, the PGN dismissed and ordered the general disqualification of 14 mayors, 7 governors and 1 member of the Chamber of Deputies. It also suspended and disqualified 4 mayors, 3 councillors and 1 member of the Chamber of Deputies, and it suspended 40 mayors, 24 councillors and 8 governors, which adds up to 72 people sanctioned.<sup>521</sup> In this regard, the plenary of the State Council determined that the PGN could continue applying this type of sanctions until legislation is passed by the Congress on the underlying issue.<sup>522</sup>

265. As for **human rights defenders**, the State ratified a regional agreement on access to information, participation and access to justice in environmental matters in Latin America and the Caribbean —the Escazú Agreement— after the Constitutional Court's approval of Law No. 2,273 of 2022 on August 28, 2024.<sup>523</sup> Moreover, the State resumed the activities of the National Guarantees Working Group.<sup>524</sup>

266. Despite these measures, between January and October 2024, the Office of the Ombudsperson registered 147 murders of defenders or social leaders.<sup>525</sup> Between January 1 and November 30, 2024, the OHCHR received 186 complaints of murders of human rights defenders. Of those, 80 were verified, 11 are under analysis and 95 are not conclusive.<sup>526</sup> According to the United Nations Verification Mission in Colombia, most victims were social leaders and members of community action boards, representatives of indigenous peoples or Afro-descendant and peasant communities. The highest rates of murders were recorded in the departments of Arauca, Cauca and Valle del Cauca.<sup>527</sup> In this context, the Commission issued five resolutions in 2024 that granted precautionary measures in favor of defenders after it learned of facts that were putting the lives and personal integrity of defenders at risk as a result of their activism.<sup>528</sup>

<sup>517</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 385–388.

<sup>518</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 388–390.

<sup>519</sup> National Police of Colombia, [Homicidios de enero a diciembre de 2024](#), January 13, 2025.

<sup>520</sup> Office of the Ombudsperson of Colombia, Information sent for the preparation of the IACHR Annual Report, received on November 29, 2024, pp. 8–12. In IACHR files.

<sup>521</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 284–285.

<sup>522</sup> *El Espectador*, “Procuraduría sí podrá sancionar y destituir a funcionarios de elección popular,” December 3, 2024.

<sup>523</sup> Ministry of the Environment and Sustainable Development, “[Histórico: Escazú es una realidad en Colombia, la Corte avala su constitucionalidad](#),” August 28, 2024; Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 194.

<sup>524</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 141; Colombian Platform for Human Rights, Democracy and Development, “[En Mesa Nacional de Garantías, Estado reconoció riesgo de población líder y defensora de derechos humanos y se comprometió a tomar medidas para mitigarlo](#),” July 17, 2024.

<sup>525</sup> Office of the Ombudsperson of Colombia, Information sent for the preparation of the IACHR Annual Report, received on November 29, 2024, p. 24. In IACHR files.

<sup>526</sup> OHCHR in Colombia, [Homicidios de personas defensoras](#), accessed on November 15, 2024.

<sup>527</sup> UN Security Council, United Nations Verification Mission in Colombia, *Report of the Secretary-General*, [S/2024/694](#), September 26, 2024, para. 46.

<sup>528</sup> IACHR, [Resolution No. 65/24](#), MC 765-24, William Stiven Rojas Rincon and his family unit regarding Colombia, September 19, 2024; [Resolution No. 53/24 \(Follow-up and Extension\)](#), MC 395-18, Authorities and members of the Gonzaya (Buenavista) and Po

267. With regard to investigations of crimes against human rights defenders, the State reported that it learned of 1,325 homicides of defenders and social and community leaders which took place between 2016 and September 11, 2024. Of these cases, 749 were prosecuted, with 186 convictions, 4 sanctioning sentences against minors, 12 appeals and 8 acquittals.<sup>529</sup> As for threats against leaders, the State pointed out that, through the Working Group on Investigation of Threats of the Attorney General's Office (FGN) of Colombia, between 2018 and August 2024, progress was made in the investigations of 120 cases, which led to the following results: 23 convictions, 17 cases in which the principle of opportunity was applied by means of an agreement between the parties, 1 termination of the criminal proceeding upon the death of the indicted person, 8 requests and authorizations of arrest warrants, 2 cases that fell under indigenous jurisdiction, 7 indictments, 49 trials, 1 case processed together with another case on a related crime and 12 cases closed.<sup>530</sup> In this context, while the Commission takes note of such progress, civil society organizations denounce that high levels of impunity persist with regard to these crimes and underscore that, in most cases that result in convictions, the sentences refer to material perpetrators only, without making any reference to the masterminds.<sup>531</sup>

268. Moreover, until June 2024, through the work of the National Protection Unit (UNP), 1,473 protection measures for defenders and social leaders were granted: 821 hard measures and 652 soft measures.<sup>532</sup> They include 665 protection vests, 330 panic buttons, 139 communication devices, 1,509 bodyguards, 369 conventional vehicles, 227 armored vehicles and 68 ground support kits.<sup>533</sup> The budget allocated to the UNP in 2024 amounted to 2.3 trillion Colombian pesos (approximately 553 million US dollars).<sup>534</sup>

269. Nevertheless, the civil society pointed to deficiencies in protection measures associated with material defects found in vehicles, protection vests, phones, panic buttons and mobility restrictions as a result of guards' limited travel expenses and fuel.<sup>535</sup> Such deficiencies were also associated with the lack of institutions in the territory, as well as the absence of qualified personnel and measures based on gender, ethnical-racial and territorial approaches.<sup>536</sup> This hinders the documentary registration required by the UNP<sup>537</sup> to assess risks and the development of effective protection measures.<sup>538</sup>

270. With regard to the rights of **indigenous peoples**, the executive branch issued Decree No. 1,275, which grants indigenous authorities competence over environmental matters within their territories.<sup>539</sup>

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Piyuya (Santa Cruz de Piñuña Blanco) reservations of the Siona People (ZioBain) regarding Colombia, August 21, 2024; [Resolution No. 34/24](#), MC 376-24, Sonia Chilgueso Dagua, Diana Montilla Moreno and their families regarding Colombia, May 23, 2024; [Resolution No. 33/24](#), MC 1036-23, Víctor Miguel Ángel Moreno Campaña regarding Colombia, May 20, 2024; [Resolution No. 19/24](#), MC 73-24, Thirteen members of the La Plata Bahía Málaga Community Council regarding Colombia, April 8, 2024.

<sup>529</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 269 and 270.

<sup>530</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 269 and 270.

<sup>531</sup> IACHR, Meeting with human rights defenders held in Bogotá on April 15, 2024.

<sup>532</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 269 and 236.

<sup>533</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, p. 236.

<sup>534</sup> National Protection Unit (UNP), [Resolution No. DGRG 0001](#), January 2, 2024.

<sup>535</sup> IACHR, public hearing "[Colombia: Follow-up on precautionary measures for human rights defenders](#)," held in the context of the 191<sup>st</sup> period of sessions on November 11, 2024; IACHR, public hearing "[Implementation of Precautionary Measures for Human Rights Defenders in Colombia](#)," held in the context of the 185<sup>th</sup> period of sessions on October 27, 2022; Amnesty International, *Hope at Risk: The Lack of a Safe Space to Defend Human Rights in Colombia Continues*, 2023, pp. 28 and 38.

<sup>536</sup> IACHR, Meeting with human rights defenders held in Bogotá on April 15, 2024.

<sup>537</sup> IACHR, Meeting with civil society organizations on the rights of women held in Bogotá on April 16, 2024.

<sup>538</sup> IACHR, Meeting with human rights defenders held in Bogotá on April 15, 2024.

<sup>539</sup> Ministry of Environment and Sustainable Development, Decree 1575 "[Por el cual se establecen las normas requeridas para el funcionamiento de los territorios indígenas en materia ambiental y el desarrollo de las competencias ambientales de las autoridades indígenas y su coordinación efectiva con las demás autoridades y/o entidades](#)", 15 October 2024.

The State also highlighted the restitution of at least 55,000 hectares of land to indigenous communities in the departments of La Guajira, Cauca, Valle del Cauca, Chocó and Antioquia in compliance with court orders.<sup>540</sup>

271. Moreover, discrimination based on ethnicity and race, coupled with armed conflicts and illicit economies in indigenous communities, continued to disproportionately affect ethnic groups —the Wounaam, Embera (Chamí, Katío, Dóbida, Eyábida) and Nasa communities being the most impacted.<sup>541</sup> Likewise, year on year, several acts of violence against indigenous leaders were recorded; out of the 47 murder victims registered until September 2024, 12 were indigenous.<sup>542</sup>

272. Concerning forced displacement and confinement, in 2024, indigenous peoples accounted for 35 percent and 42 percent of victims, respectively.<sup>543</sup> The departments where most of these cases were registered are Antioquia, Arauca, Chocó, Cauca, La Guajira, Nariño and Valle de Cauca.<sup>544</sup> In this context, the situation of the Wiwa people is alarming: they have been forced to relocate more than once during 2024.<sup>545</sup> The situation of the communities affected by illegal mining in the basins of the Atrato, Nechi and Cauca rivers must also be highlighted.<sup>546</sup> In addition, violence resulting from the armed conflict, illicit economies, extractive industries and the absence of an institutional response to these facts has jeopardized the survival of cross-border indigenous communities, located across Perú, Colombia and Ecuador.<sup>547</sup>

273. In particular, forced recruitment continued to affect indigenous children and adolescents, who account for 50 percent of the victims.<sup>548</sup> Furthermore, Wayuu children have suffered several violations to their right to food and water.<sup>549</sup>

274. As for the progress made concerning **Afro-descendant persons and policies against racial discrimination**, in the context of the 16<sup>th</sup> session of the Conference of the Parties (COP16), the State acknowledged the key role of Afro-descendants in the preservation and sustainable use of biodiversity. Together with the State of Brazil, it created the Afro-descendant Peoples of the Americas program, which seeks to reaffirm their role as guardians of biodiversity and promote access to cooperation funds earmarked for biodiversity projects.<sup>550</sup> In addition, the State regulated procedures to expand, improve and legally protect the territories traditionally occupied by black Afro-Colombian, Raizal and Palenquera communities.<sup>551</sup>

275. However, several challenges persisted in terms of security and access to rights, which continued to affect the life of Afro-descendants in Colombia. In the context of the armed conflict and the search for territorial control for the operation of illegal economies, in 2024, the Commission granted precautionary

<sup>540</sup> Unit for the Restitution of Lands, [Con más de 55.000 hectáreas entregadas en 2024, la URT le cumple a las comunidades indígenas y afrodescendientes](#), 13 November 2024.

<sup>541</sup> National Indigenous Organization of Colombia (ONIC), Information submitted in the context of the IACHR's *in loco* visit to Colombia, April 2024.

<sup>542</sup> OHCHR, [Homicidios de personas defensoras de los Derechos Humanos](#), reporting on the number of homicides of human rights defenders in Colombia from January 1 to September 30, 2024.

<sup>543</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), [Informe Tendencias e Impacto Humanitario en Colombia 2024 | Fecha de corte: Enero -Septiembre de 2024](#), November 6, 2024.

<sup>544</sup> OCHA, [Informe Tendencias e Impacto Humanitario en Colombia 2024 | Fecha de corte: Enero -Septiembre de 2024](#), November 6, 2024.

<sup>545</sup> Human Rights Council, *Report of the Special Rapporteur on the rights of Indigenous Peoples*, José Francisco Calí Tzay, A/HRC/57/47/Add.1, September 10, 2024. Notes on meetings with representatives of the Wiwa people in June and July 2024. In IACHR files.

<sup>546</sup> Office of the Ombudsperson of Colombia, Information sent for the preparation of the IACHR Annual Report, December 2, 2024, p. 8. In IACHR files.

<sup>547</sup> IACHR, thematic hearing, ["Situation of the A'i Cofán, Andwas, Shuar, Siekopai, Siona, and Wampis Indigenous peoples"](#) 191<sup>st</sup> period of sessions, Washington D.C., United States, November 15, 2024.

<sup>548</sup> IACHR, thematic hearing, ["Colombia: Forced Recruitment of Indigenous Children and Adolescents in the Armed Conflict in Cauca"](#) 189<sup>th</sup> period of sessions, Washington D.C., United States, February 27, 2024.

<sup>549</sup> Office of the Ombudsperson of Colombia, ["Niños wayúu entre cero y cinco años están siendo alimentados únicamente con chicha"](#), May 9, 2024.

<sup>550</sup> Government of Colombia, ["Un logro histórico: Cop16 aprobó el reconocimiento de los Afrodescendientes en el Convenio de Diversidad Biológica \(CDB\)"](#), November 1, 2024.

<sup>551</sup> Government of Colombia, [Decree No. 129 of 2024](#), February 7, 2024.

measures to 13 Afro-descendant leaders who are members of the La Plata Bahía Málaga Community Center.<sup>552</sup> As for racial profiling by state authorities, a case was registered involving an Afro-descendant defender who was a victim of this practice by migration authorities in Bogotá.<sup>553</sup> As for gender violence, the femicide of Naomi Arboleda stands out; she was an African-Colombian young woman who was killed on November 11 in Bogotá after being attacked by a group of men who were harassing her.<sup>554</sup>

276. In addition, some studies reveal the barriers faced by Afro-Colombian women to access sexual and reproductive health services, such as birth control methods and the voluntary termination of pregnancy.<sup>555</sup> In Chocó, 73 percent of women failed to receive information on contraceptive methods and many of them resorted to unsafe practices, including homemade contraceptive devices.<sup>556</sup> Maternal mortality disproportionately affected Afro-descendant women, with higher rates than women without an ethnic affiliation, especially in terms of the impact of unsafe abortions and the lack of access to adequate services.<sup>557</sup>

277. As for the human rights of **women**, the State informed about the presentation of and progress made due to several legislative initiatives focused on the protection of women's rights.<sup>558</sup> In particular, the Senate passed Bill No. 297/2024, which forbids child marriage, domestic partnerships and early unions in Colombia.<sup>559</sup> Moreover, the executive branch launched the National Action Plan on Women, Peace and Security, whose purpose is to take action in favor of women who are victims of the armed conflict and increase their involvement in conflict prevention, management and solution.<sup>560</sup>

278. In addition, the Ministry of Justice and Law implemented a series of measures to improve the judicial response and to fight impunity in cases of violence due to gender and prejudice. In particular, in the context of a strategy called Red Justas, technical and financial support measures were taken to strengthen territorial institutionality, organization processes and the capacities of territorial entities involved in the support, prevention and prosecution of gender-based violence cases.<sup>561</sup> Likewise, the process to draft a bill for the eradication of violence due to gender and prejudice moved forward. The bill presents multiple cross-cutting measures to create a support, protection, investigation and prosecution system that takes on a comprehensive approach towards these types of violence.<sup>562</sup>

<sup>552</sup> IACHR, [Resolution No. 19/2024](#), Precautionary Measure No. 73-24, Thirteen members of the La Plata Bahía Málaga Community Council regarding Colombia, April 8, 2024, para. 35.

<sup>553</sup> Latin American Council of Social Sciences (CLACSO), ["Repudio ante el perfilamiento racial sufrido por Rudy Amanda Hurtado,"](#) October 15, 2024; *La Silla Vacía*, ["Racismo y perfilamiento racial en aeropuerto El Dorado,"](#) October 11, 2024.

<sup>554</sup> *El Espectador*, ["Ayer fue Sara, hoy Naomi: boxeadora olímpica habló del feminicidio de su hermana,"](#) November 14, 2024; *Volcanicas*, ["Justicia para Naomi Arboleda,"](#) November 14, 2024.

<sup>555</sup> ILEX Acción Jurídica, ["IVE desde el margen: Análisis de limitaciones socio jurídicas de las mujeres negras afrodescendientes para el acceso a la Interrupción Voluntaria del Embarazo en Colombia,"](#) 2024, p. 47.

<sup>556</sup> ILEX Acción Jurídica, ["IVE desde el margen: Análisis de limitaciones socio jurídicas de las mujeres negras afrodescendientes para el acceso a la Interrupción Voluntaria del Embarazo en Colombia,"](#) 2024, pp. 69–71.

<sup>557</sup> ILEX Acción Jurídica, ["IVE desde el margen: Análisis de limitaciones socio jurídicas de las mujeres negras afrodescendientes para el acceso a la Interrupción Voluntaria del Embarazo en Colombia,"](#) 2024, p. 75.

<sup>558</sup> These initiatives include Bill No. 239/2024 which seeks to prevent, treat and eradicate female genital mutilation, with a focus on the women and girls of the Emberá people, and a proposal to amend Article 28 of Law No. 1,475 to ensure gender parity in political participation. See: Congress of the Republic of Colombia, ["El Congreso de la República avanza en la protección de los derechos de las mujeres y niñas con proyectos claves,"](#) November 10, 2024; National Electoral Council, ["Proyecto de Ley Estatutaria No. 201 de 2024: 'Por medio del cual se modifica el artículo 28 de la Ley 1475 de 2011, en relación con el porcentaje de la cuota de género para lograr una paridad real y efectiva,'"](#) August 23, 2024.

<sup>559</sup> Congress of the Republic of Colombia, ["Plenaria del Senado aprobó la ley. 'Son niñas no esposas,'"](#) November 13, 2024.

<sup>560</sup> Office of the President of the Republic of Colombia, ["Gobierno del Cambio lanzó oficialmente Plan de Acción Nacional de Mujeres, Paz y Seguridad,"](#) December 1, 2024; *EFE*, ["Gobierno colombiano lanza plan para mujeres víctimas del conflicto y la violencia sexual,"](#) November 30, 2024.

<sup>561</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 122, 123 and 137.

<sup>562</sup> Republic of Colombia, Complementary information received in the context of the IACHR's *in loco* visit, October 18, 2024, pp. 121–124; Ministry of Justice and Law, ["Comisión de Expertos para la Reforma a la Justicia avanza en la construcción de proyecto de ley para erradicar violencias de género y por prejuicio,"](#) July 2, 2024.



279. Moreover, despite significant discrepancies found in records, figures on violence against women continue to be alarming.<sup>563</sup> Between January and September 2024, the FGN registered 474 femicides,<sup>564</sup> while the civil society registered 671.<sup>565</sup> In addition, the PGN recorded 198 femicides as of November, most of which were committed by the victim's partner or former partner.<sup>566</sup> Additionally, as of September 2024, the FGN registered 74,695 complaints of domestic violence, with most victims being women, and 21,012 complaints of sexual offenses.<sup>567</sup> In this context, it is alarming that most of the victims of sexual violence are girls who remain exposed to this type of violence even in educational settings.<sup>568</sup>

280. Furthermore, two years after the decision to decriminalize the voluntary termination of pregnancy of 24 weeks or less,<sup>569</sup> some obstacles remained in place in terms of access to this health service. In particular, socioeconomic gaps between urban and rural areas, geographical differences and ignorance regarding the applicable legal framework by health providers pose significant challenges in accessing legal termination of pregnancy, especially for women, children and adolescents who live in rural areas, and even more so for women of indigenous or African descent.<sup>570</sup>

281. As for the rights of **children and adolescents**, the Senate passed a law called *Son niñas no esposas* (They Are Girls, Not Wives) in November 2024, which removed an article of the Civil Code that allowed girls older than 14 years of age to get married with the consent of their parents.<sup>571</sup> Likewise, the passing of Law Sara Sofía o Alerta Colombia (Sara Sofía or Colombia Alert) led to the creation and regulation of a tool to disseminate information on disappeared children and trigger immediate search mechanisms.<sup>572</sup>

282. As for sexual violence against children and adolescents, based on data from the National Institute of Legal Medicine and Forensic Sciences, as of September 2024, 13,420 forensic examinations were performed on children and adolescents to investigate potential sexual crimes. The Colombian Institute of Family Welfare (ICBF) reported that, as of November 2024, administrative rights restoration processes were opened for 13,237 children and adolescents due to sexual violence.<sup>573</sup> The Office of the Ombudsperson expressed their concern about cases of sexual abuse reported in education centers.<sup>574</sup>

283. Additionally, until November 2024, the Office of the Ombudsperson registered 282 cases of recruitment of children and adolescents. Sixty-five percent of those cases involved boys, while 35 percent involved girls.

284. Concerning advances in terms of the situation of **LGBTI persons**, the State adopted significant measures to guarantee the rights of LGBTI persons. Those measures included the creation of a specialized group tasked with the investigation of prejudice-based crimes against such population, with a focus

<sup>563</sup> IACHR, *Observaciones preliminares Visita in loco a Colombia*, April 15–19, 2024, pp. 3, 12 and 13.

<sup>564</sup> Integrated System of Information on Gender-Based Violence (SIVIGE), *Indicadores de VBG según fuente de información*, FGN, accessed on December 9, 2024.

<sup>565</sup> Femicide Observatory of Colombia, *Boletín Mensual de Femicidios, Septiembre 2024*, October 18, 2024.

<sup>566</sup> PGN, "Procuraduría General alerta sobre 198 feminicidios y 8 transfeminicidios en 2024," November 25, 2024.

<sup>567</sup> SIVIGE, *Indicadores de VBG según fuente de información*, FGN, accessed on December 9, 2024.

<sup>568</sup> PGN, "Procuraduría indaga presunto abuso sexual contra seis estudiantes, menores de edad, en Institución Educativa de Ibagué," December 9, 2024; PGN, "Casos de violencia sexual siguen disparados en colegios," May 2, 2024; Secretariat of Education, "Ante caso de presunta violencia sexual, Secretaría de Educación alerta a colegios privados para estar al día en el Sistema de Alertas Tempranas y activar rutas de atención," April 15, 2024; IACHR, 2023 Annual Report, Chapter IVa, December 31, 2023, para. 265.

<sup>569</sup> Constitutional Court of Colombia, Decision No. C-055 of 2022, available at: <https://www.corteconstitucional.gov.co/Relatoria/2022/C-055-22.htm>.

<sup>570</sup> ILEX Acción Jurídica, *IVE desde el margen: Análisis de las limitaciones socio jurídicas de las mujeres negras afrodescendientes*, February 2023, ISBN: 978-958-52847-8-4; Center for Reproductive Rights, *Derechos reproductivos en Colombia*, a report submitted in the context of the IACHR's *in loco* visit to Colombia, April 2024, in IACHR files.

<sup>571</sup> Congress of the Republic of Colombia, "Plenaria del Senado aprobó la ley, 'Son niñas no esposas,'" November 13, 2024.

<sup>572</sup> Congress of the Republic of Colombia, "Ley Sara Sofía: El Senado dio luz verde a proyecto que permite búsqueda urgente de niños desaparecidos," June 12, 2024.

<sup>573</sup> Office of the Ombudsperson of Colombia, Information sent for the preparation of the IACHR Annual Report before the OAS General Assembly, December 2, 2024, pp. 20 and 21. In IACHR files.

<sup>574</sup> Office of the Ombudsperson of Colombia, "Escuelas y colegios deben ser entornos seguros y no de violencia y abuso sexuales," April 7, 2024.

on homicides, femicides, discrimination and harassment.<sup>575</sup> In addition, the Superintendency of Health issued guidelines to ensure adequate medical care for trans persons.<sup>576</sup> Furthermore, the Special Jurisdiction for Peace (JEP) recognized a prejudice-based violence pattern in Macro-case 07 on the recruitment of minors during the armed conflict.<sup>577</sup>

285. In terms of legislative measures, the Chamber of Deputies passed Bill No. 272 of 2024, known as *Ley inconvertibles* (Inconvertible Law), which forbids conversion therapy.<sup>578</sup> Additionally, the Congress submitted Bill No. 122 of 2024, called *Ley Integral Trans* (Integral Trans Law) to protect the rights of people with diverse gender identities.<sup>579</sup> In addition, the Council of Bogotá approved the draft of Agreement No. 399 of 2024 to guarantee the rights of LGBTI children and adolescents in education centers.<sup>580</sup>

286. Furthermore, several challenges have been identified in connection with the above-mentioned steps forward. Bill No. 272 was archived due to the lack of debate in Congress, which put an end to its legislative processing.<sup>581</sup> At the same time, groups that opposed the recognition of rights for trans persons launched a campaign against the guidelines of the Superintendency of Health arguing that they promoted the “hormonization” of children,<sup>582</sup> a statement labelled as disinformation by human rights defenders.<sup>583</sup>

287. In parallel, some law initiatives intended to restrict the rights of trans persons, particularly for children and adolescents, have paved their way in Congress. These include Bill No. 1 of 2024, called *Ley con los niños no te metas* (Leave Children Alone Law), which seeks to forbid hormone therapy, puberty blockers and gender affirmation surgery in persons under 18 years of age, irrespective of recommendations from doctors specialized in the subject matter.<sup>584</sup>

288. Within this context of regressiveness, the Office of the Ombudsperson registered 286 cases of violence against the LGBTI population between January and May 2024.<sup>585</sup> According to civil society organizations, at least 28 trans persons were killed in 2024.<sup>586</sup>

289. With regard to **persons in the context of human mobility**, Colombia established the Special Permanence Permit for Legal Representatives or Guardians of Children and Adolescents (PEP Tutor) aimed at

<sup>575</sup> *Caribe Afirmativo*, “[Logro importante en la rama judicial: la Fiscalía creó un grupo especializado en delitos por orientación sexual e identidad de género](#),” February 28, 2024; FGN (@FiscaliaCol), (February 28, 2024), La Fiscal General de la Nación (e), Martha Janeth Mancera, expidió la Resolución 00077 del 26 de febrero de 2024, que crea el Grupo Nacional de Trabajo (...) [X post], X, <https://x.com/FiscaliaCol/status/1762811997882585452?mx=2>.

<sup>576</sup> Superintendency of Health of Colombia, [External Circular No. 2024150000000011-5 of 2024](#), September 20, 2024.

<sup>577</sup> *Colombia Diversa*, “[La JEP reconoce la violencia por prejuicio contra niños y niñas LGBTQ+](#),” 2024; *Caribe Afirmativo*, “[Las infancias LGBTQ+ también vivieron los estragos de la guerra: La JEP imputa a seis exintegrantes del Secretariado de las FARC-EP por crímenes de guerra de reclutamiento y utilización de niñas y niños y otros crímenes asociados](#),” November 13, 2024.

<sup>578</sup> *Colombia Diversa*, “[La JEP reconoce la violencia por prejuicio contra niños y niñas LGBTQ+](#),” 2024; *Caribe Afirmativo*, “[Las infancias LGBTQ+ también vivieron los estragos de la guerra: La JEP imputa a seis exintegrantes del Secretariado de las FARC-EP por crímenes de guerra de reclutamiento y utilización de niñas y niños y otros crímenes asociados](#),” November 13, 2024.

<sup>579</sup> *Caribe Afirmativo*, “[Quedó radicado el proyecto de Ley Integral Trans en Colombia: un hecho histórico en el país](#),” July 31, 2024.

<sup>580</sup> *Caribe Afirmativo*, “[Aprobado el Proyecto de Acuerdo 399 de 2024: Bogotá Avanza en la Garantía de Derechos para Jóvenes LGBTQ+ en Instituciones Educativas](#),” December 1, 2024; *Infobae*, “[Aprueban proyecto que garantizará los derechos de las comunidades Lgbtiq+ en los colegios públicos y privados de Bogotá](#),” September 2, 2024.

<sup>581</sup> *El País*, “[El Congreso de Colombia hunde de nuevo el proyecto que buscaba prohibir las terapias de conversión sexual](#),” June 13, 2024.

<sup>582</sup> *El País*, “[El bulo transfóbico que evidencia las dificultades para combatir la desinformación en Colombia](#),” October 28, 2024; *Infobae*, “[Convocan marchas en contra de circular de la Supersalud a favor de las personas trans, que incluye procedimientos para menores: 'Con los niños no te metas'](#),” October 2, 2024.

<sup>583</sup> *Infobae*, “[Luis C. Leal denuncia 'desinformación' sobre circular para que personas trans accedan a la Salud](#),” September 24, 2024.

<sup>584</sup> Congress of the Republic of Colombia, [Bill No. 001 of 2024](#).

<sup>585</sup> *Swiss Info*, “[Defensoría registra 286 casos de violencia LGBTI de enero a mayo de 2024 en Colombia](#),” June 28, 2024; *Infobae*, “[Alarmante cifra de casos de violencia contra la población LGTBI en Colombia: van más de 280 en 2024](#),” June 29, 2024.

<sup>586</sup> *Caribe Afirmativo* [@Caribeafirmativ], (November 20, 2024), Hoy, 20 de noviembre, en el Día Internacional de la #MemoriaTrans, rendimos homenaje a las personas trans que han sido víctimas de la violencia (...) [X post], X, <https://x.com/Caribeafirmativ/status/1859224108354986388>.

Venezuelan nationals responsible for minors holding a Temporary Protection Permit (PPT) issued until December 31, 2023. This document allows persons with child custody to regularize their migration status and engage in legal activities.<sup>587</sup> A public consultation process was launched to draft the regulations governing the PEP Tutor permits in order to ensure transparency and incorporate input from the civil society. Moreover, the Constitutional Court issued Judgment No. T-243-23 ordering migration authorities to develop a clear and accessible road map to guide the Venezuelan population on legal alternatives, requirements and deadlines for staying in Colombia.<sup>588</sup>

290. With respect to statelessness, the Constitutional Court issued Judgment No. T-232-24 ordering the Ministry of Foreign Affairs and the National Civil Registry to regulate various articles of Law No. 2136 of 2001 to address the risk of statelessness faced by children born under transnational surrogacy agreements. The Constitutional Court also invited the Superintendency of Notaries and Registry Offices to issue guidelines that account for this risk when recording births following maternity disputes in cases of gestational surrogacy. Additionally, it urged Congress to legislate on surrogacy, considering its transnational dimension and ensuring safeguards against statelessness in compliance with Colombia's international obligations.<sup>589</sup>

291. Moreover, in 2024, more than 170,000 people were forcibly displaced due to the armed conflict and disputes over the control of illegal economic activities, including 43,000 persons in massive displacements and 128,000 in individual forced displacement. Ethnic peoples remained the most affected by massive displacement, with 41 percent of the victims belonging to Afro-descendant communities and 19 percent to indigenous peoples<sup>590</sup>.

292. In relation to **human trafficking**, during the Universal Periodic Review (UPR), the United Nations Human Rights Council recommended that Colombia endorse the Safe Schools Declaration, adopt a protocol to identify and assist victims of human trafficking and strengthen efforts to combat this crime, particularly against women and children<sup>591</sup>.

293. In terms of progress regarding the situation of **persons deprived of liberty**, the State approved the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in May 2024<sup>592</sup>.

294. However, challenges related to detention conditions in prisons and temporary detention facilities persisted. Overcrowding reached 24.6 percent in National Prison Centers (ERON)<sup>593</sup> and 140 percent in temporary detention facilities.<sup>594</sup> This situation was exacerbated by the deplorable infrastructure and poor hygiene conditions, limited access to water, unreliable electricity supply, scarce and low-quality food, deficient medical care, shortage of beds and mattresses and barriers to accessing reintegration programs.<sup>595</sup> Moreover,

<sup>587</sup> National Migration Service of Colombia, "[Migración Colombia anuncia la creación de PEP Tutor, un permiso especial de permanencia para representantes legales o custodios de menores venezolanos](#)," October 1, 2024.

<sup>588</sup> IACHR [@CIDH], (July 22, 2024), #Colombia: #CIDH saluda la sentencia T-246-24 de la Corte Constitucional que reconoció el derecho al trabajo y al debido proceso de personas venezolanas solicitantes de refugio; y ordenó al Estado facilitar la información sobre vías de regularización migratoria [X post], X, <https://x.com/CIDH/status/1815447452104765608>.

<sup>589</sup> Constitutional Court of Colombia, First Chamber for Review Proceedings Concerning Writs for the Protection of Constitutional Rights, [Judgment No. T-232 of 2024](#), File No. T-9,398,087, June 18, 2024.

<sup>590</sup> OCHA, [Informe Tendencias e Impacto Humanitario en Colombia 2024 | Fecha de corte: Enero -Septiembre de 2024](#), November 6, 2024.

<sup>591</sup> United Nations, General Assembly, Human Rights Council, 55<sup>th</sup> session, [Report of the Working Group on the Universal Periodic Review. Colombia](#), A/HRC/55/7, February 26-April 5, 2024.

<sup>592</sup> Congress of the Republic of Colombia, Senate of the Republic, Government of Colombia, [Status of bills. Senate: 276/23. Chamber: 364/24](#), May 29, 2024.

<sup>593</sup> Constitutional Court of Colombia, Information regarding the declaration of unconstitutionality concerning the prison system and temporary detention centers, April 17, 2024, p. 9. In IACHR files.

<sup>594</sup> Constitutional Court of Colombia, Information regarding the declaration of unconstitutionality concerning the prison system and temporary detention centers, April 17, 2024, p. 9. In IACHR files.

<sup>595</sup> Observations made by the Commission during its visit to the Riohacha, Buen Pastor and La Modelo prisons as part of its *in loco* visit to Colombia, April 17-18, 2024; Testimonies of persons deprived of liberty in the Riohacha, Buen Pastor and La Modelo prisons received by the Commission during its *in loco* visit to Colombia, April 17-18, 2024.

the National Institute for Prisons (INPEC) faced a deficit of approximately 14,000 officers (including 8,000 security personnel and 6,000 administrative workers)<sup>596</sup>.

295. In February 2024, the State declared a prison emergency in the ERONs in response to attacks on the lives and integrity of INPEC officials.<sup>597</sup> These attacks resulted in the death of at least six officials in 2024, including the director of the La Modelo prison in Bogotá, whose murder was condemned by the Commission on May 17, 2024.<sup>598</sup> In this context, the Commission also notes the implementation of Operation Domino to combat crimes within detention centers<sup>599</sup>.

296. Furthermore, although 92 women had received alternative sentences involving community service pursuant to Law No. 2292, as of November 29, 2024,<sup>600</sup> imprisonment continued to have disproportionate effects due to the absence of measures incorporating a gender and intersectional approach.<sup>601</sup> Incarcerated women faced irregular medical attention and constant ill-treatment.<sup>602</sup> Indigenous persons lack adequate accommodation spaces, while persons with disabilities endured inadequate infrastructure that affected their rights in detention, underscoring the need for comprehensive reforms in the prison system.<sup>603</sup>

297. With respect to **memory, truth and justice**, the State enacted Law No. 2364 of 2024, on the recognition and comprehensive protection of the work and rights of women and other persons who search for victims of enforced disappearance.<sup>604</sup> The executive branch also enacted the reform of the Victims Law (Law No. 1448 of 2011), which, *inter alia*, expanded the definition of victims to include law enforcement agents, victims abroad and relatives of direct victims.<sup>605</sup>

<sup>596</sup> In this regard, see: Information provided to the Commission during a meeting with the director and officials of the La Modelo prison during its *in loco* visit to Colombia, April 18, 2024; Information provided to the Commission during a meeting with the director of the National Institute for Prisons during its *in loco* visit to Colombia, April 18, 2024. Additionally, see: IACHR, Press Release No. 143/24, [IACHR Issues Preliminary Observations of On-Site Visit to Colombia](#) and [Preliminary Observations of On-Site Visit to Colombia](#), June 19, 2024.

<sup>597</sup> Ministry of Justice of Colombia, "[Gobierno nacional declaró emergencia carcelaria en todos los centros penitenciarios del país](#)," February 12, 2024.

<sup>598</sup> In this regard, see: Information provided to the Commission during a meeting with the director of the National Institute for Prisons during its *in loco* visit to Colombia, April 18, 2024; Information provided to the Commission during a meeting with the director and officials of the La Modelo prison during its *in loco* visit to Colombia, April 18, 2024; IACHR [CIDH], (May 17, 2024), #Colombia: #CIDH condena el asesinato del director de la cárcel La Modelo de Bogotá, Élder Fernández el [#16MAY](#), con quien se había reunido durante la visita in loco al país. Expresa su solidaridad a su familia y colegas, al tiempo que manifiesta su preocupación, debido a que este homicidio ocurre en el contexto de constantes ataques y amenazas a personal del @INPEC\_Colombia [X post], X, <https://twitter.com/CIDH/status/1791599831841923153>.

<sup>599</sup> Ministry of Justice, [Search and Control Operation at La Modelo Prison. Second Phase of 'Operation Domino' Begins](#), January 25, 2024.

<sup>600</sup> Ministry of Justice of Colombia, "[Seguimiento a la Implementación de la Ley de Utilidad pública](#)," September 6, 2024. See also: Government of Colombia, Administrative Department of Public Service, [Law No. 2292](#), March 8, 2023.

<sup>601</sup> In this regard, see: Testimonies of persons deprived of liberty in the Buen Pastor women's prison received by the Commission during its *in loco* visit to Colombia, April 18, 2024; Information shared with the Commission during a meeting with civil society organizations focused on persons deprived of liberty during its *in loco* visit to Colombia, April 15, 2024; Information shared with the Commission during a meeting with civil society organizations before the visit, April 1, 2024. See also: Colombia, [Law No. 2261](#) enacted on July 19, 2022; Mujeres Libres, [Cicatrices del silencio. Informe sobre las vulneraciones de los derechos sexuales y reproductivos de las mujeres, hombres trans y personas no binarias privadas de la libertad en las cárceles de Colombia](#), 2024.

<sup>602</sup> IACHR, Information shared with the Commission during a meeting with civil society organizations before the visit, April 1, 2024.

<sup>603</sup> In this regard, see: Testimonies of persons deprived of liberty in the Riohacha, Buen Pastor and La Modelo prisons received by the Commission during its *in loco* visit to Colombia, April 17-18, 2024.

<sup>604</sup> IACHR [CIDH], (April 5, 2024), #Colombia: #CIDH saluda la aprobación por el @SenadoGovCo del proyecto de ley de protección integral a la labor y los derechos de las mujeres y personas buscadoras de víctimas de desaparición forzada, y destaca la iniciativa como una buena práctica de relevancia para la región. #DerechosHumanos [X post], X, <https://x.com/CIDH/status/1776245031659012279>; Congress of the Republic of Colombia, Law No. 2364, on the recognition and comprehensive protection of the work and rights of women who search for victims of enforced disappearance, June 18, 2024.

<sup>605</sup> Republic of Colombia, Additional information to the *in loco* visit of the Inter-American Commission on Human Rights, October 18, 2024, pp. 337-338; *Ámbito Jurídico*, "[Esta es la amplia reforma a la Ley de Víctimas](#)," September 4, 2024; Congress of the Republic of Colombia, Law No. 2421 of 2024, on amendments to Law No. 1448 of 2011 and other provisions on reparations for victims of the internal armed conflict, August 22, 2024.

298. With regard to justice, the JEP advanced in the processing of Macro-case 07, resulting in an indictment against six former commanders of the extinct FARC- EP for crimes against humanity and war crimes consisting of the forced recruitment of at least 18,677 children and adolescents between 1971 and 2016.<sup>606</sup>

299. Regarding the rights of **older persons**, the State approved a pension system reform that redirected state subsidies previously concentrated on higher-income households and established a solidarity pillar for persons over 65, providing them with a monthly payment of 223,800 Colombian pesos (equivalent to 52 US dollars).<sup>607</sup> Therefore, social security coverage is expected to expand from 24 percent to 54 percent of the population of older persons in the country and to increase progressively until reaching 87 percent by 2025.<sup>608</sup>

## XI. COSTA RICA

### • General considerations

300. With regard to **progress**, the Commission notes the information on measures adopted to promote gender equality and women's political rights, the publication of the 2024-2034 Comprehensive Migration Policy and reforms to the asylum system. It also highlights the Age-Friendly Cities and Communities initiative and other projects aimed at improving the quality of life of older persons. The Commission recognizes Costa Rica's openness to international dialogue and human rights scrutiny, as well as its regional leadership in this area.

301. In terms of **challenges**, the Commission expresses its concern over citizen security and questions regarding the state's response, as well as complaints of violations of judicial independence. The Commission is also concerned about complaints of violations of the rights of indigenous peoples, particularly regarding prior consultation and land demarcation; as well as significant gaps in the guarantee of economic, social and cultural rights for groups facing risks, such as persons in human mobility, women and the older persons.

302. On December 9, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>609</sup> Additionally, the Commission received information from the Office of the Ombudsperson of the Republic on November 15, 2024.<sup>610</sup>

### • Specific issues

303. With regard to **democratic institutional**ity, the State reported that municipal elections had been held on February 4, 2024, resulting in the election of 6,212 local authorities across 84 municipalities and 492 districts. The State informed that this electoral process was among the most complex in history due to the high number of participating political parties, the large number of representative positions contested and the

<sup>606</sup> JEP, Press Release No. 165, "[La JEP imputa a seis exintegrantes del Secretariado de las Farc-EP por crímenes de guerra de reclutamiento y utilización de niñas y niños y otros crímenes asociados](#)," November 13, 2024.

<sup>607</sup> Congress of the Republic of Colombia, [Law No. 2381 of 2024, on the creation of the Comprehensive Social Protection System for Older Persons, Persons with Disabilities and Persons Deceased from Common Causes, and other provisions](#), July 16, 2024; Ministry of Labor, "[10 ventajas de la reforma pensional](#)," April 19, 2024.

<sup>608</sup> Office of the President of Colombia, "[ABC de la Ley de Reforma Pensional que el presidente Gustavo Petro sanciona este martes en la Plaza de Bolívar](#)," July 16, 2024.

<sup>609</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024.

<sup>610</sup> See: Office of the Ombudsperson of the Republic (DHR), *Report of the National Human Rights Institution of Costa Rica, Universal Periodic Review (UPR), Fourth Cycle (2022-2027)*, presented in the 47<sup>th</sup> session of the Human Rights Council. In IACHR files.



implementation of the principle of horizontal parity for the first time. In total, 39,734 candidates were registered, compared to 33,873 candidates submitted in 2020.<sup>611</sup>

304. During the electoral process, the Electoral Observation Mission of the Organization of American States (EOM/OAS) and the Commission received reports questioning gender parity rules and allegations of restrictions on the political rights of certain candidates.<sup>612</sup> On February 6, 2024, the EOM/OAS congratulated the State for holding a successful election day and recognized the efforts of Costa Rican institutions, such as the Supreme Electoral Tribunal, to “foster greater openness and reinforce the political participation of citizens under equitable conditions, in addition to ensuring the alternation of power, which is a fundamental pillar of a democratic system.”<sup>613</sup> Moreover, the EOM/OAS acknowledged the application of gender parity and the prohibition of immediate and indefinite reelection of municipal authorities as progress in compliance with previous recommendations of the Organization of American States (OAS).<sup>614</sup>

305. With regard to **human rights institutions**, the State reported that the Office of the Ombudsperson had renewed its class A accreditation, the highest distinction, following an evaluation by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI)<sup>615</sup>. The State emphasized that the Office of the Ombudsperson has direct and independent access to United Nations and inter-American bodies monitoring compliance with the human rights obligations of Costa Rica, enabling it to provide any information it deems relevant in the independent exercise of its mandate.<sup>616</sup> Finally, the State reported that the National Police Academy requires all police forces to complete a course on human rights and gender equality as a prerequisite for graduation.<sup>617</sup>

306. The Commission commends the renewal of the Office of the Ombudsperson's accreditation, its efforts to promote and protect human rights in Costa Rica and its cooperation with international and regional human rights mechanisms, as noted by the GANHRI Sub-Committee on Accreditation.<sup>618</sup> It also underscores the importance of further strengthening this institution by ensuring adequate human and financial resources.<sup>619</sup>

307. With regard to the cross-cutting issue of **citizen security**, Costa Rica is facing significant challenges. In 2023, the country recorded 907 intentional murders for the first time in its history, while 2024 is projected to be the second most violent year. As of December 1, 2024, the Criminal Investigation Service (OIJ) had documented 807 homicides nationwide.<sup>620</sup> Moreover, in 2024, the Commission became aware of concerns raised by the Office of the Ombudsperson regarding the security policy implemented by the executive branch, specifically, allegations that the government had not been transparent in its design and implementation, did not develop mechanisms to guarantee citizen participation or a concrete medium- and long-term action plan

<sup>611</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024, p. 1.

<sup>612</sup> OAS, [OAS Electoral Observation Mission Congratulates Costa Rica on a Democratic and Peaceful Election Day](#), San José, Costa Rica, February 6, 2024, p. 16. The Commission also requested information from the State of Costa Rica pursuant to Article 41 of the American Convention on Human Rights (ACHR), which was submitted by the State on January 23, 2024. Ministry of Foreign Affairs and Worship of Costa Rica, Official Letter No. DJO-041-24 in response to a request for information submitted under Article 41 ACHR, “Refusal to accept candidacies of the Aquí Costa Rica Manda political party,” CIDH/SE/Art-41/01-2024/410. In IACHR files.

<sup>613</sup> OAS, [OAS Electoral Observation Mission Congratulates Costa Rica on a Democratic and Peaceful Election Day](#), San José, Costa Rica, February 6, 2024, p. 1.

<sup>614</sup> OAS, [OAS Electoral Observation Mission Congratulates Costa Rica on a Democratic and Peaceful Election Day](#), San José, Costa Rica, February 6, 2024, p. 1.

<sup>615</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024, p. 2.

<sup>616</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024, p. 2.

<sup>617</sup> Permanent Mission of Costa Rica to the Organization of American States, Note No. CROEA-1790-2024, *Report of the Ministry of Foreign Affairs and Worship*, DGPE-1329-2024, December 9, 2024, p. 2.

<sup>618</sup> Global Alliance of National Human Rights Institutions (GANHRI), [Report and Recommendations of the Session of the Sub-Committee on Accreditation \(SCA\)](#), online, March 26-28, 2024 and Geneva, April 29-May 3, 2024, p. 24.

<sup>619</sup> See: DHR, *Report of the National Human Rights Institution of Costa Rica, UPR, Fourth Cycle (2022-2027)*, presented in the 47<sup>th</sup> session of the Human Rights Council, p. 33.

<sup>620</sup> Judiciary of Costa Rica, [Statistics of the Criminal Investigation Service](#), reviewed on December 2, 2024.

and failed to comply with requirements for security policies established by the Office of the Comptroller General of the Republic.<sup>621</sup>

308. With regard to **access to justice and judicial independence**, at the regional hearing on the “Current status of judicial independence in the Americas,” the Commission received information about the gradual weakening of the Costa Rican justice administration system in recent years and its impact on human rights resulting from a series of legislative measures and judicial governance policies.<sup>622</sup> These include setbacks in the retirement and pension systems, severe budgetary restrictions on the judiciary, over 1,000 resignations recorded in the judiciary in the past three years due to inadequate conditions and the inability to replace these positions.<sup>623</sup> In 2024, the Commission was also informed about the alleged harassment by the executive branch against justice operators who made judgments affecting its government plan or with regard to the Attorney General’s Office’s investigations into corruption cases.<sup>624</sup> Furthermore, on July 1, 2024, the *en banc* Court declared that applicants for judicial positions should accept discretionary transfers and changes in schedules or working hours under the “employer’s management powers,” thereby weakening guarantees of stability in the judiciary.<sup>625</sup>

309. With regard to the rights of **indigenous peoples**, the Office of the Ombudsperson reported that government programs lack a cross-cutting approach with a perspective on the rights of indigenous peoples. Additionally, it documented complaints regarding the absence of measures for the demarcation and rectification of territories, as well as the failure to conduct free, prior and informed consultation processes.<sup>626</sup> Furthermore, the United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health expressed concern over the challenges faced by indigenous communities in accessing healthcare services which are located far from the communities and lack intercultural adaptation. Furthermore, the Special Rapporteur also noted the rise in depression and anxiety among young indigenous persons studying outside their communities, as well as an increase in attempted suicides and deaths by suicide in Talamanca.<sup>627</sup>

310. With regard to the rights of **women**, the Costa Rican State highlighted progress in improving women’s representation in local governments, particularly an increase from 7 to 22 women mayors after the February 2024 elections.<sup>628</sup> The Commission also takes note of measures reported by Costa Rica to promote gender equality, including the approval of a technical sheet for analyzing legislative projects with a gender

<sup>621</sup> In 2024, the Office of the Ombudsperson reported various actions to assess the implementation and outcomes of the 2023-2030 National Public Security Policy Costa Rica-Segura Plus (Safe-Costa Rica Plus), issued by the executive branch in November 2023, as well as compliance with the requirements set forth by the Office of the Comptroller General of the Republic in an audit report published on December 20, 2022, for the development of a national security policy. DHR, “Defensoría revisará resultados de la Política Nacional de Seguridad,” April 22, 2024; *Semanario Universidad*, “Defensoría alertó vacíos en elaboración de Política de Seguridad,” July 15, 2024. See also: DHR, *Report of the National Human Rights Institution of Costa Rica, UPR, Fourth Cycle (2022-2027)*, presented in the 47<sup>th</sup> session of the Human Rights Council, p. 33.

<sup>622</sup> IACHR, public hearing “Regional: Current status of judicial independence in the Americas,” 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>623</sup> IACHR, public hearing “Regional: Current status of judicial independence in the Americas,” 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>624</sup> Central American Federation of Judges for Democracy (FECAJUD) and Cyrus R. Vance Center for International Justice, *Judicial resilience: Judicial Independence Assessment in Central America Assessment*, p. 15; IACHR, public hearing, “Regional: Current status of judicial independence in the Americas,” 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>625</sup> Central American Federation of Judges for Democracy (FECAJUD) and Cyrus R. Vance Center for International Justice, *Judicial resilience: Judicial Independence Assessment in Central America Assessment*, p. 15; IACHR, public hearing, “Regional: Current status of judicial independence in the Americas,” 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>626</sup> DHR, *Report of the National Human Rights Institution of Costa Rica, UPR, Fourth Cycle (2022-2027)*, presented in the 47<sup>th</sup> session of the Human Rights Council, pp. 23-24. In IACHR files.

<sup>627</sup> United Nations, Human Rights Council, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Tlaleng Mofokeng*, A/HRC/56/52/Add.2, April 29, 2024, pp. 16-18.

<sup>628</sup> Government of the Republic of Costa Rica, Universal Periodic Review, *IV Informe nacional presentado en virtud de las resoluciones 5/1 y 16/21 del Consejo de Derechos Humanos*, August 2024, para. 81.

perspective<sup>629</sup> and the introduction of a bill to incorporate gender equality and equity education at all levels.<sup>630</sup> With regard to measures focused on gender-based violence, the Commission highlights the reestablishment of the 1125 hotline, which provides free legal, psychological and social assistance to women<sup>631</sup> and the proposal to legally institutionalize the 72-hour Protocol, and the Rapid Response Comprehensive Care Teams for Victims of Sexual Crimes (ERRVV).<sup>632</sup>

311. However, the Commission is concerned about the persistence of sexual violence against women in human mobility<sup>633</sup> and gender-based violence in general. According to official data, 70 violent deaths of women had been recorded as of November 13, 2024, with 21 cases classified as femicides and 41 pending classification.<sup>634</sup> Civil society organizations reported barriers in health services to access contraceptive methods, including emergency contraception, such as the denial of the product or service, mistreatment, unattainable requirements, and lack of information.<sup>635</sup>

312. With regard to the rights of **children and adolescents**, the Commission welcomes the enactment of the Law on the Prevention, Early Detection and Response to Violence Against Children and Adolescents in June 2024. This law seeks to establish measures for the prevention and early detection of all forms of violence against children and adolescents by raising awareness, coordinating actions among State institutions and promoting their rights.<sup>636</sup> The Commission also takes note of the presentation of the 2024-2036 National Policy for Children and Adolescents, developed with the participation of 2,000 children and adolescents. This policy aims to enhance institutional coordination through seven strategic areas focused on strengthening the protection, promotion, guarantee and defense of the rights of children and adolescents.<sup>637</sup> Nevertheless, the Office of the Ombudsperson warned that the policy would exclude indigenous children and adolescents and therefore filed a writ of *amparo* before the Constitutional Court, which is currently pending.<sup>638</sup>

313. In addition, the Commission notes the challenges identified by the Office of the Ombudsperson regarding access to education for children and adolescents. These include: i) failure to comply with salary obligations to teachers;<sup>639</sup> ii) budget cuts to the Avancemos (Let's Move Forward) scholarship program, which would affect at least 15,000 children and adolescents,<sup>640</sup> and iii) a possible reduction in the budget<sup>641</sup> for education policies in 2025.<sup>642</sup>

314. Finally, the Commission notes with concern the allegations of improper conduct in the system of alternative care for children and adolescents removed from family care, in particular, the

<sup>629</sup> Government of the Republic of Costa Rica, Universal Periodic Review, *IV Informe nacional presentado en virtud de las resoluciones 5/1 y 16/21 del Consejo de Derechos Humanos*, August 2024, para. 44.

<sup>630</sup> *El Observador*, "[Proyecto busca obligatoriedad en educación contra la violencia de género en escuelas y colegios](#)," May 10, 2024.

<sup>631</sup> National Institute for Women, "[INAMU pone a disposición línea 1125 para orientación sobre derechos de las mujeres](#)," April 12, 2024.

<sup>632</sup> *Semanario Universidad*, "[Corte Plena clama por plazas para implementar protocolo de 72 horas para atender a víctimas de violación](#)," November 18, 2024.

<sup>633</sup> IACHR, 2023 Annual Report, Chapter IV.A, December 31, 2023, para. 304; Doctors Without Borders, "[Violencia sexual en El Darién: 'Intentaron violarme, me manosearon y me dejaron varios morados'](#)," June 18, 2024.

<sup>634</sup> Judiciary of Costa Rica, [Observatorio de violencia de género contra las mujeres y acceso a la justicia](#), November 2024, pp. 10, 20.

<sup>635</sup> *Optio et al.*, Inputs for the 2024 Annual Report of the Inter-American Commission on Human Rights on the situation of the sexual and reproductive rights of women and girls in Central America and the Dominican Republic, November 25, 2024, p. 7. In IACHR files.

<sup>636</sup> *Official Gazette*, [Law No. 10.476](#), on the Prevention, Early Detection and Response to Violence Against Children and Adolescents; June 11, 2024.

<sup>637</sup> National Children Welfare Agency of Costa Rica, "[Presentan Política Nacional de la Niñez y la Adolescencia 2024-2036](#)," April 23, 2024.

<sup>638</sup> DHR, "[Costa Rica excluyó a niñez indígena de Política Nacional](#)," July 18, 2024.

<sup>639</sup> DHR, "[Estudiantes deben estar en las aulas y Gobierno pagar al personal educativo compromisos salariales](#)," April 3, 2024; DHR, "[Defensoría acelera intervención por reclamos contra el MEP](#)," June 17, 2024.

<sup>640</sup> DHR, "[Recortes presupuestarios en sector social afectan a la niñez](#)," February 19, 2024.

<sup>641</sup> *CR Hoy*, "[Sindicatos denuncian recorte de más de €11 mil millones para infraestructura educativa en 2025](#)," September 14, 2024.

<sup>642</sup> DHR, "[Recortes profundizaría crisis en la educación](#)," September 5, 2024.

involvement of personnel from the National Children Welfare Agency in an irregular adoption scheme.<sup>643</sup> Likewise, a raid was reported on a non-governmental organization that provided care to 70 children and adolescents following a complaint of illegal operations and alleged violations of rights.<sup>644</sup>

315. With regard to the rights of **LGBTI persons**, the Constitutional Chamber of the Supreme Court of Costa Rica ruled in February that denying maternity leave to a woman in a same-sex relationship because she was not the pregnant mother constituted an act of discrimination and ordered the recognition of her rights.<sup>645</sup> Similarly, the Constitutional Chamber rejected a constitutional remedy filed against the decree that implemented the Government Policy to Eradicate Discrimination Against LGBTI Persons from its Institutions.<sup>646</sup> In this judgment, the Constitutional Chamber allowed public officials to refuse training on LGBTI issues if they considered that these contravened their ethical, moral or religious beliefs, invoking the concept of conscientious objection.<sup>647</sup>

316. With respect to **persons in the context of human mobility**, the Commission takes note of the publication of Decree No. 44385-MGP which formalizes the 2024-2034 Comprehensive Migration Policy. According to official information, this policy establishes migration objectives and actions for the development of medium- and long-term strategic programs and projects.<sup>648</sup> Like other Central American countries, Costa Rica has been a migration corridor for persons in mobility, mostly those who cross the border between Colombia and Panama through the Darién gap with the intention of reaching the countries in North America.<sup>649</sup> The transit of 251,912 migrants was recorded during 2024, a 24 percent decrease compared to the same period in 2023, when 333,422 persons entered the country.<sup>650</sup>

317. Furthermore, the Commission welcomed the issuance of Executive Decree No. 44,501, which introduced reforms to the asylum system.<sup>651</sup> In particular, the Commission commends: i) the protection against refoulement for asylum seekers, ii) the provision of a provisional document certifying temporary regular migration status and allowing the applicant to engage in self-employed or dependent work, and iii) the availability of motions to vacate and appeals against decisions declaring an asylum application groundless.<sup>652</sup> Between January and August 2024, Costa Rica received 16,063 asylum petitions. Most of the asylum seekers in Costa Rica are nationals from Nicaragua (12,636 applications), Cuba (1,125 applications), Venezuela (1,046 applications), Colombia (796 applications) and China (156 applications).<sup>653</sup>

<sup>643</sup> *La República*, “[5 trabajadores del PANI son detenidos por tramitar posibles adopciones irregulares](#),” August 13, 2024; Amelia Rueda, “[Detienen a cinco funcionarios del PANI investigados por “adopciones irregulares” de menores de edad](#),” August 13, 2024; *Monumental*, “[Funcionarios del PANI detenidos por supuestas irregularidades quedaron en libertad sin medidas cautelares](#),” August 15, 2024; *Delfino*, “[Detienen a cinco funcionarios del PANI por sospechas de trata de personas con fines de adopción irregular](#),” August 13, 2024.

<sup>644</sup> National Children Welfare Agency of Costa Rica, “[PANI, fiscalías y OIJ intervienen y allanan ONG que atiende 70 niños, niñas y adolescentes en Alajuela](#),” March 5, 2024.

<sup>645</sup> *Infobae*, “[Sala Constitucional concede licencia de maternidad a pareja de mujeres en Costa Rica](#),” February 13, 2024.

<sup>646</sup> Ministry of Public Education of Costa Rica, [Decree No. 38,999: Government policy to eradicate discrimination against LGBTI persons from its institutions](#), November 9, 2018.

<sup>647</sup> Constitutional Chamber of the Supreme Court, Judiciary of the Republic of Costa Rica, [Judgment No. 23246-2024](#), August 14, 2024; *El Observador*, “[Sala IV autoriza a empleados públicos a rechazar capacitaciones en temas LGBT](#),” August 29, 2024.

<sup>648</sup> Office of the President of the Republic and Ministry of Government and Police of Costa Rica, [Decree No. 44.385-MGP, Adoption of the 2024-2034 Comprehensive Migration Policy](#), Article 2, March 12, 2024; General Directorate of Migration and Immigration of Costa Rica, [2024-2034 Comprehensive Migration Policy](#), undated.

<sup>649</sup> IOM, [Monitoreo Nacional del flujo de personas en movilidad por las Américas en sitios de alto tránsito y concentración de personas migrantes en Costa Rica - agosto 2024](#), September 20, 2024, p. 2.

<sup>650</sup> IOM, [Monitoreo Nacional del flujo de personas en movilidad por las Américas en sitios de alto tránsito y concentración de personas migrantes en Costa Rica - agosto 2024](#), September 20, 2024, p. 2.

<sup>651</sup> IACHR [CIDH], (June 21, 2024), #CostaRica: #CIDH saluda las reformas al reglamento de #PersonasRefugiadas, publicadas el #14jun, que restauró derechos a solicitantes de refugio, como la expedición de permisos laborales, derogando cambios restrictivos implementados en 2022 [X post], X, <https://x.com/CIDH/status/1804233145685786670>.

<sup>652</sup> Office of the President of the Republic and Ministry of Government and Police of Costa Rica, [Executive Decree No. 44502-MGP](#), May 28, 2024.

<sup>653</sup> General Directorate of Migration and Immigration of Costa Rica, [Annual Statistical Reports](#), Asylum, 2024, accessed on October 4, 2024.

318. During the public hearing titled “Costa Rica: Situation of Nicaraguan asylum seekers and refugees,” the organizations that requested the hearing presented the challenges faced by Nicaraguans in accessing rights and protection in Costa Rica. They also noted the absence of inclusive policies for indigenous persons and expressed concern about the cases of persons who were returned to Nicaragua. For its part, the State highlighted the legal and administrative measures implemented to address the migration of Nicaraguan persons, guarantee their access to rights and improve migration procedures. At the hearing, the Commission recognized Costa Rica's open borders policy and noted the persistent barriers that Nicaraguans face in accessing rights, with an emphasis on the additional challenges experienced by indigenous persons.<sup>654</sup>

319. Moreover, the Commission acknowledges the operational audit conducted by the Office of the Comptroller General of the Republic to “evaluate the effectiveness of the General Directorate of Migration and Immigration (DGME) in refugee status determination proceedings,”<sup>655</sup> which concluded that current procedures were not effective. As a result, the Office of the Comptroller General made eight recommendations to strengthen these procedures and set deadlines for the DGME to report on progress in their application, ensuring proper implementation and follow-up.<sup>656</sup>

320. Regarding the situation of **Afro-descendants and the fight against racial discrimination**, according to public information, the State promoted initiatives to enhance access to justice and combat growing discrimination on social media. These measures included agreements signed by the Public Defender's Office and the development of the Government Strategy against Hate Speech and Discrimination with a focus on cultural, ethnic-racial and gender diversity.<sup>657</sup>

321. For their part, civil society organizations stated that the Coastal Regulatory Plan, which includes land use planning policies for economic, social and environmental development in the land-maritime zone, might impact the territorial rights of Afro-descendant communities in the Caribbean region. The Cahuita Afro-Costa Rican tribal community, located in the province of Limón, voiced its opposition to this plan and urged the State to guarantee their right to prior, adequate and informed consultation.<sup>658</sup>

322. With respect to **persons deprived of liberty**, the Commission welcomes the participation of the National Mechanism for the Prevention of Torture of Costa Rica, along with the mechanisms of five other States in the region,<sup>659</sup> in the declaration entitled “Global Action for the Rights of Persons with Disabilities Deprived of Liberty,” which was issued on May 3, 2024. This document advocates for enhancing the protection of the rights of persons with disabilities in contexts of confinement and for exchanging best practices, knowledge, experiences and challenges.<sup>660</sup> The Commission also commends the work of this mechanism, along

<sup>654</sup> IACHR, thematic hearing “[Costa Rica: Situation of Nicaraguan asylum seekers and refugees](#),” 190<sup>th</sup> regular period of sessions, July 8, 2024.

<sup>655</sup> See also: Office of the Comptroller General of the Republic of Costa Rica, [Informe de auditoría sobre la eficacia de la Dirección General de Migración y Extranjería en la gestión del otorgamiento de la condición de refugio. Informe N° DFOE-GOB-IAD-00003-2024](#), May 10, 2024.

<sup>656</sup> See: Office of the Comptroller General of the Republic of Costa Rica, [Informe de auditoría sobre la eficacia de la Dirección General de Migración y Extranjería en la gestión del otorgamiento de la condición de refugio. Informe N° DFOE-GOB-IAD-00003-2024](#), May 10, 2024.

<sup>657</sup> *El Mundo*, “[Firma de Convenio para el Proyecto AFROJUSTICIA: Defensa Pública Fortalecerá Acceso a la Justicia para Afrodescendientes](#),” October 18, 2024; United Nations in Costa Rica, “[Discursos de odio y discriminación crecen en Costa Rica pero a menor ritmo que en años anteriores](#),” July 29, 2024.

<sup>658</sup> *Diario digital Nuestro País*, “[Asociación de Desarrollo y Movimiento comunitario de Cahuita rechaza audiencia y Plan Regulador de Talamanca](#),” March 8, 2024; *DHR*, “[Defensoría emite alerta sobre Plan Regulador Costero Caribe Sur](#),” October 10, 2024.

<sup>659</sup> The mechanisms of Chile, Ecuador, Guatemala, Paraguay and Uruguay.

<sup>660</sup> CPT of Chile, [Declaración conjunta de los MNP. Acción global por los derechos de las personas con discapacidad en privación de libertad](#), May 2024; National Human Rights Institute and Office of the Ombudsperson (INDDHH) of Uruguay, “[Presentación declaración conjunta de los MNP regionales](#),” May 2024.



with nine other national mechanisms<sup>661</sup> for the adoption on May 10, 2024, of the Declaration of San José aimed at institutional strengthening and networking.<sup>662</sup>

323. Notwithstanding this progress, the Commission expresses its concern over information provided by the Ministry of Justice and Peace to the Office of the Ombudsperson of Costa Rica regarding a project to build tents to be used as detention centers. The Office of the Ombudsperson initiated an *ex officio* intervention in response to this situation.<sup>663</sup> Additionally, in 2024, the Commission followed up on complaints concerning the lack of drinking water due to damaged pipes in the Terrazas, Jorge Arturo Montero, Adulto Mayor, Ofelia Vicenci and Carlos Luis Fallas Comprehensive Care Centers, as well as in the Reynaldo Villalobos and 20 de Diciembre Comprehensive Care Units.<sup>664</sup> According to information provided by a relative of a detainee, the water supplied in July was transported in garbage containers, which reportedly impacted the health and hygiene of persons in custody.<sup>665</sup>

324. With regard to the rights of **older persons**, the Commission welcomes the State's commitment to the Age-Friendly Cities and Communities global initiative. Currently, 30 cities in Costa Rica have adapted to accommodate the needs of older persons, implementing groundbreaking projects such as a therapeutic garden and a pedestrian circuit.<sup>666</sup>

325. With regard to social security, the Commission takes note of data published by the National Statistics and Census Institute (INEC) showing that 60.6 percent of older persons have informal jobs with no access to social benefits. As a result, poverty rates are higher among this group compared to other sectors of the population. According to a report by the Chair of Aging and Society of the School of Medicine and the Development Observatory Research Center (CIOdD), more than 215,000 older persons do not receive any type of pension and live in economic uncertainty in Costa Rica.<sup>667</sup>

326. Finally, the Commission learned of a report prepared by the Chair of Aging and Society of the School of Medicine and the University of Costa Rica's (UCR) CIOdD expressing concern over an accelerated aging process affecting Costa Rica's population, with significant implications for the health system and the quality of services. It also highlights the challenges faced by older persons, including chronic diseases, malnutrition, discrimination, social exclusion, abandonment and increased dependency, among others.<sup>668</sup>

327. Regarding the rights of **persons with disabilities**, the Commission notes progress with the publication of the results of the National Disability Survey, which included disaggregated data and the analysis of multiple variables, as well as the creation of an updated registry on the situation of persons with disabilities, which would facilitate the development of policies and laws.<sup>669</sup> The National Council for Persons with Disabilities (CONAPDIS) eliminated the requirement of medical examinations to obtain the disability

<sup>661</sup> Specifically, the mechanisms to prevent torture of Argentina, Brazil, Bolivia, Chile, Ecuador, Honduras, Paraguay, Peru and Uruguay.

<sup>662</sup> IACHR, Press Release No. 148/24, [IACHR Calls on States to Promote the Creation and Functioning of National Anti-Torture Mechanisms](#), June 26, 2024; CPT of Chile, [Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura \(MNP y MLP\) de América Latina para el fortalecimiento institucional y el trabajo en red](#), May 10, 2024.

<sup>663</sup> The report does not define the term *ex officio* intervention. See: DHR, ["Defensoría interviene de oficio ante proyecto de carpas en centros penales,"](#) July 31, 2024.

<sup>664</sup> *La Nación*, ["Siete cárceles pasaron apuros por falta de agua,"](#) July 19, 2024; *Teletica*, ["Durante tres días no nos bañamos' dice privado de libertad en La Reforma,"](#) July 19, 2024; *Diario Extra*, ["Cárceles suman 48 horas sin agua potable,"](#) July 18, 2024.

<sup>665</sup> Information provided to the Commission by a relative of a detainee via email, July 14, 2024. In IACHR files.

<sup>666</sup> PAHO, ["Costa Rica cuenta con 30 ciudades y comunidades amigables con las personas mayores,"](#) March 4, 2024.

<sup>667</sup> *Diario digital Nuestro País*, ["Costa Rica: Limitaciones de pensión y seguros para adultos mayores,"](#) June 17, 2024; *Diario digital Nuestro País*, ["Unos 215 mil adultos mayores viven sin pensión en Costa Rica,"](#) September 10, 2024.

<sup>668</sup> Amelia Rueda, ["Un 'considerable grupo' de adultos mayores viven enfermos, excluidos, discriminados y abandonados, alerta informe de la UCR,"](#) February 14, 2024.

<sup>669</sup> National Institute of Statistics and Census (INEC), [National Survey on Disability 2023](#), December 11, 2024.

certification<sup>670</sup> and, in cooperation with the IOM, developed initiatives to protect persons with disabilities who are victims of human trafficking, while incorporating a differentiated approach.<sup>671</sup>

328. However, in terms of challenges, the repeal of Article 5 and other key aspects of Law No. 9379/16 in 2024 reinstated legal types such as interdiction and conservatorship, which undermined the right of persons with disabilities to exercise their legal capacity on an equal footing and removed the possibility of using freely chosen supports for decision making.<sup>672</sup>

329. With respect to **human trafficking**, the Commission takes note of a workshop held in May 2024 within the framework of the Capacity Building Program for Law Enforcement and Criminal Justice Agencies to promote the incorporation of a gender and human rights approach in data and statistics on human trafficking.<sup>673</sup>

## XII. DOMINICA

### • General considerations

330. As it relates to **progress**, the Commission welcomes the decision of the Dominican High Court regarding the rights of LGBTI persons and the efforts by the State to develop a National Domestic Violence Action Plan.

331. As it relates to **challenges**, the IACHR notes with concern high levels of pre-trial detention.

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

### • Specific issues

333. Regarding **democratic institutional**ity, the Commission takes note of the publication in May of the Draft Electoral Commission Act, 2024 which makes provision for the operation of the Electoral Commission; the Draft House of Assembly (Elections) Act and Regulations 2024 which provide for the election of Members to the House of Assembly; and the Draft Registration of Electors Act and Regulations 2024 which provide for the registration of electors.<sup>674</sup> In this context, pursuant to Article 41 of the American Convention, the IACHR requested information from the State regarding its proposed electoral reform process.<sup>675</sup>

334. On the other hand, the IACHR was informed of public concerns regarding the electoral reform process, including the removal of provisions from the draft amendments to the electoral legislation pertaining to campaign financing, overseas voting and the transportation of voters to the country by political parties, and the selection, nomination and appointment of the members of the Electoral Commission.<sup>676</sup> The next election is constitutionally due in 2027.<sup>677</sup>

335. With respect to **citizen security**, the IACHR notes that according to public information, as of December 19 the State recorded 10 homicides, compared to 18 homicides in total in 2023, which represents

<sup>670</sup> CRHoy.com, "[Así es el nuevo proceso para solicitar el certificado de discapacidad](#)," March 6, 2024.

<sup>671</sup> IOM Costa Rica, "[CONAPDIS y OIM unen fuerzas para proteger a las personas con discapacidad de la trata](#)," November 1, 2024.

<sup>672</sup> Legislative Assembly of the Republic of Costa Rica, [Bill No. 24,115, on the repeal of paragraph E\) of Law No. 9747, the Code of Family Procedure](#), January 24, 2024.

<sup>673</sup> United Nations Office on Drugs and Crime (UNODC), "[UN Agencies in Costa Rica and CONATT Conduct Workshop to Strengthen Data Management on Human Trafficking and Migrant Smuggling from a Gender Perspective](#)," May 21, 2024.

<sup>674</sup> Government of the Commonwealth of Dominica, [Draft Electoral Reform Legislation](#), May 30, 2024.

<sup>675</sup> IACHR, Dominica – Electoral Reform, Article 41 IACHR Statute, December 19, 2024, IACHR Archive.

<sup>676</sup> Dominica News Online, [Electoral Reform Coalition to increase public mobilization as it presses government to amend draft electoral legislation](#), August 19, 2024.

<sup>677</sup> [Constitution of the Commonwealth of Dominica](#), section 54.

an approximate 44% decrease.<sup>678</sup> This indicates that the State's homicide rate was approximately 13.6 per 100,000 inhabitants as of December.<sup>679</sup>

336. In relation to **access to justice**, the Commission notes the appointment in September of additional judges dealing with civil matters in the High Court. The complement of judges has been increased to three and a new High Court Judge has been assigned to the State under the Eastern Caribbean Supreme Court.<sup>680</sup>

337. With regard to the rights of **women**, the State implemented efforts to develop a National Domestic Violence Action Plan to ensure that frontline service providers and key stakeholders, including the police, the judiciary and civil society, are fully aware of the provisions of the updated Domestic Violence Act.<sup>681</sup> Moreover, the Commission also notes the filing of a constitutional challenge in April against colonial era laws that criminalize abortion and disproportionately affect women, girls, and adolescents in poverty.<sup>682</sup>

338. With respect to the rights of **persons in the context of human mobility**, training programs were held in May and September as part of the Training-of-Trainers initiative of the International Organization for Migration (IOM), and targeted law enforcement and immigration officers. The training curriculum covered various topics in immigration and border governance, including the management of identity and travel documents, regulatory frameworks for migration and methods of human trafficking and smuggling, investigation techniques, and intra-agency cooperation strategies, among others.<sup>683</sup>

339. In relation to the rights of **LGBTI persons**, the Commission welcomed the ruling issued by the Dominica High Court in April, which declared unconstitutional, null and void section 14 of the Sexual Offences Act prohibiting 'gross indecency' and section 16 prohibiting 'buggery'. The Commission called on States of the region that still maintain these forms of criminalization to repeal these laws which allow the persecution of LGBTI persons and encourage acts of violence due to prejudice and discrimination.<sup>684</sup>

340. As for **persons deprived of liberty**, the Commission values the implementation in February of a prison farm program with the aim of achieving food self-sufficiency within the Dominica State Prison.<sup>685</sup> In March and April, the State conducted reintegration training which allowed inmates to expand their skills in building trade modules and trowel texture painting.<sup>686</sup> On the other hand, the IACHR reiterates its concern over the use of pre-trial detention<sup>687</sup>. According to public information, as of March, Dominica had a prison population of 260 inmates, of which 125 were awaiting trial<sup>688</sup>. This means that the rate of pre-trial detention was 48%.

<sup>678</sup> Dominica News Online, [Murder rate declined, drug-related crime increased in 2024, say police officials](#), December 19, 2024; Dominica News Online, [Calibishie man charged and denied bail for murder](#), January 2, 2024.

<sup>679</sup> The IACHR calculated the homicide rate based on the State's population of 73,040 according to data from The World Bank, [Population total – Dominica, 2023](#).

<sup>680</sup> Dominica News Online, [Dominica now has a third judge](#), September 23, 2024; Carib Daily News, [Dominica's New High Court Judge: Justice Zainab Alami Appointed](#), September 19, 2024.

<sup>681</sup> Commonwealth of Dominica, Universal Periodic Review, [National Report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21](#), August 19, 2024, para. 101.

<sup>682</sup> International Campaign for women's right to safe abortion, [DOMINICA and ANTIGUA & BARBUDA – Historic constitutional challenge to colonial-era abortion laws in the Caribbean](#), May 10, 2024.

<sup>683</sup> Dominica News Online, [Dominica law enforcement personnel undergo IOM ToT on border management](#), May 21, 2024; EMOnews, [IOM concludes Two-Day Training on Human Trafficking for Immigration and Law Enforcement Officers in Dominica, Bolstering Border Security](#), September 20, 2024.

<sup>684</sup> IACHR, [Press Release No. 091/24](#), "IACHR welcomes the decision issued by the Dominica High Court in favor of equality", May 6, 2024; The Eastern Caribbean Supreme Court in the High Court of Justice, Claim [No. DOMHCY2019/0149](#), April 22, 2024; UNAIDS, [UNAIDS welcomes Court's ruling to protect the rights of LGBTQ people in Dominica](#), April 22, 2024.

<sup>685</sup> Dominica News Online, [Blackmoore: meetings held with authorities concerning issues at state prison](#), February 1, 2024.

<sup>686</sup> Dominica News Online, [Prison superintendent outlines rehabilitative activities at facility](#), April 25, 2024.

<sup>687</sup> IACHR, [Annual Report, Chapter IV.A "Dominica"](#), 2023, para. 327.

<sup>688</sup> The Sun, [Long Road to Justice](#), April 3, 2024.

341. Concerning the **death penalty**, the IACHR notes that Dominica continues to retain the death penalty even though no execution has been carried out since 1986. In addition, as of May 2023, no one was under the sentence of death<sup>689</sup>.

### XIII. DOMINICAN REPUBLIC

- **General considerations**

342. As it relates to **progress**, the Commission welcomes the constitutional reform and the increased participation of women in public office. It also notes the ongoing actions taken to reduce procedural delays, the implementation of a police reform and the decrease in homicide rates. Moreover, it highlights the amendment of the Law on Smuggling of Migrants and Human Trafficking and the implementation of measures to improve care for victims of gender-based violence, promote gender equality and ensure immediate birth registration.

343. Among the **challenges** faced by the State, the Commission notes limitations in the exercise of the right to nationality of Haitian nationals and Dominicans of Haitian descent, and the persistence of structural discrimination. It also expresses its concern over the decision to expel migrants with an irregular migration status and the complaints of human rights violations during deportations. Moreover, the Commission is alarmed at the prevalence of pregnancy among girls and adolescents, the continued ban on abortion on all grounds, the reported acts of violence against human rights defenders, the overcrowding faced by persons deprived of liberty and the overuse of pretrial detention.

344. On November 5, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>690</sup>

- **Specific issues**

345. With regard to **democratic institutional**ity, in May, the State held general elections to vote for president, vice president, 32 senators, 195 deputies of the Congress of the Republic and 20 deputies for the Central American Parliament (PARLACEN). By resolution 41-2024 of May 24, 2024, the Central Electoral Board (JCE) declared President-elect, by absolute majority, Luis Rodolfo Abinader Corona<sup>691</sup> who, according to JCE figures, obtained 57.44% of the total valid votes.<sup>692</sup>

346. The Commission takes note of the report of the Electoral Observation Mission (EOM) of the Organization of American States (OAS), which highlighted that the campaign "took place in an atmosphere of respect and that the media provided broad coverage of the candidates, giving the different political options the opportunity to present their proposals."<sup>693</sup> However, it notes with concern that the report in question noted that, of the 35 complaints received, seven were for vote buying, a practice that was also directly observed by members of the Mission. In addition, it recorded an unnecessary use of assisted voting in some precincts, including cases in which the same person accompanied different voters. For this reason, it insisted on the urgent need to eradicate the purchase of votes and ballots and reiterates that their elimination is a shared

<sup>689</sup> IACHR, [Annual Report, Chapter IV.A "Dominica", 2023](#), para. 328; World Coalition Against the Death Penalty, [Dominica](#), May 23, 2023. Last visited: October 2024.

<sup>690</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024.

<sup>691</sup> Central Electoral Board (JCE), Dominican Republic, [Resolución 41-2024 que declara los ganadores del nivel presidencial y vicepresidencial, correspondiente a las elecciones ordinarias generales del 19 de mayo de 2024](#), May 24, 2024.

<sup>692</sup> JCE of the Dominican Republic, [Final Presidential and Congressional Elections Results](#), undated.

<sup>693</sup> Misión de Observación Electoral (MOE) de la Organización de los Estados Americanos (OEA), [Informe Preliminar Elecciones Presidenciales, Senatoriales y de Deputaciones 2024](#), 21 de mayo de 2024, pág. 4.

responsibility of the administrative, electoral, police and judicial authorities, as well as of the political parties themselves and of the public.<sup>694</sup>

347. The State reported that, in October, a new Constitution<sup>695</sup> was enacted with a view to strengthening democracy.<sup>696</sup> In particular, it emphasized that the new Constitution incorporates the following: i) presidential elections as an inalienable right, ensuring alternation in power; ii) the limitation of presidential reelection; iii) the consolidation of the independence of the Public Prosecutor's Office; iv) the appointment of the Attorney General of the Republic as a joint decision with the National Judicial Council. An irrevocable clause to prevent a future constitutional reform from allowing perpetuation in power was also added to the new Constitution. According to the information received, the new Constitution also categorically sets forth that the country's form of government shall always be civilian, republican, democratic and representative, and that this provision shall be placed on the same hierarchical level as the other uncompromising principles.<sup>697</sup>

348. In terms of **human rights institutions**, the State reported on the extension of the 2018–2022 National Human Rights Plan until 2024, due to the interruptions caused by the Covid-19 pandemic and the need to ensure greater cohesion in public policies and government strategic planning.<sup>698</sup> According to official information, such extension will contribute to the observance of human rights and will serve as a tool to foster good governance, as it will strengthen state management capacities for the promotion, protection and enjoyment of human rights.<sup>699</sup> The State did not indicate whether there are any initiatives to devise a new national plan in 2025.

349. As for **citizen security**, the State reported that the Joint Task Force achieved a 1.7 percent reduction in the homicide rate compared to previous years and that, as of October 14, 2024, the cumulative annual rate was 9.65 per 100,000 inhabitants. This constitutes a step forward, considering that the rate recorded in 2023 was 11.5, while it had reached 13.2 in 2022. In the State's opinion, this is proof of the effectiveness of the actions taken in this area. Additionally, the State reiterated that it has been working on a police reform, highlighting it had provided training in human rights and citizen coexistence to 3,000 active police officers across the country.<sup>700</sup>

350. Regarding **access to justice**, the State provided details on the steps taken to improve the efficiency and accessibility of the justice system.<sup>701</sup> Among these steps are the rulings issued on all the cases filed before the different chambers of the Supreme Court of Justice that were pending hearings and judgments prior to 2022. According to the information received, there are still 12 files pending, which were submitted between 2023 and January 2024. The State also reported that 35 percent of the court chambers nationwide are completely caught up on backlog. It also highlighted the approval of the new judicial ranking, a tool that allows judges to further their careers within the judiciary.<sup>702</sup>

351. With respect to the rights of **persons in the context of human mobility**, the State reported that "the current crisis in Haiti has led to an unprecedented increase in migration to the Dominican Republic and created a risk of penetration of Haitian organized crime into the country." It added that this situation has forced the government to adopt new measures to mitigate this risk,<sup>703</sup> although it did not offer any details on said measures. In 2024, the Commission expressed its concern over the announcement made by the National Security and Defense Council concerning the deportation of up to 10,000 people with irregular migratory status

<sup>694</sup> MOE/OEA, *op. cit.*, pp. 6 y 7.

<sup>695</sup> *Judicial Gazette of the Dominican Republic*, "[Reforma Constitucional. Promulgada y publicada la Constitución del 2024](#)," December 2, 2024.

<sup>696</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 2.

<sup>697</sup> Government of the Dominican Republic, *op. cit.*, p. 2.

<sup>698</sup> Government of the Dominican Republic, *op. cit.*, p. 5.

<sup>699</sup> Ministry of Foreign Affairs, [National Human Rights Plan](#), undated.

<sup>700</sup> Government of the Dominican Republic, *op. cit.*, p. 36.

<sup>701</sup> Government of the Dominican Republic, *op. cit.*, pp. 30–31.

<sup>702</sup> Government of the Dominican Republic, *op. cit.*, p. 31.

<sup>703</sup> Government of the Dominican Republic, *op. cit.*, p. 27.



per week,<sup>704</sup> without considering possible international protection needs.<sup>705</sup> Official information indicates that, between January and June 2024, the State expelled 67,844 people, out of which 66,227 were Haitians.<sup>706</sup> The Commission notes that deportations have escalated since the implementation of the Security Council's decision, inasmuch as 15,500 cases were recorded during the first 15 days of November.<sup>707</sup>

352. The State indicated that potential deportations are assessed on a case-by-case basis prior to their execution, and that a record is kept of each person held in detention facilities. It also pointed out that, as part of its commitment to continuing to strengthen human rights, it is working on a Protocol on Interdiction and Deportation Operations based on the 1999 bilateral agreement with Haiti. The purpose of this protocol is to standardize the processes related to foreigners who have violated immigration regulations or are in the country irregularly.<sup>708</sup> Notwithstanding the foregoing, the Commission expresses its concern over the complaints received regarding the use of practices such as racial profiling and the alleged implementation of discriminatory migration protocols that mainly affect Haitians, Dominicans of Haitian descent and Afro-descendants.<sup>709</sup>

353. In this regard, civil society organizations have publicly denounced that large groups of people have been deported together from the Dominican Republic following migration proceedings that involved racial profiling practices and discrimination. In this outlook, they made an urgent call for institutions to eradicate racial profiling, structural racism and racial discrimination, and to guarantee respect for the human dignity and physical integrity of migrants from Haiti or of Haitian descent.<sup>710</sup>

354. Regarding children and adolescents in contexts of human mobility, the State reported that, between 2021 and the first half of 2024, the National Council for Children and Adolescents (CONANI) assisted 7,554 unaccompanied minors. Out of that total, 2,761 were reunited with their families in the Dominican Republic and 4,323 were assisted in their return to Haiti by means of the bilateral mechanism CONANI-Institut du Bien-Être Social et de Recherches (IBESR).<sup>711</sup> However, information provided by the civil society indicates that, in some cases, the CONANI has allegedly handed over children and adolescents to Haitian authorities without following adequate protocol, while failing to guarantee their rights and safety or to have their best interest in mind. Furthermore, according to the civil society, children and adolescents were on occasion deported to areas where no adequate authorities or organizations are present, such as Malpasse, a town that is reportedly under the control of criminal gangs.<sup>712</sup> In addition, organizations stated that the refusal to provide

<sup>704</sup> Presidency of the Dominican Republic, "[National Security and Defense Council agrees on operation to repatriate up to 10,000 migrants per week](#)," October 2, 2024; General Directorate of Migration (DGM), "[Arranca operativo de Migración para cumplir con la meta de deportar 10 mil extranjeros irregulares por semana](#)," October 7, 2024.

<sup>705</sup> IACHR [@CIDH], (October 4, 2024), [#RepúblicaDominicana: #CIDH expresa preocupación por el anuncio del Gobierno de ejecutar de manera inmediata procedimientos de expulsión de hasta 10.000 personas en #movilidadhumana por semana, sin considerar previamente las posibles necesidades de protección internacional que requieran \[X post\], X, https://x.com/CIDH/status/1842247661652525322](#).

<sup>706</sup> DGM, "[En 6 meses más 67 mil extranjeros de diferentes nacionalidades han sido deportados a sus países de origen](#)," July 5, 2024.

<sup>707</sup> DGM, "[Migración informa en los primeros 15 días de noviembre deportó 15.500 extranjeros](#)," November 19, 2024.

<sup>708</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 27.

<sup>709</sup> Amnesty International, "[República Dominicana: Autoridades deben frenar políticas migratorias de facto racistas](#)," April 2, 2024; *France 24*, "[¿Por qué con nosotros son así?: el racismo contra los haitianos en República Dominicana](#)," May 18, 2024; Robert F. Kennedy Human Rights, "[Apátridas y Vulnerables: La crisis actual de los descendientes de haitianos en la República Dominicana](#)," September 20, 2024; *BBC News*, "['Se lo llevarán como a un animal': la deportación 'a gran escala' de haitianos en República Dominicana y las críticas que despierta](#)," October 9, 2024.

<sup>710</sup> Amnesty International, "[Segundo mandato del presidente Luis Abinader debe priorizar el respeto a los derechos humanos y poner fin a políticas migratorias racistas](#)," August 28, 2024.

<sup>711</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 28.

<sup>712</sup> Amnesty International, "[Segundo mandato del presidente Luis Abinader debe priorizar el respeto a los derechos humanos y poner fin a políticas migratorias racistas](#)," August 28, 2024.

identity documents to Dominican children and adolescents of Haitian descent prevents them from enrolling in schools and universities<sup>713</sup>.

355. As for statelessness, the State reported that, following the enforcement of Law No. 169-14: i) authorization was granted for the registration of 24,806 children born to foreign parents with a regular migratory status who were holders of identity cards at the time of registration; and ii) 28,014 records of children born to foreign parents with an irregular migratory status—who retained their Dominican nationality—were transcribed.<sup>714</sup> The Commission acknowledged the steps taken by the State to restore the nationality of at least 26,000 persons and to grant citizenship to 799 individuals affected by the Constitutional Court's Ruling TC/0168/13, under which a considerable number of persons were arbitrarily deprived of Dominican nationality, thus rendering those who were not considered nationals of any other country stateless.<sup>715</sup> However, 10 years after the enactment of Law No. 169-14, challenges to its effective implementation persist, since persons identified by the State as beneficiaries are still awaiting the resolution of their cases<sup>716</sup>.

356. In addition, the Commission was informed of the adoption of Resolution 13-24 of the JCE, which establishes the “procedure for the submission, processing and transcription of birth records of the children of foreign parents born in the Dominican Republic, who were regularized and naturalized in accordance with the provisions of the National Plan for the Regularization of Foreigners with an Irregular Migratory Status.”<sup>717</sup> According to civil society organizations, this resolution provides for an additional procedure that must be followed after being granted citizenship and will only benefit the 799 persons who have been naturalized<sup>718</sup> out of the total who make up the group B, as described in Law No. 169-14.<sup>719</sup> Civil society organizations also expressed their concern about the overall situation, since requirements include the submission of a naturalization certificate—which is in possession of the State, inasmuch as the government is responsible for granting them—as well as an identity card that, based on the information provided, has not yet been delivered by the Dominican authorities<sup>720</sup>.

357. Moreover, the State reported that the JCE has promoted the creation of Civil Registry offices in health centers to record births immediately. In spite of this, in the case of foreign mothers, a proof of birth is given so that the JCE may register newborns in a book for foreigners, which does not imply that those registered therein will acquire the Dominican nationality<sup>721</sup> and could lead to a risk of statelessness<sup>722</sup>.

358. In the area of **human trafficking**, the Commission takes note of the following: i) the training provided in April to labor inspectors on how to identify, monitor and improve their response to human trafficking, with an emphasis on migrant and “vulnerable” populations;<sup>723</sup> and ii) the signing, in February, of the Framework Cooperation Agreement between the Ministry of Foreign Affairs and the Supérate (Excel

<sup>713</sup> Acento, “[Muertos civiles: la realidad de los dominicanos de ascendencia haitiana, impedidos de estudiar por falta de documentos](#),” March 20, 2024.

<sup>714</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 25.

<sup>715</sup> UNHCR, [Brazil Plan of Action. Final Implementation Report 2014–2024](#), p. 116.

<sup>716</sup> IACHR, Press Release No. 230/24, [IACHR calls on States to continue adopting measures to prevent and eradicate statelessness in the region](#), September 27, 2024.

<sup>717</sup> JCE of the Dominican Republic, [Resolution No. 13-2024 establishing the procedure for the submission, processing and transcription of birth records of the children of foreign parents born in the Dominican Republic, who were regularized and naturalized in accordance with the provisions of the national plan for the regularization of foreigners with an irregular migratory status](#), February 20, 2024.

<sup>718</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 709.

<sup>719</sup> IACHR, [Situation of Human Rights in the Dominican Republic](#), OEA/Ser.L/V/II. Doc. 45/15, December 31, 2015, paras. 12–16.

<sup>720</sup> Analysis of Resolution 13-2024 of the JCE of the Dominican Republic, undated. In IACHR files.

<sup>721</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 24 and 26.

<sup>722</sup> IACHR, [Resolution No. 2/2023](#), Resolution on the right to nationality, prohibition of arbitrary deprivation of nationality and statelessness, December 4, 2023.

<sup>723</sup> UN, “[Dominican Republic joins efforts to combat human trafficking for forced labor, with the support of UNODC](#),” April 22, 2024.

yourself) program —a social protection measure to eradicate poverty—<sup>724</sup> to strengthen assistance to Dominicans identified as victims of human trafficking abroad, upon their return to the country.<sup>725</sup> Additionally, the State informed that, in October, the Senate passed amendments to the Law on Smuggling of Migrants and Human Trafficking. Under these amendments, victims' consent to any form of exploitation will not constitute grounds for exoneration from the criminal offense. Moreover, when human trafficking involves children, persons with disabilities or "vulnerable" persons, it shall be considered a crime even when there is no proof of deception, abduction, use of force, duress, coercion or threat, among others.<sup>726</sup> The State also highlighted actions to prosecute the crime of human trafficking, such as Operation Catleya, during which over 80 victims were rescued<sup>727</sup>.

359. In relation to the rights of **children**, the Commission welcomes the creation of a committee to evaluate the operation of the Special Protection System for Children and Adolescents in March, thus prioritizing the care of this population in foster homes managed by the CONANI.<sup>728</sup> The Commission also highlights the cooperation agreement signed between the National Institute of Comprehensive Care for Early Childhood and UNICEF, aimed at strengthening the model of comprehensive care for children aged 0–5 years old.<sup>729</sup> Additionally, the Commission appreciates the agreement signed in April by the Association of Hotels and Tourism and UNICEF, which seeks to promote the rights of children in tourist areas of the country, implement family-friendly policies for the benefit of employees in the tourism sector and prevent the sexual exploitation of children and adolescents in vacation areas<sup>730</sup>.

360. Regarding the rights of **women**, the Commission takes note of the following: i) the creation of 14 Comprehensive Care Units for Victims of Intrafamily Violence and Sex Crimes (UVGs) and the adaptation of 19 existing units;<sup>731</sup> ii) the inauguration of two Comprehensive Development Centers for Women (CEDI-MUJER) in Santiago and Santo Domingo del Norte;<sup>732</sup> iii) the establishment of the Municipal Office for Women Affairs in Boca Chica to facilitate the coordination of programs that promote the rights of women in the territory;<sup>733</sup> and iv) the implementation of the National School for Equality for the mainstreaming of the gender perspective into the public, private and community sectors.<sup>734</sup> The Commission also welcomes the increase in the representation of women in public office. In the 2024 elections, the number of women elected to *regidurías* (local councils) rose from 352 to 484, and the number of women appointed to the National Congress went up from 52 to 74, compared to the 2020 elections. However, in mayors' offices, positions held by women dropped from 19 to 16.<sup>735</sup> Finally, the Commission highlights the preparation of the Participatory Gender Diagnosis to promote the participation of women in the Ministry of Foreign Affairs<sup>736</sup>.

361. Notwithstanding the foregoing, the Commission is concerned over the high rates of violence against women. Between January and August, 13,667 cases of gender-based violence, 26,866 cases of

<sup>724</sup> Presidency of the Dominican Republic, *Supérate*, undated.

<sup>725</sup> Ministry of Foreign Affairs of the Dominican Republic, "[MIREX and Supérate sign agreement to strengthen assistance to Dominicans victims of human trafficking abroad](#)," February 20, 2024.

<sup>726</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 15.

<sup>727</sup> Government of the Dominican Republic, *op. cit.*, p. 15.

<sup>728</sup> Presidency of the Dominican Republic, [Decree No. 173-24](#), March 26, 2024.

<sup>729</sup> UNICEF, "[INAIFI y UNICEF acuerdan fortalecer el modelo de atención integral a la primera infancia](#)," February 8, 2024.

<sup>730</sup> UNICEF, "[UNICEF RD y ASONAHORES firman convenio para la promoción de los derechos de la niñez en zonas turísticas](#)," April 26, 2024.

<sup>731</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 42.

<sup>732</sup> Presidency of the Dominican Republic, "[Presidente Luis Abinader inaugura el primer Centro de Desarrollo Integral para la Mujer del país](#)," August 10, 2024; Presidency of the Dominican Republic, "[Presidente Abinader Inaugura en Santo Domingo Norte el segundo Centro de Desarrollo Integral para la Mujer](#)," November 13, 2024.

<sup>733</sup> Presidency of the Dominican Republic, "[Ministerio de la Mujer inaugura Oficina Municipal en Boca Chica para fortalecer los servicios que ofrece a nivel territorial](#)," March 20, 2024.

<sup>734</sup> *El Caribe*, "[RD abrirá Escuela de Igualdad para combatir violencia género](#)," February 29, 2024.

<sup>735</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, pp. 39–40.

<sup>736</sup> Government of the Dominican Republic, *op. cit.*, p. 40; Inter-American Commission of Women, "[The Dominican Republic and the Inter-American Commission of Women agreed to implement a Participatory Gender Diagnosis](#)," March 13, 2024.

intrafamily violence and 5,003 cases of sexual violence were reported. Furthermore, 25,052 protection orders were issued over the same period of time.<sup>737</sup> As of November 2024, 47 femicides had been recorded.<sup>738</sup> In addition, as of September, 37 victims of human trafficking had been assisted, most of whom were victims of sexual exploitation<sup>739</sup>.

362. For its part, the State reported a decrease in teenage pregnancy: between January and March, 1,623 cases were recorded, which represents a 26.58 percent reduction compared to the same period in 2023.<sup>740</sup> However, figures from the National Statistics Office show that, as of June, 8,365 teenagers and 647 girls under 15 years of age had given birth in 2024.<sup>741</sup> Finally, the Commission regrets that abortion continues to be banned on all grounds and notes that efforts to decriminalize abortion failed to obtain the necessary votes during the process of approval of the new Criminal Code<sup>742</sup>.

363. Regarding the rights of **LGBTI persons**, the Commission takes note of the bill that seeks to criminalize various forms of violence against women, including violence based on their sexual orientation, gender identity or gender expression.<sup>743</sup> Nevertheless, it notes with concern the exclusion of discrimination based on sexual orientation and gender identity from the draft reform of the Criminal Code.<sup>744</sup>

364. With respect to **Afro-descendants and the fight against racial discrimination**, the State trained security forces so that their operations would comply with international human rights standards. This training initiative included the Human Rights and Progressive Use of Force program for military personnel deployed in border areas.<sup>745</sup> In addition, the National Health Service (SNS) provided training in Haitian Creole to its personnel to improve communication and informed consent between doctors and patients.<sup>746</sup>

365. However, the Commission notes that challenges persist in relation to the link between racial discrimination and lethal violence by law enforcement authorities, which has resulted in 78 deaths, mostly of young Afro-descendants in situations of economic vulnerability. According to information provided by the civil society, this reportedly took place in the absence of an independent institutional mechanism to monitor law enforcement authorities.<sup>747</sup> In the case of Afro-descendants living in rural communities known as *bateyes*, in addition to violence, they face poverty and a restricted access to healthcare, education, electricity and drinking water.<sup>748</sup>

366. As for the situation of **human rights defenders**, civil society organizations have warned that they are increasingly becoming victims of threats, acts of intimidation, hate speech, stigmatization,

<sup>737</sup> Office of the Attorney General of the Republic, [Preliminary tables/charts on gender-based and family violence, sex crimes and protection orders in the Dominican Republic, January–August 2024](#), p. 2.

<sup>738</sup> National Police of the Dominican Republic, “[Minister of the Interior regrets the persistence of femicides](#),” November 26, 2024.

<sup>739</sup> Office of the Attorney General of the Republic, “[Ministerio Público ha rescatado decenas de mujeres víctimas de explotación sexual](#),” September 22, 2024.

<sup>740</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR’s 2024 Annual Report, November 5, 2024, p. 11.

<sup>741</sup> National Statistics Office of the Dominican Republic, [Teenage pregnancy in the Dominican Republic](#), September 26, 2024.

<sup>742</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 706; Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR’s 2024 Annual Report, November 5, 2024, p. 11.

<sup>743</sup> *Diario Libre*, “[Castigarían con dos años de cárcel a quienes ‘repriman’ a mujeres por su orientación sexual](#),” January 6, 2024.

<sup>744</sup> *Diario Libre*, “[Activistas LGBT preocupados por aprobación del Código Penal](#),” July 15, 2024.

<sup>745</sup> IACHR, thematic hearing “[Dominican Republic: Reports of violations of the right to life during police operations](#),” 191<sup>th</sup> regular period of sessions, Washington, D.C., United States, November 14, 2024, Information provided by the State; Ministry of Defense of the Dominican Republic, “[FFAA, imparten capacitación en derechos humanos y uso progresivo de la fuerza en Brigadas del ERD que operan en la frontera](#),” May 31, 2024.

<sup>746</sup> Ministry of Foreign Affairs of the Dominican Republic, [Dominican stance on essential issues regarding the country’s relations with Haiti, including migration](#), October 13, 2024, p. 3. In IACHR files.

<sup>747</sup> IACHR, thematic hearing “[Dominican Republic: Reports of violations of the right to life during police operations](#),” 191<sup>th</sup> regular period of sessions, Washington, D.C., United States, November 14, 2024. Information provided by the civil society.

<sup>748</sup> *Acento*, “[Muertos civiles: la realidad de los dominicanos de ascendencia haitiana, impedidos de estudiar por falta de documentos](#),” March 20, 2024.

cyberbullying and verbal and physical assault because of their work.<sup>749</sup> This situation was also reiterated during a public hearing held by the Commission in November, where reports indicated that defenders are frequently singled out as “possible agents who promote migration,” even “irregular” migration, and who, in many cases, are linked to criminal networks.<sup>750</sup> In this regard, in October, the Commission condemned the attack on the offices of Movimiento Socio-Cultural de Trabajo Humanitario y Ambiental (MOSCTHA), an organization that promotes the defense of the rights of migrants. According to reports submitted to the Commission, representatives of groups that support the new deportation policy promoted by the executive branch surrounded the offices, violently demanding that the staff receive them while shouting stigmatizing slogans against Haitians.<sup>751</sup>

367. As regards **persons deprived of liberty**, the Inter-American Commission on Human Rights appreciates the creation, by means of Decree No. 186-24 issued in April, of a commission charged with monitoring the Prison Reform Plan. Among other tasks, said commission will cooperate with the authorities and monitor the operations of Las Parras Penitentiary, as well as the infrastructure improvement works at La Victoria National Penitentiary.<sup>752</sup> In terms of health, the Commission applauds the opening, in May, of a mental health pavilion for individuals detained in the Najayo Correction and Rehabilitation Center for Men, which will provide care to 40 people.<sup>753</sup> The Commission also welcomes the incorporation of 28 professionals in “in critical areas” as part of the agreements entered into with the National Health Service and the Ministry of Public Health.<sup>754</sup> As for social reinsertion, the Commission takes note of the signing, in August, of an agreement between the National Institute of Technical and Professional Education and the Regional Prison Academy to develop tools that encourage persons deprived of liberty to learn a trade and enter the labor market.<sup>755</sup> The Commission also highlights the inauguration of an industrial kitchen at the Najayo 17 center, in San Cristóbal, to provide cooking training to detainees.<sup>756</sup>

368. Notwithstanding this progress, the Commission expresses its concern over detention conditions at penitentiary units, which have reportedly led to the death of 13 people at La Victoria National Penitentiary on March 18 during a fire caused by an electrical failure.<sup>757</sup> Even though overcrowding decreased from 90.46 percent in 2020 to 58.17 percent in 2024, it remains a matter of concern. Faced with this situation, the State reported that it will create 10,650 vacancies at some penitentiaries to alleviate the current deficit of 9,891 vacancies and produce a surplus of 1,859 spots.<sup>758</sup> The information furnished by the State indicates that 62 percent of the persons deprived of liberty are under pretrial detention, which constitutes an overcrowding factor.<sup>759</sup>

<sup>749</sup> UN, Human Rights Council, *Summary of stakeholders' submissions on the Dominican Republic\**, A/HRC/WG.6/46/DOM/3, February 23, 2024, para. 12; Amnesty International, “[Organizaciones de sociedad civil expresamos preocupación por el agravamiento de la situación de personas defensoras de derechos humanos en República Dominicana](#),” November 7, 2024.

<sup>750</sup> IACHR, public hearing “[Regional: Defenders of people in movement](#),” 191<sup>st</sup> regular period of sessions, November 11, 2024.

<sup>751</sup> IACHR, Press Release No. 248/24, *IACHR condemns attacks on rights defenders in the Dominican Republic*, October 16, 2024.

<sup>752</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA 0450-2024, May 28, 2024. See also: Government of the Dominican Republic, [Decree No. 186-24](#), April 5, 2024, Article 1; Presidency of the Dominican Republic, “[President Abinader forms a commission for collaboration and support to authorities in the Penitentiary Reform](#),” April 5, 2024.

<sup>753</sup> Office of the Attorney General of the Republic, “[DGSPC inaugura pabellón de Salud Mental para privados de libertad del CCR-17 Najayo Hombres](#),” May 3, 2024.

<sup>754</sup> The data provided failed to include the date of said hiring. Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 21.

<sup>755</sup> Presidency of the Dominican Republic, “[Infotep and the Regional Penitentiary Academy will work to facilitate the reintegration of prisoners](#),” August 12, 2024.

<sup>756</sup> The data provided fail to include the date of said opening. Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 21.

<sup>757</sup> CNN, “[Al menos 13 muertos deja incendio en cárcel de República Dominicana: la cifra podría aumentar](#),” March 20, 2024; *Diario Libre*, “[Hallan otro cadáver entre escombros en La Victoria](#),” March 20, 2024; *Hoy*, “[Sube a 13 número de muertos por incendio en cárcel La Victoria: PGR crea gabinete](#),” March 20, 2024.

<sup>758</sup> Government of the Dominican Republic, Diplomatic Note No. MPRD-OEA1014-2024, Annex. Inputs of the Dominican Republic for the preparation of the IACHR's 2024 Annual Report, November 5, 2024, p. 18.

<sup>759</sup> Government of the Dominican Republic, *op. cit.*, p. 20.



369. Furthermore, at a public hearing held in February 2024, the Commission was informed that, in addition to overcrowding, detainees have no access to health and education services and face ill-treatment and torture. The Commission also learned that the prison system transformation process initiated by means of Law No. 113-21, which implemented a “single model,” has not seen any progress. This resulted in the coexistence of two management models, with over half of the detainees still under the traditional model. For its part, the State acknowledged current challenges, highlighted the measures taken to improve the situation of persons deprived of liberty and referred to joint coordination efforts with the judiciary<sup>760</sup>.

#### XIV. ECUADOR

- **General considerations**

370. In 2024, Ecuador made **progress** on an early warning protocol for indigenous peoples living in isolation, on various instruments to protect women against violence and on the rights of LGBTI persons, particularly on the prohibition of treatments aimed at modifying a person's gender identity.

371. In turn, various **challenges** to citizen security persisted due to its increasing militarization through repeated states of exception, which affected multiple human rights, including economic, social and cultural rights.

372. On October 17, 2024, the State submitted its response to the Commission's request for information to prepare this chapter<sup>761</sup>.

- **Specific issues**

373. With regard to **democratic institutional**ity, the National Electoral Council scheduled general elections for 2025<sup>762</sup> and conducted activities to strengthen the electoral process, including workshops against misinformation and the establishment of an electoral security roundtable<sup>763</sup>.

374. Meanwhile, the Ministry of Labor imposed a 150-day suspension against Vice President Verónica Abad due to an alleged dereliction of duty without cause. Abad condemned the suspension as an attack against the Rule of Law, arguing that the Constitution prohibits administration measures against the Vice President. She also accused the executive of attempting to prevent her from assuming the role of acting president and denounced these actions as gender-based political violence<sup>764</sup>.

<sup>760</sup> IACHR, public hearing “[Dominican Republic: Human Rights of Persons Deprived of Liberty](#),” 189<sup>th</sup> regular period of sessions, February 28, 2024.

<sup>761</sup> Republic of Ecuador, Note Verbale 4-2-207/2024 in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, sent on October 17, 2024.

<sup>762</sup> National Electoral Council, “[CNE aprobó convocatoria para las Elecciones Generales 2025](#),” September 11, 2024.

<sup>763</sup> National Electoral Council, “[CNE activa Mesa Nacional de Seguridad para las Elecciones 2025](#),” December 4, 2024; “[Ecuador con apoyo de la OEA fortalece las capacidades de funcionarios electorales para combatir a la desinformación](#),” August 13, 2024; “[CNE capacita a Juntas Provinciales y del Exterior para las Elecciones Generales 2025](#),” August 26, 2024.

<sup>764</sup> Verónica Abad [@veronicaabad], (November 10, 2024), IMPORTANTE. Mi rechazo frente a la improcedente, clara, e innegable violación a los principios de legalidad y justicia, con la “suspensión” en mi contra por el Ministerio de Trabajo. Defenderé con firmeza los derechos, libertad y democracia de nuestra República [X post], X, [https://x.com/veroniabad/status/1855785638282375312?ref\\_src=twsrc%5Etfw](https://x.com/veroniabad/status/1855785638282375312?ref_src=twsrc%5Etfw). See also: *El Mercurio*, “[Suspensión Verónica Abad es inconstitucional según especialistas](#),” November 12, 2024.

375. With respect to **citizen security**, the State reported that the National Police had implemented measures to increase the effectiveness of its actions against crime, and that it had also conducted workshops on violence against women, children and adolescents<sup>765</sup>.

376. However, organized crime remained a threat to both citizen security and democracy in Ecuador. The Commission issued a press release reporting a new wave of terrorist violence which began inside prisons between January 8 and 9. Riots broke out in at least six prisons, with at least 139 state agents taken hostage. Acts of violence and explosions were also reported outside prison facilities, including incidents near the residence of the President of the National Court of Justice. The Commission noted that the city of Guayaquil was particularly impacted, with at least eight persons killed and multiple others injured in violent acts. In addition, an armed group broke into the facilities of TC Televisión, a television station, during a live broadcast and threatened to kill its workers. The National Police swiftly intervened to safeguard the life and physical integrity of those under threat and captured those responsible<sup>766</sup>.

377. In response, the State declared at least 10 new states of emergency, continuing a practice it has adopted in recent years to address security issues<sup>767</sup>. For the first time, the suspension of guarantees was based on an alleged non-international armed conflict which, according to the executive branch, would trigger the application of international humanitarian law (IHL), among other considerations listed by the State in the information submitted for the preparation of this chapter<sup>768</sup>. In this regard, the Constitutional Court recalled that the existence of an armed conflict and the subsequent application of IHL could not be established by means of a government declaration<sup>769</sup>.

378. Regarding **access to justice and judicial independence**, the Public Prosecutor's Office revealed investigations concerning the infiltration of organized crime in the judiciary in Ecuador. Criminal structures have allegedly bribed judicial officers to obtain favorable decisions, illegitimate changes in court make-up, unjustified procedural delays and penitentiary benefits in favor of members of organized crime gangs.<sup>770</sup>

<sup>765</sup> Republic of Ecuador, Note Verbale 4-2-207/2024 in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, sent on October 17, 2024.

<sup>766</sup> CNN, [Men wearing hoods take over TC Televisión facilities in Ecuador](#), January 9, 2024.

<sup>767</sup> i) On January 9, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-004/2024 with its annex, pursuant to Article 27, section 3 of the American Convention on Human Rights; ii) on January 9, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-007/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; iii) on March 8, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-051/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; iv) on April 22, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-090/2024 with its annexes, pursuant to Article 27, section 3, of the American Convention on Human Rights; v) on May 2, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-098/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; vi) on May 23, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-104/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; vii) on July 3, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-130/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; viii) on August 12, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-160/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights; ix) on September 3, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-172/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights and x) on October 3, 2024, the General Secretariat received a note verbale from the Permanent Mission of Ecuador to the OAS notifying the suspension of guarantees, Note Verbale No. 4-2-194/2024 with its annex, pursuant to Article 27, section 3, of the American Convention on Human Rights.

<sup>768</sup> Republic of Ecuador, Note Verbale 4-2-207/2024 in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, sent on October 17, 2024.

<sup>769</sup> Constitutional Court of Ecuador, [Judgment No. 2-24-EE](#), March 21, 2024.

<sup>770</sup> IACHR, Press release No. 100/24, [IACHR Asks Ecuador to Ensure Judicial Independence in the Face of Organized Crime Interference](#), May 14, 2024.

379. Furthermore, criminal organizations threatened judicial independence by resorting to violent acts against prosecutors, particularly those investigating corruption cases.<sup>771</sup> According to organizations, at least six judicial officers were murdered, five suffered assassination attempts and five judicial buildings were attacked.<sup>772</sup> These incidents included the murder of Prosecutor César Suárez from the National Specialized Unit for Investigation against Transnational Organized Crime, who was leading inquiries on the surge of violence in January 2024<sup>773</sup>.

380. In this context, **human rights defenders** reported challenges in conducting their work due to threats from organized crime and the recurrent states of exception. They raised concerns about the stigmatization of their activities; criminalization; legal proceedings aimed at curbing public participation, particularly through claims for moral damages; the lack of investigations into violent incidents and the absence of a specialized protection mechanism. Environmental defenders in the context of extractive activities in the territories of indigenous, peasant, Montubio and Afro-descendant communities faced heightened risks<sup>774</sup>.

381. With regard to the rights of **indigenous peoples**, the State adopted an early warning protocol for situations involving risks to the rights of indigenous peoples living in voluntary isolation.<sup>775</sup>

382. Cross-border indigenous peoples in Peru, Colombia and Ecuador warned that illegal activities, the presence of armed groups and the expansion of extractive industries threatened their survival.<sup>776</sup> This situation, combined with the persistent absence of free, prior and informed consultation processes on extractive projects in indigenous territories, sparked protests led by indigenous communities which, in turn, resulted in the arbitrary arrests and the criminalization of their leaders.<sup>777</sup>

383. With regard to the situation of **Afro-descendant persons and policies against racial discrimination**, social organizations reported recurrent cases of racial profiling and police violence, primarily affecting young Afro-descendants between the ages of 15 and 30. According to reports, the State's growing militarization has led to human rights violations and an increase in hate speech against Afro-descendants.<sup>778</sup> On December 8, the disappearance and subsequent murder of a child and three adolescents, all of whom were Afro-descendants, was reported following their detention during a military operation in Guayaquil. The Public Prosecutor's Office opened an investigation into their enforced disappearance.<sup>779</sup>

<sup>771</sup> IACHR, Press release No. 100/24, [IACHR Asks Ecuador to Ensure Judicial Independence in the Face of Organized Crime Interference](#), May 14, 2024.

<sup>772</sup> IACHR, public hearing "[Regional: Current status of judicial independence in the Americas](#)," 191<sup>st</sup> regular period of sessions, November 13, 2024.

<sup>773</sup> IACHR [@CIDH], (January 18, 2024), #Ecuador: #CIDH condena el asesinato del Fiscal César Suárez, de la Unidad Nacional Especializada de Investigación contra la Delincuencia Organizada Transnacional, quien estaba a cargo, entre otros casos, de las investigaciones referidas a la irrupción de un grupo armado en el canal @tctelevisión. El Estado debe investigar los hechos con la debida diligencia y sancionar a los responsables materiales e intelectuales. Así como fortalecer con recursos, seguridad y formación suficiente las instituciones encargadas de investigar los hechos de criminalidad organizada. #DerechosHumanos [X post], X, <https://x.com/CIDH/status/1748072972114338051>.

<sup>774</sup> IACHR, public hearing, "[Ecuador: Human rights of defenders in the context of the state of emergency](#)," 189<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>775</sup> Ministry of Women and Human Rights of Ecuador, [Protocol for encounters with indigenous peoples living in voluntary isolation in the Tagaeri-Taromenane intangible area and its area of influence](#), July 23, 2024.

<sup>776</sup> IACHR, thematic hearing, "[Regional: Situation of the A'i Cofán, Andwas, Shuar, Siekopai, Siona, and Wampis Indigenous peoples](#)," 191<sup>st</sup> regular period of sessions, Washington D.C., United States of America, November 15, 2024.

<sup>777</sup> Meeting with civil society organizations, February 28, 2024. In IACHR files.

<sup>778</sup> Afro-Ecuadorian Social Development Foundation (Fundación Azúcar), [Presentación por escrito - Basta Perfilamiento Racial en Ecuador A la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos \(ACNUDH\)](#), April 16, 2024, p. 3; Office of the Ombudsperson, [Informe Alternativo para el Comité para la Eliminación de la Discriminación Racial \(CERD\) en su 114° sesión](#), October 2024, para. 10; *Primicias*, "[Un agente de control destituido y otro multado por golpear a joven afroecuatoriano en Quito](#)," November 11, 2024.

<sup>779</sup> Public Prosecutor's Office of Ecuador [@FiscaliaEcuador], (December 21, 2024), #ATENCIÓN | Respecto al presunto secuestro de 4 personas menores de edad -en el que estaría involucrado personal militar- #FiscalíaEc informa que el caso ha sido trasladado a #Quito y estará a cargo de la Unidad Especializada en la Investigación del Uso Ilegítimo de la Fuerza [X post], X, <https://x.com/FiscaliaEcuador/status/1870557557170811327>. See also: National Assembly of the Republic of Ecuador, "[Asamblea Nacional exige respuestas en el caso de los 4 niños desaparecidos en Guayaquil](#)," December 22, 2024.

384. Furthermore, the communities that may be impacted by mining projects in the Las Pampas and Palo Quemado parishes, as well as in Las Naves canton, were excluded from the environmental consultation process. This includes mining projects such as La Plata S.A. in Cotopaxi and Curipamba-El Domo in Bolívar.<sup>780</sup> In this context, human rights defenders from these communities reported that they had been criminally prosecuted for opposing these projects and demanding prior consultations.<sup>781</sup>

385. With regard to the rights of **women**, the State established specialized courts for processing cases involving violence against women<sup>782</sup> and enacted the Law for Support, Assistance and Comprehensive and Transformative Reparations for Daughters, Sons, Mothers, Fathers and other Relatives of Victims of Femicide and other Deaths Caused by Gender-Based Violence.<sup>783</sup> In addition, the State informed that the executive branch had inaugurated four violet centers.<sup>784</sup> Moreover, Ecuador enacted the Organic Law on Wage Parity Between Women and Men and prepared a draft of its implementing regulations.<sup>785</sup>

386. However, the death of 453 women was recorded between January and November 2024, including 72 cases classified as femicides, most of which were committed by partners or former partners of women in the early hours of the morning.<sup>786</sup> Additionally, the civil society had documented 96 femicides as of September 2024. Twenty-three of these victims had previously reported being victims of violence.<sup>787</sup>

387. Moreover, the Commission notes the status of the investigation in the case of María Belén Bernal Otavalo, which is currently at the appeals stage according to information provided by the State in response to a request sent by the Commission regarding this case. The Commission also expresses its concern over a new incident of violence against women linked to state institutions. In this context, the femicide of deputy lieutenant Aidita Pamela Ati at the armed forces facilities in Orellana was reported. This new incident of violence related to state institutions has prompted an investigation against army officers, underscoring the urgent need to address gender-based violence within the armed forces and to strengthen prevention and accountability measures in these institutions.<sup>788</sup>

388. With regard to sexual and reproductive rights, the executive branch made progress in drafting the regulations of the organic law governing the voluntary termination of pregnancy for girls, adolescents and women in cases of rape. The Commission also notes the 2024 Clinical Practice Guide for Therapeutic Abortion Care and a proposal to expand the network of health facilities providing these services.<sup>789</sup> The civil society filed constitutional remedies against the criminalization of abortion<sup>790</sup> and denounced the

<sup>780</sup> OHCHR, "[Expertas y expertos de la ONU llaman a consultas sustantivas para proyectos mineros en Ecuador](#)," May 13, 2024.

<sup>781</sup> OHCHR, "[Expertas y expertos de la ONU llaman a consultas sustantivas para proyectos mineros en Ecuador](#)," May 13, 2024.

<sup>782</sup> National Assembly of the Republic of Ecuador, "[Asamblea aprobó la reforma al Código de la Función Judicial](#)," May 21, 2024.

<sup>783</sup> National Assembly of the Republic of Ecuador, "[Ley que obliga la reparación integral a víctimas y familiares de femicidios está en plena vigencia](#)," June 27, 2024.

<sup>784</sup> Government of the Republic of Ecuador, Report submitted by the Republic of Ecuador in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 4-2-207/2024, October 17, 2024, p. 56. In IACHR files; Government of Ecuador, "[El gobierno nacional brindará atención a las mujeres víctimas de violencia con la implementación de seis centros violetas más a escala nacional](#)," November 25, 2024; Government of Ecuador, "[Ecuador inauguró su séptimo centro violeta, esta vez en la ciudad de Portoviejo](#)," October 19, 2024; Government of Ecuador, "[Centro violeta se inaugura en la ciudad de Quito](#)," October 24, 2024.

<sup>785</sup> Government of the Republic of Ecuador, Report submitted by the Republic of Ecuador in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 4-2-207/2024, October 17, 2024, p. 7. In IACHR files.

<sup>786</sup> Attorney General's Office of Ecuador, "[Análisis de las muertes de mujeres en contexto delictivo](#)," November 30, 2024.

<sup>787</sup> Fundación Aldea, "[Feminicidios 2024: 180 mujeres y niñas víctimas de la violencia machista](#)," October 15, 2024.

<sup>788</sup> Office of the Ombudsperson, "[La Defensoría del Pueblo de Ecuador en el caso de la Sgte. Aidita Pamela Ati Gavilanes](#)," September 20, 2024; *El Comercio*, "[Caso Pamela Ati suma seis procesados en la investigación por femicidio](#)," July 31, 2024.

<sup>789</sup> Government of the Republic of Ecuador, Report submitted by the Republic of Ecuador in response to the request for information of the Inter-American Commission on Human Rights for the preparation of the 2024 Annual Report, Note No. 4-2-207/2024, October 17, 2024, p. 41. In IACHR files.

<sup>790</sup> HRW, "[Justa Libertad: A Movement to Decriminalize Abortion in Ecuador](#)," April 15, 2024; *Efeminista*, "[Nueva demanda ante la Corte Constitucional de Ecuador para despenalizar el aborto](#)," July 10, 2024.

persistent stigmatization and barriers to access this procedure resulting from personal objections from healthcare providers.<sup>791</sup>

389. Regarding the rights of **LGBTI persons**, the Administrative Registry of Sex/Gender Variables was established with the aim of producing data and designing inclusive policies.<sup>792</sup> Additionally, the State set up the Interinstitutional Committee of the Diversity Action Plan.<sup>793</sup> The State added that awareness-raising workshops were held for public officials<sup>794</sup> and that it developed an interinstitutional manual on the care of persons deprived of liberty with a focus on sexual and gender diversity.<sup>795</sup> The Ministry of Health also updated its manual on assistance to sex- and gender-diverse persons.<sup>796</sup>

390. Furthermore, data from the 2024 census unveiled that 270,970 persons—that is, 2.43 percent of the population—identify as LGBTI. In this context, the reforms introduced to the Organic Law on Identity and Civil Data Management allowed persons over 18 years old to rectify their gender information in official documents.<sup>797</sup> In addition, the Organic Law on Mental Health prohibited treatments aimed at modifying gender identity.<sup>798</sup>

391. However, in the context of the security crisis, LGBTI activists reported that persons who display non-normative gender expressions are considered “suspicious” and exposed to arbitrary military controls.<sup>799</sup> It was further reported that LGBTI persons deprived of liberty suffer discrimination and violence.<sup>800</sup> According to the civil society, there is not much social support for laws that prevent discrimination against LGBTI persons and that allow this population to freely express their identity or show affection in public.<sup>801</sup>

392. With respect to the situation of **persons in the context of human mobility**, Decree No. 370 was approved, which grants amnesty to immigrants and provides for an extraordinary regularization process for Venezuelan nationals and their next of kin.<sup>802</sup> The process is available to those who have an expired migrant residence certificate and have not obtained a visa in previous regularization processes for temporary exceptional resident visas, and establishes special regulations for Venezuelan children and adolescents who have migrated on their own or are separated from their families. In addition, based on this decree, identity or travel documents that expired or were extended up to five years ago are considered valid for regularization purposes.<sup>803</sup>

<sup>791</sup> Observatorio de Derechos y Justicia, [Informe sobre la situación de la interrupción voluntaria del embarazo a partir de la sentencia 34-19-IN/21](#), May 29, 2024, p. 4.

<sup>792</sup> Ministry of Women and Human Rights of Ecuador, [Agreement No. MMDH-MMDH-2024-0001-A](#), Administrative Registry of Sex/Gender Variables for Government Institutions, March 26, 2024.

<sup>793</sup> Ministry of Women and Human Rights, Ecuador, [“42% de implementación del Plan de Acción de Diversidades 2022-2025”](#), April 8, 2024; Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>794</sup> A total of 2,625 public officials were trained in 14 provinces. Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>795</sup> Drafted by the National Councils on Equality, together with the Ministry of Women and Human Rights and the Office of the Ombudsperson. Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>796</sup> Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>797</sup> Edición 111, [“Entran en vigencia las reformas a la Ley de Gestión de Identidad: Personas trans podrán cambiar sexo o género en su cédula”](#), March 14, 2024; Primicias, [“Presidente Noboa emite reglamento para ley que viabiliza cambio de sexo o género en cédula de identidad”](#), June 12, 2024.

<sup>798</sup> Permanent Mission of Ecuador to the OAS, Note No. 4-2-207/2024, October 17, 2024. In IACHR files.

<sup>799</sup> Agencia Presentes, [“Militarización en Ecuador: «Las personas LGBTI somos consideradas sospechosas»”](#), January 14, 2024.

<sup>800</sup> In particular, they reported being subjected to harassment and cruel treatment based on prejudice against their sexual orientation and/or gender identity. This includes trans women being held in facilities with men without considering their gender identity or situation of vulnerability. Agencia Presentes, [“Militarización en Ecuador: «Las personas LGBTI somos consideradas sospechosas»”](#), January 14, 2024.

<sup>801</sup> Ipsos, [Percepción de los ecuatorianos acerca de la comunidad LGBTI](#), June 28, 2024.

<sup>802</sup> As of the end of April 2024, Ecuador had sheltered 578,169 people who had been forcefully displaced, out of which 444,778 were refugees and migrants from Venezuela. UNHCR, [Tendencias nacionales. El desplazamiento forzado en Ecuador, 2024](#), July 1, 2024.

<sup>803</sup> Constitutional President of the Republic of Ecuador, [Decree No. 370](#), August 23, 2024.



393. On April 5, the National Police of Ecuador broke into the Embassy of Mexico, in the city of Quito, to arrest former Vice President of Ecuador Jorge Glas, who had been sheltered therein since December 2023. Hours before the raid, the State of Mexico had granted him diplomatic political asylum. In response, the IACHR called on the State to uphold its international obligations regarding asylum and diplomatic immunity<sup>804</sup>. It also continued monitoring the precautionary measure granted in favor of Jorge Glas, in effect since December 2019, including an observation visit in October 2024 to assess his detention conditions.

394. As regards the rights of **children and adolescents**, the State adopted the Policy for the Eradication of Sexual Violence in Educational Environments.<sup>805</sup> According to data submitted by the civil society, between January 2020 and June 2024, 2,827 cases of sexual violence were recorded within the educational system.<sup>806</sup> Moreover, the Creciendo con Nuestros Hijos (Growing Up with Our Children) program expanded its coverage from 21.8 percent to 27.6 percent of its target population. This program is aimed at children aged 0 to 36 months old and pregnant women living in poverty, extreme poverty and situations of vulnerability.

395. One of the challenges faced by the country is that, according to data from the National Institute of Statistics and Census, 19.3 percent of children under two years of age are chronically malnourished.<sup>807</sup> In addition, the context of violence in the country led to the temporary suspension of in-person schooling until March of 2024, which affected millions of students.<sup>808</sup> Moreover, the Office of the Ombudsperson recorded a high number of disappearances of children and adolescents, which amounted to 574 cases as of June 2024.<sup>809</sup>

396. Furthermore, members of the Assembly proposed lowering the age of criminal liability, thus enabling adolescents between the ages of 14 and 17 to be prosecuted and tried as adults in cases of felonies such as murder, kidnapping, extortion and drug trafficking. Under this reform, once adolescents have reached the age of majority, they will have to serve their sentences in adult detention centers.<sup>810</sup>

397. In relation to the rights of **older persons**, the State reported on campaigns aimed at ensuring compliance with the law and the protection of their human rights, with a focus on the exemption from property tax payments.<sup>811</sup> Additionally, the city of Quito joined the Global Network of Age-Friendly Cities and Communities.<sup>812</sup> According to the National Survey on Employment, Unemployment and Underemployment (Enemdu), approximately 8.7 percent of the total population over 65 years of age has been forced to continue working due to lack of access to social security. The International Labor Organization expressed its concern over the high percentage of older persons in Ecuador who live in a situation of economic insecurity, in addition to the fact that 82 percent of people between 65 and 75 years of age are employed in the informal sector.<sup>813</sup>

<sup>804</sup> IACHR, Press Release No. 74/24, [IACHR Asks Ecuador to Fulfil Its International Obligations](#), April 15, 2024.

<sup>805</sup> This policy seeks to strengthen and organize activities with the support of the different government institutions that tackle sexual violence in school environments. Ministry of Women and Human Rights, ["El Nuevo Ecuador refuerza la Lucha Contra la Violencia Sexual en las Aulas"](#), August 21, 2024.

<sup>806</sup> Human Rights Watch, ["Like Patchwork"](#), July 24, 2024.

<sup>807</sup> National Institute of Statistics and Census, ["Desnutrición crónica infantil se ubica en el 19.3 para menores de 2 años"](#), September 12, 2024.

<sup>808</sup> Human Rights Watch, ["Ecuador's Uptick in Violence Heightens Risks for Schoolchildren"](#), March 12, 2024. See also: UNICEF, ["Ecuador: Homicide rate among children and adolescents soars 640 per cent in four years"](#), January 16, 2024.

<sup>809</sup> Office of the Ombudsperson, ["La Defensoría del Pueblo hace un llamado al Estado a impulsar acciones urgentes ante el aumento de desapariciones de niños, niñas y adolescentes en el Ecuador"](#), June 1, 2024.

<sup>810</sup> *El Mercurio*, ["Proponen sancionar a adolescentes como adultos"](#), November 5, 2024; *La Hora*, ["Asamblea: juzgar como adultos a menores de edad que asesinen, entra a segundo debate"](#), November 25, 2024; *KCH*, ["Asamblea Nacional discute si los adolescentes infractores deben ser juzgados como adultos o se aplica una justicia 'restaurativa'"](#), November 25, 2024.

<sup>811</sup> Permanent Mission of Ecuador to the OAS, Note 4-2-207/2024, October 17, 2024. On file with the IACHR.

<sup>812</sup> This took place during the I International Seminar "Best Practices and Innovation in Care Services and Participation of Older Persons in Local Governments;" *Infobae*, ["Quito, primera urbe de Ecuador en adherirse a red ciudades amigables con adultos mayores"](#), November 22, 2024.

<sup>813</sup> *Primicias*, ["El 81% de los adultos mayores que trabaja en Ecuador está en la informalidad"](#), September 2, 2024 (accessed on November 21, 2024); *Primicias*, ["44% de adultos mayores en Ecuador no recibe ingresos laborales ni pensión"](#), September 30, 2024 (accessed on November 21, 2024).

398. Regarding the situation of **persons deprived of liberty**, the Ecuadorian Mechanism to Combat Torture, together with others in the region, adopted the Declaration of San José aimed at institutional strengthening and networking, and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty<sup>814</sup>. Moreover, the State emphasized that issues related to persons deprived of liberty are addressed as a priority and highlighted the creation of working groups and the delivery of continuous training to security forces<sup>815</sup>. Additionally, it reported on the upcoming building of two new maximum security detention centers<sup>816</sup>.

399. In 2024, prison violence intensified after the escape of Adolfo Macías Villamar, which resulted in riots in at least six prisons.<sup>817</sup> As of March 7, 21 incarcerated individuals had died due to prison violence, and 111 inmates had escaped, of whom 35 were recaptured. Additionally, 211 state agents were taken hostage, all of whom were released shortly after<sup>818</sup>. In addition to these deaths, at least 15 persons died at the Litoral Penitentiary on November 12, 2024<sup>819</sup>.

400. To curb the crisis, under the states of emergency declared by the executive branch, the Armed Forces were authorized to support the Police in all centers of deprivation of liberty.<sup>820</sup> According to the State, once the prison emergency is over, penitentiaries will remain under the control of the Armed Forces, inasmuch as prisons have been declared “security areas.”<sup>821</sup> While these measures have allegedly led to a reduction in the number of deaths resulting from prison violence,<sup>822</sup> the Committee against Torture highlighted the lack of a comprehensive plan to address the systemic causes of the prison crisis and underscored the continued adoption of military measures, as well as various problems related to ill-treatment and possible acts of torture<sup>823</sup>.

401. With regard to food, during the first months of the state of emergency in prisons, the civil society documented cases in which food was denied or provided in poor condition, among other issues<sup>824</sup>. Also, in 2024, the provision of food was suspended for weeks due to the lack of payment to a former prison food supplier<sup>825</sup>. Although a new company was hired, problems in the coordination of food distribution have

<sup>814</sup> CPT of Chile, *Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura (MNPs y MLPs) de América Latina para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad*, May 10, 2024.

<sup>815</sup> IACHR, public hearing “*Ecuador: Human rights of individuals who are deprived of liberty in the context of the prison crisis*,” 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>816</sup> National Service for Comprehensive Care for Adults Deprived of Liberty and Adolescent Offenders [@SNAI\_Ec], (January 11, 2024), El Plan Fénix sigue en ejecución, y con la construcción de los nuevos Centros de Privación de la Libertad en Pastaza y Santa Elena, es un paso más para controlar al terrorismo y al crimen organizado [X post], X, [https://x.com/SNAI\\_Ec/status/1745577406927159654](https://x.com/SNAI_Ec/status/1745577406927159654).

<sup>817</sup> In response, the Commission requested information from the State on the situation in detention centers in light of the current citizen security and penitentiary crisis. IACHR, Letter to request information in light of Article 41 of the ACHR No. 229-24/IACHR/SE/MCP-Art.41, March 1, 2024. In IACHR files; IACHR, Press Release No. 17/24, *Ecuador: IACHR and RFOE Condemn Serious Acts of Violence Committed by Organized Criminal Groups*, January 17, 2024.

<sup>818</sup> State of Ecuador, Note No. 6,026 in response to the letter to request information in light of Article 41 of the ACHR No. 229-24/CIDH/SE/MPCT-Art.41, March 15, 2024, pp. 9–12. In IACHR files.

<sup>819</sup> IACHR [@CIDH], (November 18, 2024), CIDH condena la violencia en la Penitenciaría del Litoral el #12NOV que resultó en al menos 15 #PersonasPrivadasDeLibertad fallecidas [X post], X, <https://x.com/cidh/status/1858520421848777079?s=48&t=uf3HRk57pcbUZ8Q3BWn5zg>.

<sup>820</sup> Secretariat of Communication of the Presidency of Ecuador, Bulletin No. 44, “*Incidentes en los centros de privación de libertad son la respuesta del crimen organizado ante acciones del gobierno para enfrentarlo*,” January 8, 2024.

<sup>821</sup> IACHR, public hearing “*Ecuador: Human rights of individuals who are deprived of liberty in the context of the prison crisis*,” 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>822</sup> Information provided to the IACHR by civil society organizations during a meeting, September 10, 2024.

<sup>823</sup> United Nations Committee Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, *Observaciones finales sobre el octavo informe periódico del Ecuador*, July 22, 2024, para. 15.

<sup>824</sup> Information provided to the IACHR by civil society organization Comité Permanente por la Defensa de los Derechos Humanos via email, August 21, 2024. In IACHR files.

<sup>825</sup> Comité Permanente por la Defensa de los Derechos Humanos, “*Personas en prisión sin acceso a alimentos*,” May 21, 2024; Information provided to the IACHR by a family member of a detainee via email, May 17, 2024. In IACHR files; Infobae, “*Cinco cárceles de Ecuador con 12.600 presos, sin proveedor de comida desde el 1 de junio*,” June 3, 2024.

reportedly resulted in some detainees not receiving their food. In terms of health, due to difficulties in medical care, the number of people with tuberculosis skyrocketed in 2024, especially in the Guayas Prison No. 1.<sup>826</sup>

402. Moreover, Ecuador recorded various acts of violence against officials of the National Service for Comprehensive Care for Adults Deprived of Liberty and Adolescent Offenders (SNAI). Namely, the director of the Guayas Prison No. 1, María Daniela Icaza Resabala, was murdered on September 12, 2024.<sup>827</sup> The directors of El Rodeo and Lago Agrio prisons, Damian Parrales and Alex Guervara, were also murdered on April 21 and September 3, 2024, respectively.<sup>828</sup>

403. Finally, as to **human trafficking**, the State created the Mechanism for the Detection and Referral of Cases of Human Trafficking for Labor Exploitation. The purpose of the mechanism is for labor inspectors and public officials to act in a comprehensive and coordinated manner when faced with potential cases of human trafficking for labor exploitation.<sup>829</sup> In addition to the above, the State reported that the Comprehensive Protection Service held workshops on the prevention and investigation of human trafficking<sup>830</sup>.

## XV. EL SALVADOR

- **General considerations**

404. As it relates to the **progress** achieved, the Commission notes there has been a significant reduction in the homicide rate in the country. It also appreciates the adoption of various measures to strengthen the institutions that protect and guarantee the rights of women, including the creation of the Interinstitutional Care Commission and the amendment of the Law on the Creation of the Solidarity Fund for Microentrepreneur Families, aimed at promoting the economic independence of women. The Commission also welcomes the measures undertaken by the State to incorporate into its 2024 census an indicator for respondents to identify themselves as Afro-descendants.

405. As it relates to **challenges**, the Commission reiterates its concern over the 33 successive extensions of the state of emergency, which have kept constitutional rights and guarantees suspended since March 2022. In this context, concerns persist regarding allegations of mass, arbitrary and illegal detentions, as well as the conditions of detention experienced by persons deprived of liberty, especially in relation to complaints of torture, ill-treatment and deaths in custody, together with obstacles to access effective legal remedies. Moreover, questions were raised regarding the selection process of Supreme Court justices. The Commission also expresses alarm at child and adolescent pregnancy rates, the restrictions on access to comprehensive sexual education and the persistence of the criminalization of abortion on all grounds. Furthermore, the Commission underscores that serious human rights violations committed during the armed conflict are still unpunished and notes a lack of legislation on transitional justice.

<sup>826</sup> Information provided to the IACHR by civil society organizations during a meeting, September 10, 2024. See also: Information provided to the IACHR by the civil society via email, July 12, 2024. In IACHR files; *Ecuavisa*, “[Más de 600 reclusos en las cárceles ecuatorianas padecen de tuberculosis](#),” August 1, 2024; *Expreso*, “[Casos de tuberculosis en reos alerta al entorno de la Penitenciaría del Litoral](#),” September 4, 2024.

<sup>827</sup> IACHR [@CIDH], (September 13, 2024), La CIDH condena el asesinato de la directora del Centro de Privación de Libertad Guayas No. 1, María Daniela Icaza Resabala, el #12SEP [X post], X, <https://twitter.com/CIDH/status/1834674998298169563>.

<sup>828</sup> *Canal 26*, “[Ecuador sangriento: asesinaron a 2 directores de cárceles en menos de 10 días](#),” September 13, 2024; *Ecuavisa*, “[El director de la cárcel de Sucumbíos fue asesinado en Lago Agrio](#),” September 3, 2024; *Primicias*, “[Ataque a director de la cárcel de Sucumbíos apunta a Los Choneros](#),” September 3, 2024; *DW*, “[Ecuador: matan a director de cárcel en medio de referendo](#),” April 21, 2024; *El universo*, “[Asesinan a Damián Parrales, director de la cárcel El Rodeo de Manabí](#),” April 21, 2024; *Primicias*, “[Asesinan a Damián Parrales, director de la cárcel El Rodeo en una cevichería de Ipijiapa](#),” April 21, 2024.

<sup>829</sup> United Nations Office on Drugs and Crime, “[Ecuador dice NO a la trata de personas con fines de explotación laboral](#),” February 21, 2024.

<sup>830</sup> Government of the Republic of Ecuador, 2024 Annual Report of the IACHR, Note No. 4-2-207/2024, October 17, 2024, p. 56.

406. On October 18, 2024, El Salvador submitted its response to the Commission's request for information to prepare this chapter<sup>831</sup>.

- **Specific issues**

407. In terms of **democratic institutional**ity, the Commission notes that, in February and March 2024, elections were held in El Salvador to vote for the new president and vice president, as well as for members of the Legislative Assembly, mayors, municipal councils and representatives of the Central American Parliament.<sup>832</sup> The electoral process was completed with no incidents. The OAS Electoral Observation Mission pointed out that these elections were held under unprecedented conditions, since they took place under a state of emergency and, for the first time since the 1983 Constitution has been in force, an incumbent President ran for the presidency for a second consecutive term.<sup>833</sup> It was also highlighted that the electoral reforms of 2023, which cut down on the number of legislative seats and changed the way in which those seats were allocated, resulted in a dramatic decrease in political pluralism in the Legislative Assembly.<sup>834</sup>

408. At a public hearing before the Commission, civil society organizations voiced their concern over the reelection of the president for a consecutive term because it contravenes an express prohibition set forth in the Constitution and pointed out that said reelection was possible thanks to a ruling issued after the dismissal and replacement of the judges of the Constitutional Chamber in 2021.<sup>835</sup> Moreover, civil society organizations reported a lack of institutional checks and balances, as well as a concentration of power in the hands of the executive branch. They further indicated that the Legislative Assembly is making an excessive use of the "waiver of procedure" to pass constitutional and legal reforms submitted by the executive branch, without prior discussion or broad citizen participation.<sup>836</sup> Civil society organizations were particularly concerned over the amendment of Article 248 of the Constitution,<sup>837</sup> which seeks to simplify the constitutional reform process. With this amendment, reforms would require the approval and ratification of a three-fourths majority of just one legislative chamber, in a context in which the ruling party is in control of the Legislative Assembly.<sup>838</sup> The Commission notes that this reform was approved in April 2024 and remains pending ratification by a second legislative chamber before it enters into force.<sup>839</sup>

409. Furthermore, in September 2024, the Legislative Assembly appointed seven people to positions in the Supreme Court of Justice of El Salvador, including the presidency of the Constitutional Chamber.<sup>840</sup> The Commission notes that the selection process was questioned by civil society organizations due to the lack of transparency in the submission of candidate profiles, the absence of clear criteria of eligibility

<sup>831</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report.

<sup>832</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, p. 1.

<sup>833</sup> OAS, Electoral Observation Mission of the OAS in El Salvador, [Preliminary Report of the OAS Electoral Observation Mission in El Salvador](#), February 6, 2024 p. 1.

<sup>834</sup> OAS, Electoral Observation Mission of the OAS in El Salvador, [Third Preliminary Report of the OAS Electoral Observation Mission in El Salvador](#), March 5, 2024 pp. 1–2.

<sup>835</sup> IACHR, thematic hearing "[El Salvador: Democratic institutional](#)ity," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024; IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>836</sup> IACHR, thematic hearing "[El Salvador: Democratic institutional](#)ity," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024.

<sup>837</sup> The IACHR notes that, at present, Article 248 of the Constitution of El Salvador establishes that the constitutional reform process must involve the two legislative chambers. Approval by a simple majority in one chamber is required, followed by the ratification by two-thirds of the second chamber. See: Legislative Assembly, Constitution of the Republic of El Salvador, Article 248, December 15, 1983.

<sup>838</sup> IACHR, thematic hearing "[El Salvador: Democratic institutional](#)ity," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024.

<sup>839</sup> *Prensa Latina*, "[Avizoran reforma constitucional en El Salvador](#)," November 6, 2024.

<sup>840</sup> Supreme Court of Justice of El Salvador, "[Presidente y magistrados de la Corte Suprema de Justicia son elegidos en la Asamblea Legislativa](#)," September 23, 2024; *elsalvador.com*, "[Asamblea Legislativa elige a nuevos magistrados de la Corte Suprema de Justicia](#)," September 23, 2024; *La Prensa Gráfica*, "[Asamblea Legislativa elige a nuevos magistrados de la Corte Suprema de Justicia](#)," September 26, 2024.

and professional merit for their evaluation, the reduction of spaces for citizen participation and the lack of gender parity among the appointees.<sup>841</sup> The Commission is also closely monitoring the selection process of the Attorney General of the Republic, which began in October 2024 and was scheduled to conclude before January 5, 2025.<sup>842</sup> According to information provided by the press, the Legislative Assembly received only two nominations for said position.<sup>843</sup>

410. With regard to **human rights institutions**, the State reported on various measures undertaken in relation to child protection, care, food security and health policies, as well as on the follow-up of compliance with international obligations stemming from several United Nations treaty bodies and special procedures.<sup>844</sup> The Commission notes that, according to the draft budget for 2025, the Office of the Prosecutor for the Defense of Human Rights of El Salvador will have its funds cut by just over 2 million dollars compared to its budget in 2024. This will therefore be the lowest budget allocated to this institution since 2020 and will entail a downsizing of 56 staff members.<sup>845</sup>

411. In relation to **citizen security and access to justice**, the Commission has closely followed up on the security measures implemented by El Salvador in the context of the state of emergency in force. The State reported that, since the declaration of the state of emergency up to September 2024, 700 days had elapsed without any homicides being committed.<sup>846</sup> It also highlighted the creation of Urban Centers for Wellbeing and Opportunities (CUBOs) to train and educate young people in areas previously controlled by gangs, as well as the implementation of the Territorial Activation program, under which it provides access to the services of 15 state institutions to communities affected by gang violence.<sup>847</sup> By the end of 2024, El Salvador had extended the state of emergency 33 consecutive times,<sup>848</sup> despite repeated calls by the Commission to put an end to this regime.<sup>849</sup> In this regard, in its report *State of Emergency and Human Rights in El Salvador*, released in 2024, the Commission held that, according to the information provided by the State on the improvement in crime rates, there was no emergency situation that justified the continuation of the suspension of rights and guarantees.

412. In 2024, the Commission continued to receive information about human rights violations related to citizen security operations against people allegedly linked to gangs in the context of the state of emergency. From the beginning of the state of emergency through June 2024, civil society organizations documented a total of 6,426 complaints of human rights violations, out of which 245 were recorded in the first

<sup>841</sup> Observa El Salvador, "[Comunicado de prensa ante elección de magistrados y magistradas de la Corte Suprema de Justicia](#)," September 26, 2024; *La Prensa Gráfica*, "[Cuestionan independencia de nuevos magistrados de la Corte Suprema de Justicia de El Salvador](#)," September 24, 2024; DPLF, "[Renovación de la Corte Suprema en el Salvador: una Corte a la medida del Ejecutivo](#)," September 11, 2024; IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>842</sup> *La Prensa Gráfica*, "[Asamblea inicia proceso para elegir fiscal general](#)," October 9, 2024; *El Mundo*, "[Se acerca elección de fiscal general: AC sugiere estas preguntas para los candidatos](#)," September 23, 2024.

<sup>843</sup> *elsalvador.com*, "[Expertos tienen poca credibilidad en proceso de elección de fiscal](#)," December 4, 2024; *La Prensa Gráfica*, "[Poca participación en elección de fiscal general evidencia 'desconfianza' en proceso, aseguran expertos](#)," December 3, 2024; *El Mundo*, "[Solo dos inscritos en elección de fiscal general: Rodolfo Delgado busca reelección](#)," November 5, 2024.

<sup>844</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, pp. 2–5.

<sup>845</sup> *La Prensa Gráfica*, "[PDDH tendrá recorte de \\$2 millones en presupuesto de 2025](#)," November 17, 2024.

<sup>846</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, p. 12.

<sup>847</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, pp. 10–11.

<sup>848</sup> Legislative Assembly, "[El Salvador continuará siendo el país más seguro de Latinoamérica al mantener régimen de excepción](#)," December 5, 2024; *La Prensa Gráfica*, "[Aprueban prórroga 33 del régimen de excepción](#)," December 5, 2024.

<sup>849</sup> IACHR, *State of Emergency and Human Rights in El Salvador*, OEA/Ser.L/V/II Doc. 97/24, June 28, 2024, para. 403, Recommendation No. 1; IACHR, Press Release No. 58/23, *IACHR Calls on El Salvador to Reestablish Rights and Guarantees Suspended a Year Ago Under the State of Emergency*, Washington, D.C., United States, April 6, 2023; IACHR, Press Release No. 254/22, *Seven Months into the Exceptional Framework, the IACHR Reminds El Salvador That It Must Comply with its Obligations Concerning Human Rights*, Washington, D.C., United States, November 11, 2022; IACHR, Press Release No. 126/22, *IACHR Urges El Salvador to Comply with Its International Obligations and Ensure Prisons and Law Enforcement Policies That Respect Human Rights*, Washington, D.C., United States, June 3, 2022.



half of 2024.<sup>850</sup> Among the main violations reported, there are allegations of arbitrary detentions, violations of due process of law, house raids, cruel or inhumane treatment, threats, forced disappearances and harassment. In addition, civil society organizations documented complaints of sexual harassment, sexual abuse, rape and discrimination based on the sexual orientation and identity of the victims. As for the perpetrators of these acts, civil society organizations noted that at least 75 percent of cases had been committed by agents of the National Civil Police.<sup>851</sup>

413. In addition to the foregoing, the Commission received information regarding obstacles to access effective legal remedies for human rights violations in the context of the state of emergency. At a public hearing before the Commission, civil society organizations reported that the Constitutional Chamber of the Supreme Court of Justice was massively and systematically rejecting *habeas corpus* by requiring excessive formalities and going against its own case law without due motivation for a change of criteria.<sup>852</sup> They further pointed out that, in cases of extreme gravity, such as possible forced disappearances or situations involving a risk to life and integrity, instead of offering immediate protection, the Constitutional Chamber often requests detailed information and sets overly short deadlines for submission thereof.<sup>853</sup> In relation to the above, the Commission notes that, according to information in the public domain, the Institute of Forensic Medicine has been repeatedly denied access to prisons to conduct medical inspections, despite existing court orders to that effect.<sup>854</sup>

414. With respect to **persons deprived of liberty**, the Commission continued to closely monitor the situation of this population in the context of the state of emergency. According to official information, as of October 18, 2024, 82,963 detentions had been recorded under the state of emergency.<sup>855</sup> This means that, over the first ten months of 2024, approximately 7,800 arrests were made, given that the number of detentions documented by the end of 2023 was 75,163.<sup>856</sup> At a public hearing before the Commission, civil society organizations expressed their concern over the absence of a policy to reinsert persons deprived of liberty into society under the state of emergency and reported cuts in resources for reparation policies for victims of violence and crime.<sup>857</sup>

415. The Commission warns that the deplorable conditions of detention in Salvadoran prisons have worsened, which has created serious risks to the lives and integrity of those imprisoned. According to civil society organizations, these conditions have caused the death of at least 349 persons up to the first half of December 2024;<sup>858</sup> out of these people, 136 died while under state custody during 2024, since deaths recorded in December 2023 amounted to 213.<sup>859</sup> Available information indicates that detention conditions are mostly marked by overcrowding; lack of access to essential services; unsanitary conditions; negligent medical care;

<sup>850</sup> Instituto de Derechos Humanos de la UCA, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, Azul Originario Asociación, Cristosal, AMATE, Fundación de Estudios para la Aplicación del Derecho, "[Organizaciones reportan más de 6,400 víctimas en 27 meses de suspensión de derechos fundamentales](#)," July 25, 2024.

<sup>851</sup> Instituto de Derechos Humanos de la UCA, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, Azul Originario Asociación, Cristosal, AMATE, Fundación de Estudios para la Aplicación del Derecho, "[Organizaciones reportan más de 6,400 víctimas en 27 meses de suspensión de derechos fundamentales](#)," July 25, 2024; *Voz de América*, "[Varias ONG reportan 6,426 violaciones a DDHH durante régimen de excepción en El Salvador](#)," July 25, 2024; DW, "[ONG: suben víctimas del régimen de excepción en El Salvador](#)," July 26, 2024; *La Prensa Gráfica* [@prensagrafica], (July 25, 2024), Organizaciones civiles salvadoreñas han documentado 265 muertes y 6,426 casos de violaciones de derechos humanos, durante 27 meses de régimen de excepción El 75% de los abusos son atribuibles a la PNC, de acuerdo con un reporte [X post], X, <https://x.com/prensagrafica/status/1816531433592435023>.

<sup>852</sup> IACHR, thematic hearing "[El Salvador: Democratic institutionalidad](#)," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024.

<sup>853</sup> IACHR, thematic hearing "[El Salvador: Democratic institutionalidad](#)," 191<sup>st</sup> regular period of sessions, Washington, D.C., United States, November 12, 2024.

<sup>854</sup> *La Prensa Gráfica*, "[Tribunales salvadoreños advierten que Centros Penales no permite el ingreso de Medicina Legal a cárceles](#)," November 27, 2024.

<sup>855</sup> *Prensa Latina*, "[Cerca de 83 mil detenidos en El Salvador](#)," October 19, 2024.

<sup>856</sup> *ContraPunto*, "[Régimen de Excepción: Más de 75 mil detenidos desde 2022](#)," January 3, 2024.

<sup>857</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>858</sup> *SWI swissinfo.ch*, "[La cifra de fallecidos en cárceles de El Salvador aumenta a 349 según la organización SIH](#)," December 16, 2024; *El Foco*, "[Aumenta cifra de muertes en cárceles de El Salvador](#)," December 17, 2024; *YSUCA*, "[Piden investigar a directores y custodios de Izalco por muertes bajo el régimen de excepción](#)," December 19, 2024.

<sup>859</sup> *Agencia EFE*, "[Más de 200 muertes en las cárceles de El Salvador desde el inicio del régimen de excepción](#)," December 12, 2023.

insufficient access to water, food and medicine; and ill-treatment.<sup>860</sup> Regarding ill-treatment, information points to a systematic use of torture and other types of ill-treatment against persons deprived of liberty in prisons in El Salvador, including physical and verbal abuse, overuse of pepper spray and restricted access to food, water and toilets, among others.<sup>861</sup> In addition, various forms of sexual violence against women detainees were documented, perpetrated both by guards and other persons deprived of liberty.<sup>862</sup>

416. Furthermore, there were cases in which the State reportedly did not provide information to the families about the situation of their detained relatives. According to communications received by the Commission, the families only learned of the deprivation of liberty of their next of kin and not necessarily by means of a notification from the State. In some cases, after learning about the detention, families allegedly lost contact with their relatives and are still unaware of their current situation.<sup>863</sup> In this scenario, according to testimonies received by the Commission, family members have been forced to travel to different penitentiaries to find out the whereabouts of their detained relatives.<sup>864</sup>

417. With regard to **human rights defenders**, the Commission received information about the case of Rosa Elvira Flores Martínez, a human rights defender and the leader of the Salvadoran Women's Movement (MSM), who disappeared on March 19 and was later found dead with signs of violence in Cantón Los Lagartos, municipality of San Julián, department of Sonsonate.<sup>865</sup> In addition, Verónica Delgado, mother of a disappeared person and member of the Disappeared Persons Search Group, was arrested on March 11 on charges of conspiracy. She was detained under the state of emergency in force in El Salvador.<sup>866</sup> The Commission later learned of her release after having been detained for 24 days.<sup>867</sup>

418. With respect to the rights of **children and adolescents**, the Commission notes with concern that, between March 2022 and December 2023, over 3,000 children and adolescents were reportedly detained under the state of emergency, out of whom 841 remained in detention as of January 2024.<sup>868</sup> According to a civil society report, a significant number of these children and adolescents had no links to gang activities. The children and adolescents in detention were allegedly victims of torture and/or other forms of ill-treatment and were subjected to inhumane and unsanitary conditions. They also suffered lack of food and health care and lost contact with their families.<sup>869</sup> Moreover, the Commission learned of a request made by civil society organizations to investigate the National Council for Early Childhood, Children and Adolescent (CONAPINA) for their alleged failure to respond to the deaths of children and adolescents in prisons.<sup>870</sup>

<sup>860</sup> See: Cristosal, *El silencio no es opción: Investigación sobre las prácticas de tortura, muerte y justicia fallida en el régimen de excepción*, July 2024, pp. 23 and 34; Amnesty International, *Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador*, December 4, 2023, pp. 30–33.

<sup>861</sup> Amnesty International, *Behind the Veil of Popularity: Repression and Regression of Human Rights in El Salvador*, December 4, 2023, pp. 30–33.

<sup>862</sup> Cristosal, *El silencio no es opción: Investigación sobre las prácticas de tortura, muerte y justicia fallida en el régimen de excepción*, July 2024, p. 97.

<sup>863</sup> Information provided to the IACHR by relatives of detained persons via email, July 14 and August 4, 2024. In IACHR files.

<sup>864</sup> IACHR, *State of Emergency and Human Rights in El Salvador*, *op. cit.*, para. 310.

<sup>865</sup> IM-Defensoras, “*EL SALVADOR / A ocho días de haber sido desaparecida, encuentran asesinada a la defensora Rosa Elvira Flores Martínez, lideresa del Movimiento Salvadoreño de Mujeres*,” March 29, 2024; *elsalvador.com*, “*Familiares confirman hallazgo de cadáver de lideresa reportada como desaparecida*,” March 27, 2024; *La Prensa Gráfica*, “*Autoridad ordenó enterrar a Rosa Elvira de forma inmediata*,” April 5, 2024.

<sup>866</sup> IM-Defensoras, “*EL SALVADOR / Criminalizan y privan de libertad a la defensora buscadora Verónica Delgado en el marco del régimen de excepción*,” March 25, 2024.

<sup>867</sup> *La Prensa Gráfica*, “*Liberan a Verónica Delgado, madre buscadora que había sido capturada en régimen de excepción*,” April 3, 2024; *elsalvador.com*, “*Liberan a Verónica Delgado, madre buscadora que estuvo presa 24 días bajo el régimen*,” April 3, 2024.

<sup>868</sup> Human Rights Watch, “*‘Your Child Does Not Exist Here’*,” July 16, 2024.

<sup>869</sup> Human Rights Watch, “*‘Your Child Does Not Exist Here’*,” July 16, 2024; Human Rights Watch, “*Torturas a menores detenidos en El Salvador*,” August 14, 2024.

<sup>870</sup> UNIDEHC El Salvador [@Unidehc], (August 8, 2024), [...] caso en contra del @CONAPINA\_sv y su Directora Ejecutiva @lindaamaya9 por los delitos de Actos Arbitrarios e Incumplimiento de deberes [X post], X, <https://x.com/Unidehc/status/1821602596915966368>. See also: *SWI swissinfo.ch*, “*Piden que se investigue a ente de niñez por muertes de menores en cárceles de El Salvador*,” August 9, 2024; *DW*, “*Señalan al CONAPINA tras muertes en cárceles de El Salvador*,” August 9, 2024.

419. In relation to the rights of **women**, the Commission acknowledges the sustained efforts of the Salvadoran Women's Development Institute (ISDEMU) to mainstream a perspective of equality, nondiscrimination and a life free of violence for women into public institutions by means of training, awareness-raising and specialized counseling.<sup>871</sup> However, the Commission notes with concern the reform of the ISDEMU Law, which brought down from two to one the number of seats for civil society representatives in the Board of Directors,<sup>872</sup> as well as the elimination of the Women's Parliamentary Group<sup>873</sup> and the Women and Gender Equality Commission in the Legislative Assembly —now reshaped into the Children and Social Integration Commission—, which was exclusively dedicated to the study of legislative initiatives related to the rights of women.<sup>874</sup>

420. Moreover, the Commission appreciates the measures adopted to promote gender equality in the economic sphere, such as the amendment to the Law on the Creation of the Solidarity Fund for Microentrepreneur Families, which seeks to promote women's economic independence and bridge the gender digital divide,<sup>875</sup> and the creation of the Interinstitutional Care Commission, aimed at implementing the National Policy on Shared Responsibility over Caregiving.<sup>876</sup> However, the Commission also warns that women continue to suffer economic and social hardships in the context of the state of emergency, both due to arrests<sup>877</sup> and to the eviction of street vendors from public spaces, which has a differentiated impact on women whose livelihoods depend on such work.<sup>878</sup>

421. As regards gender-based violence against women, the Commission reiterates its concern over the confidentiality of statistics related to femicides, disappeared persons and shelters.<sup>879</sup> According to available official information, there has been a 15 percent increase in the number of complaints of gender-based violence between June 2023 and May 2024 compared to the previous year.<sup>880</sup> Thus, for the most recent period available, data shows there were 130 femicides, 8,984 cases of sexual violence —out of which 3,018 were rapes—, 2,664 cases of physical violence, 7,909 cases of psychological violence and 1,263 cases of financial violence.<sup>881</sup> Moreover, based on data from the civil society for the January–November 2024 period, 36 femicides were recorded, 17 of which were committed by partners or former partners of the victims.<sup>882</sup> The Commission is also alarmed at the widespread accusations of harassment and sexual violence against women,

<sup>871</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 572; Republic of El Salvador, Report submitted in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in El Salvador during 2024, Note No. MPEOA-OEA-162/2024, October 18, 2024, p. 6. In IACHR files.

<sup>872</sup> Legislative Assembly of El Salvador, [Decree No. 34](#), June 26, 2024; *El Mundo*, "[¿Cuáles serán los cambios en la directiva del Isdemu y en sus atribuciones?](#)," July 1, 2024.

<sup>873</sup> *La Prensa Gráfica*, "[Nuevas Ideas justifica la desaparición del grupo parlamentario de mujeres](#)," January 12, 2024.

<sup>874</sup> Legislative Assembly of El Salvador, [Comisión: La Mujer y la Igualdad de Género](#), accessed on November 22, 2024.

<sup>875</sup> Republic of El Salvador, [Informe exhaustivo nacional Beijing +30](#), July 2024, p. 13.

<sup>876</sup> Ministry of Culture of El Salvador, "[Interinstitutional Care Commission installed](#)," April 30, 2024.

<sup>877</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 371; IACHR, [2022 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), April 1, 2023, para. 382.

<sup>878</sup> *Revista La Brújula*, "[Vendedoras: El Régimen de Excepción como aderezo a los desalojos – Tercer entrega](#)," August 16, 2024; *El Faro*, "[Viene el CAM!: huir para vender en el Centro](#)," May 27, 2024.

<sup>879</sup> IACHR, [2022 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), April 1, 2023, para. 380; Transparency Portal of the Attorney General's Office, [Índice de información reservada](#), June 24, 2024, p. 24; REDFEM, Response to the questionnaire for follow-up of the recommendations issued in the 2021 report *Situation of human rights in El Salvador*, October 4, 2024 p. 5. In IACHR files.

<sup>880</sup> See: Attorney General's Office, [Informe de labores 2023–2024](#), July 31, 2024, p. 151, and [Informe de labores 2022–2023](#), July 26, 2023, p. 169.

<sup>881</sup> Attorney General's Office, [Informe de labores 2023–2024](#), July 31, 2024, p. 151

<sup>882</sup> ORMUSA, [Feminicidios Enero – Noviembre 2024](#), November 22, 2024.

girls and adolescents involving security forces in the framework of the state of emergency,<sup>883</sup> as well as at the attacks and threats against human rights defenders and journalists in both physical and digital spaces.<sup>884</sup>

422. Moreover, the Commission notes that during the first half of the year, 4,024 girls and adolescents between the ages of 10 and 19 were pregnant.<sup>885</sup> Therefore, it is of concern that the Ministry of Education ordered to ban the so-called gender ideology<sup>886</sup> in educational institutions without explaining its scope of application, thus restricting access to comprehensive sexual education<sup>887</sup> and, in turn, hindering the implementation of the National Intersectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents (ENIPENA).<sup>888</sup> Furthermore, although the Commission welcomes the release of a woman who suffered an abortion as a result of an obstetric emergency,<sup>889</sup> it regrets that another young woman under similar circumstances was criminally prosecuted and that the State continues to criminalize abortion on all grounds.<sup>890</sup> It also takes note of a report concerning the detention of a human rights defender with a high-risk pregnancy who was allegedly denied prenatal care and whose daughter died while her mother was under custody.<sup>891</sup>

423. In relation to the rights of **LGBTI persons**, different challenges have been reported. As of July 30, 2024, at least 137 LGBTI persons had been victims of human rights violations during the state of emergency, according to information from various civil society organizations.<sup>892</sup> Press reports also indicate that, in penitentiaries, the LGBTI population faces ill-treatment, punishments aimed at “correcting” their sexual orientation and gender identity, and various forms of torture.<sup>893</sup> Trans women have been forced to modify their female gender expression, including by having their hair cut and by providing them with male clothing. In

<sup>883</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 371; Cristosal, [El silencio no es opción: Investigación sobre las prácticas de tortura, muerte y justicia fallida en el régimen de excepción](#), July 2024, p. 97; *La Prensa Gráfica*, “[Denuncian más casos de extorsión sexual por agentes de seguridad durante régimen de excepción](#),” September 27, 2024; *elsalvador.com*, “[Cuatro vendedoras presas por no aceptar invitación de policía](#),” November 3, 2024.

<sup>884</sup> REDFEM, Response to the questionnaire for follow-up of the recommendations issued in the 2021 report *Situation of human rights in El Salvador*, October 4, 2024, p. 43; *Revista La Brújula*, “[«El Salvador no es un país seguro para ejercer el Derecho a Defender Derechos», afirman organizaciones](#),” May 31, 2024.

<sup>885</sup> *Diario El Salvador*, “[Los embarazos en adolescentes han disminuido un 9.5 % en los últimos seis años](#),” August 19, 2024.

<sup>886</sup> The IACHR finds it troubling that the gender perspective is pejoratively referred to as “gender ideology.” In this regard, it has clarified that the gender perspective is not a “theory,” let alone an “ideology,” but rather a method of analysis of reality that sheds light on how differently people are socially valued based on the gender assigned to or assumed by them; it evidences the unequal power relations stemming from these differences. Therefore, it constitutes a key tool for combating discrimination and violence against women and against persons with diverse sexual orientations and gender identities. IACHR, [Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas](#), December 7, 2018, para. 63; IACHR, [Northern Central America. Impact of Organized Crime on Women and Girls](#), February 17, 2023, para. 178.

<sup>887</sup> *La Prensa Gráfica*, “[Ministerio de Educación amenaza con despidos si se difunde ‘ideología de género’ en escuelas públicas de El Salvador](#),” February 29, 2024; CLADEM, Inputs submitted to the Committee on the Elimination of All Forms of Discrimination Against Women, Pre-sessional working group for the adoption of the list of issues, May 20, 2024, p. 6; José Mauricio Pineda [@JMauricioPineda], (February 27, 2024), CONFIRMADO: todo uso o todo rastro de la ideología de género lo hemos sacado de las escuelas públicas [X post], X, <https://x.com/JMauricioPineda/status/1762545694190023000>.

<sup>888</sup> REDFEM, Response to the questionnaire for follow-up of the recommendations issued in the 2021 report *Situation of human rights in El Salvador*, October 4, 2024, p. 44.

<sup>889</sup> *Gato Encerrado*, “[‘Las 17 y más’ recuperan su libertad tras enfrentar condenas injustas por emergencias obstétricas](#),” January 18, 2024.

<sup>890</sup> Agrupación Ciudadana por la Despenalización del Aborto, “[Organizaciones alertan por un nuevo caso de mujer encarcelada por una emergencia obstétrica en El Salvador](#),” October 2, 2024; IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 372.

<sup>891</sup> REDFEM, Response to the questionnaire for follow-up of the recommendations issued in the 2021 report *Situation of human rights in El Salvador*, October 4, 2024, p. 44; *elsalvador.com*, “[Organizaciones denuncian que se le negó el control prenatal a madre de bebé que murió en prisión](#),” April 9, 2024.

<sup>892</sup> Instituto de Derechos Humanos de la UCA, Red Salvadoreña de Defensoras de Derechos Humanos, Servicio Social Pasionista, Azul Originario Asociación, Cristosal, AMATE, Fundación de Estudios para la Aplicación del Derecho, “[Organizaciones reportan más de 6,400 víctimas en 27 meses de suspensión de derechos fundamentales](#),” July 25, 2024.

<sup>893</sup> *La Prensa Gráfica*, “[El régimen de excepción también impacta a la comunidad LGBTI a dos años de su implementación](#),” March 26, 2024; *La Prensa Gráfica*, “[Oenegés denuncian que personas LGBTIQ+ capturadas por el régimen de excepción reciben ‘castigos correctivos’](#),” May 17, 2024.

addition, they are placed in cells with men, which exposes them to sexual and physical violence by other persons deprived of liberty.<sup>894</sup>

424. These challenges are part of a series of institutional setbacks in relation to the rights of the LGBTI population. The Commission notes that the executive branch has expressed its intention to ban the teaching of “gender ideology” in educational institutions<sup>895</sup>. The IACHR has observed that, in the region, these types of measures that derogatorily qualify the gender perspective as an ideology are used to justify limitations to the rights of women and LGBTI persons.<sup>896</sup> In line with this, in February 2024, the Ministry of Health eliminated a protocol against discrimination towards persons with HIV, along with educational materials targeted at the LGBTI population.<sup>897</sup> Subsequently, in June, the Ministry of Culture dismissed 300 workers following the staging of a play featuring drag queens, on the grounds that it was incompatible with government policies.<sup>898</sup>

425. On the situation of **Afro-descendants and the fight against racial discrimination**, the Commission notes that, for the 2024 census, a section was included in the census questionnaire for persons to identify themselves as Afro-descendants.<sup>899</sup> This is a step forward and has resulted in an increase in the number of persons who identify themselves as Afro-descendants in the country, compared to the data from the 2007 census.<sup>900</sup>

426. As to the rights of **indigenous peoples**, the State reported on the celebration of anniversaries and other cultural initiatives in favor of indigenous peoples. The Commission notes that, thanks to a civil society initiative, the Observatory of Violence against Indigenous Women was created, which is run by indigenous women leaders to make cases of violence more visible and evident. According to a survey carried out by the observatory, 47 percent of the indigenous women surveyed had become pregnant for the first time before the age of 18.<sup>901</sup>

427. On the rights of **persons in the context of human mobility**, the Commission notes the launch of the scheme of prevention of irregular migration within the framework of the Coordination Mechanism on Human Mobility. This is aimed at coordinating efforts to strengthen programs that promote access to job opportunities, entrepreneurship and academic and skill development projects to help persons who might otherwise migrate to other countries.<sup>902</sup>

428. However, the *Segundo informe diagnóstico sobre características y causas de la migración salvadoreña* (second diagnostic report on the characteristics and causes of Salvadoran migration) of the

<sup>894</sup> La Prensa Gráfica, “[El régimen de excepción también impacta a la comunidad LGBTI, a dos años de su implementación](#),” March 26, 2024; La Prensa Gráfica, “[Oenegés denuncian que personas LGBTIQ+ capturadas por el régimen de excepción reciben ‘castigos correctivos’](#),” May 17, 2024.

<sup>895</sup> Caribe Afirmativo, “[Nayib Bukele manifestó su convicción de impedir la ‘ideología de género’ en el sistema educativo de su país](#),” February 27, 2024; Washington Blade, “[El gobierno salvadoreño intensifica su lucha contra la ‘ideología de género’](#),” March 19, 2024; Agencia Presentes, “[El Salvador: Bukele intensifica sus políticas contra la ‘ideología de género’](#),” February 29, 2024.

<sup>896</sup> IACHR, [Press Release 198/2021](#), The IACHR calls on the States of the Region to apply the gender approach as a tool to combat structural discrimination against women and LGBTI persons, July 29, 2021.

<sup>897</sup> La Prensa Gráfica, “[Organizaciones LGBTIQ+ piden al MINSAL que retome el protocolo de atención especializada](#),” June 25, 2024.

<sup>898</sup> Nayib Bukele [@nayibbukele], (June 27, 2024), En estos momentos, el nuevo Ministro de Cultura @raulncastillo procederá a la destitución de más de 300 empleados del Ministerio [X post], X, <https://x.com/nayibbukele/status/1806419161389694981>; Ministerio de Cultura [@culturasv], (June 17, 2024), El Ministerio de Cultura informa a la población salvadoreña [X post], X, <https://x.com/culturasv/status/1802550161391940056>.

<sup>899</sup> Afrodescendientes Organizados Salvadoreños [@fundacionafroos], (May 1, 2024), ¿Sabías que por primera vez en El Salvador el Censo 2024 en el apartado Etnia de la boleta Censal da espacio para autoreconocernos como Afrodescendientes? [X post], X, <https://x.com/fundacionafroos/status/1785506530491605232>.

<sup>900</sup> Infodemia, “[Crece el número de salvadoreños que se reconocen indígenas y afrodescendientes: Censo 2024](#),” October 29, 2024.

<sup>901</sup> UN Women, “[Lideresas indígenas en El Salvador desarrollan Observatorio de Violencia pionero en la región](#),” September 5, 2024.

<sup>902</sup> Ministry of Foreign Affairs of El Salvador, “[Cancillería lanza eje de prevención de la migración irregular del Mecanismo de Coordinación sobre Movilidad Humana](#),” April 30, 2024.



Committee of Relatives of Deceased and Disappeared Migrants of El Salvador (COFAMIDE) unveils that, although several sources agree that economic needs are the main reason why Salvadorans emigrate, different types of violence also contribute greatly to human mobility, which includes, for example, forced internal displacement.<sup>903</sup> The report further points out that Salvadoran nationals face difficulties in accessing updated and verifiable data on human mobility from the State. This restricts the possible drafting and implementation of an adequate public policy in this area,<sup>904</sup> and makes it difficult to assess the phenomenon based on information from official sources and conduct an analysis of its multiple causes and intersectional implications.<sup>905</sup>

429. Regarding returnees, according to IOM figures, between January and August 2024, a total of 10,326 people were returned to the country. Out of these, 70.7 percent are men and 29.3 percent are women.<sup>906</sup> Although civil society organizations observe a decrease in the number of returnees to El Salvador when comparing return records to detention records, since mid-2021, the records of the General Directorate on Migration and Immigration (DGME) on returned migrants cannot be accessed, nor can the statistics on the responses to the forms that returnees must fill when they return to El Salvador.<sup>907</sup>

430. In terms of **internal displacement**, human rights organizations indicate that, from the beginning of the state of emergency until March 15, 2024, 669 displaced persons were recorded, that is, an average of 28 victims per month. They highlight that this trend would have continued in 2024. Moreover, they voice their concern over the attention given by the State to this phenomenon, inasmuch as the Attorney General's Office has only reported 35 victims.<sup>908</sup>

431. The Internal Displacement Monitoring Center (IDMC) notes that obtaining data for countries affected by criminal and other forms of violence in Central America continues to be a challenge. The only country where survey data shows an annual picture of internal displacement is El Salvador, where around 66,000 movements were reported this year, the lowest figure since 2014 when data first became available. Survey data also pointed to the fact that around 49,000 people were living in displacement as a result of conflict and violence at the end of 2023. In addition, 5,300 disaster-related displacements were reported in that same year.<sup>909</sup>

432. With respect to **older persons**, the Commission has assessed information in the public domain and thus observed concerning situations related to the right to community participation, social security and nondiscrimination. The Commission welcomes the implementation of the *Activando Abuelos* (Activating grandparents) program, led by the National Directorate of Integration, under which paid internships are offered to people over 60 years of age to promote the directorate's projects.<sup>910</sup> In relation to the right to social security, the Commission has accessed information from the Central Reserve Bank (BCR) that warns of an increase in state debt owed to private pension funds, which amounts to over 737 million US dollars, according to the Social Security Institute of El Salvador (ISP). Moreover, news outlets indicate that 80 percent of older persons cannot afford to retire.<sup>911</sup>

<sup>903</sup> Tutela Legal "María Julia Hernández" and Committee of Relatives of Deceased and Disappeared Migrants of El Salvador (COFAMIDE), [Segundo informe diagnóstico sobre características y causas de la migración salvadoreña](#), April 4, 2024, p. 21.

<sup>904</sup> Tutela Legal "María Julia Hernández" and COFAMIDE, [Segundo informe diagnóstico sobre características y causas de la migración salvadoreña](#), April 4, 2024, p. 30.

<sup>905</sup> Tutela Legal "María Julia Hernández" and COFAMIDE, [Segundo informe diagnóstico sobre características y causas de la migración salvadoreña](#), April 4, 2024, p. 9.

<sup>906</sup> IOM, [Returns to El Salvador](#), undated.

<sup>907</sup> Tutela Legal "María Julia Hernández" and COFAMIDE, [Segundo informe diagnóstico sobre características y causas de la migración salvadoreña](#), April 4, 2024, pp. 9 and 31.

<sup>908</sup> Human Rights Observatory of the Central American University José Simeón Cañas, [Boletín trimestral. Enero-marzo 2024](#), p. 19.

<sup>909</sup> Internal Displacement Monitoring Center (IDMC), [2024 Global Report on Internal Displacement](#), May 14, 2024, pp. 90 and 121.

<sup>910</sup> *La Prensa Gráfica*, "Lanzan programa de pasantías remuneradas para mayores de 60 años," October 10, 2024.

<sup>911</sup> *Infobae*, "El Salvador eleva en más de 737 millones de dólares la deuda de pensiones en 2024," October 1, 2024; *La Prensa Gráfica*, "El Salvador tiene 'una crisis de cuidados': 40 % de la niñez vive abandonada y 80 % de los adultos mayores no puede pensionarse," April 10, 2024.

433. As to the processes of **memory, truth, and justice**, the State reported that it has strengthened the Unit for the Investigation of Crimes Committed During the Armed Conflict, under the Attorney General's Office, which has led to the arrest of senior military commanders in cases such as the El Calabozo Massacre, the Dutch Journalists and the Massacre at the Central American University José Simeón Cañas.<sup>912</sup> In this regard, the Commission notes that, in August 2024, a Salvadoran court ordered the initiation of a trial against five members of the armed forces for the murders of four Dutch journalists during the armed conflict in the country.<sup>913</sup> However, civil society organizations recalled that no person has ever been tried or punished for the serious human rights violations and international crimes committed during the armed conflict in El Salvador, which means that these acts remain in total impunity.<sup>914</sup>

434. Furthermore, civil society organizations reiterated that the Legislative Assembly continues to fail to comply with the 2016 Supreme Court ruling that ordered it to pass legislation on transitional justice.<sup>915</sup> The Commission notes that the Bill on Transitional Justice submitted with the input of civil society organizations was shelved by the Legislative Assembly in May 2024.<sup>916</sup> It also notes that the civil society submitted a draft bill for the third time, which is still pending discussion.<sup>917</sup>

435. Regarding the search for disappeared persons, the State reported that the Search Commissions have achieved 53 reunions, performed 27 exhumations, retrieved 43 skeletal remains and taken 450 biological samples. In addition, it pointed out that progress is being made in the creation of a registry of disappeared persons.<sup>918</sup> Nevertheless, civil society organizations claimed that between 6,000 and 8,000 adults and nearly 2,000 children and adolescents are still disappeared as a result of the armed conflict. These organizations indicated that the fact that the two specialized search institutions depend on the executive branch restricts their work, inasmuch as it limits their financial autonomy and technical independence.<sup>919</sup>

## XVI. GRENADA

### • General considerations

436. As it relates to **progress**, the IACHR welcomes the ruling of the Supreme Court of Grenada which declared the sentence of corporal punishment by flogging or whipping as unconstitutional. Further, the Commission takes note of the reduction in the backlog of criminal cases in the court system.

437. With respect to **challenges**, the Commission notes with concern the State's lack of progress in establishing a national human rights institution for the promotion and protection of human rights, the high prison occupancy rates and the retention of laws which criminalize same-sex relationships between consenting adults.

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

<sup>912</sup> Republic of El Salvador, Note No. MPOEA-OEA-162/2024, Annex, October 18, 2024. Report submitted by the State of El Salvador to the IACHR following the request for information to prepare Chapter IV of the 2024 Annual Report, p. 12.

<sup>913</sup> International Federation of Journalists, "[El Salvador: Justice a step closer for the four Dutch journalists murdered in 1982](#)," August 28, 2024.

<sup>914</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>915</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>916</sup> *Revista La Brújula*, "[Archivan propuesta de Ley de Justicia Transicional por 'no estar acorde a las exigencias'](#)," May 16, 2024.

<sup>917</sup> *elsalvador.com*, "[Nueva propuesta de ley de justicia transicional sin apoyo para estudiarse](#)," November 5, 2024.

<sup>918</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

<sup>919</sup> IACHR, thematic hearing "[El Salvador: General situation of human rights](#)," 190<sup>th</sup> regular period of sessions, July 12, 2024.

- **Specific issues**

439. In relation to **democratic institutional**ity, according to official information, the Parliamentary Elections Office, which manages the voter registration and election process in the State, is procuring a new voter registration system and planned to inform the public about the proposed upgrades through a series of consultations held from May to June.<sup>920</sup> However, the IACHR notes that the public consultations were suspended in June without explanation by the Parliamentary Elections Office.<sup>921</sup>

440. With respect to **human rights institutional**ity, the IACHR again notes the absence of a centralized national human rights institution and reiterates the importance of establishing such at the national level for the promotion and protection of human rights in line with the Paris Principles.<sup>922</sup>

441. Regarding **citizen security**, the State amended the Firearm Act to increase the penalties for firearm-related offences, such as longer custodial sentences and higher fines, and provided for a gun amnesty from May 1 to July 30.<sup>923</sup> According to public information, six firearms and 339 rounds of ammunition were recovered during that 90-day amnesty.<sup>924</sup>

442. With respect to **access to justice**, according to public information, the backlog in the number of criminal cases in the High Court was reduced from 179 cases in April 2020 to 79 cases in April 2024, due to streamlining of court proceedings and addressing of pending cases in the justice system.<sup>925</sup> This represents an approximately 56% decreased in the backlog of cases from 2020 to 2024.<sup>926</sup>

443. In terms of the rights of **LGBTI persons**, the Commission highlights the persistence of laws which criminalize same-sex relationships between consenting adults. In this context, the Commission reiterates its call for the repeal of laws directed at criminalizing same-sex sexual relationships between consenting adults and to adopt an anti-discrimination legal framework which prohibits discrimination on the basis of sexual orientation, gender identity or expression – real or perceived – and body diversity.

444. As for **persons deprived of liberty**, in December, the Commission welcomed the ruling issued by the Supreme Court of Grenada, which declared the sentence of corporal punishment by flogging or whipping as unconstitutional. The IACHR noted that the Supreme Court recognized the right of all persons to receive humane treatment with unrestricted respect for their inherent dignity and fundamental rights, specifically their right to life and personal integrity.<sup>927</sup> On the other hand, the Commission observes with concern that, as of September, the State had a prison occupancy rate of 194.4%.<sup>928</sup>

445. In relation to the **death penalty**, the IACHR observes that Grenada maintains a *de facto* moratorium since the last execution that was carried out in 1978.<sup>929</sup> The Commission reiterates its concern about the sole prisoner under the sentence of death and urges the State to abolish the death penalty as a punishment.<sup>930</sup>

<sup>920</sup> Grenada Government Information System, [Consultation on the Voter Registration Process](#), May 15, 2024.

<sup>921</sup> Caribbean Times, [GRENADA-POE suspends “until further notice” public consultations on new registration system](#), June 5, 2024.

<sup>922</sup> IACHR, [Annual Report, Chapter IV.A “Grenada”](#), 2022, para 442; IACHR, [Annual Report, Chapter IV.A “Grenada”](#), 2023, para 462.

<sup>923</sup> Now Grenada, [90-day firearms amnesty to begin 1 May 2024](#), April 30, 2024.

<sup>924</sup> Now Grenada, [Six illegal firearms handed over to Police during gun amnesty](#), August 1, 2024.

<sup>925</sup> The New Today, [High Court backlog sees remarkable decline](#), April 13, 2024.

<sup>926</sup> The New Today, [High Court backlog sees remarkable decline](#), April 13, 2024.

<sup>927</sup> Supreme Court of Grenada, [Joseph & Ferguson v. The Attorney General, Claim No. GDAHCV2021/0386](#), October 16, 2024. See also: IACHR, Press Release No. 309/24 - [IACHR welcomes the decision issued by Grenada’s Supreme Court against corporal punishment by flogging](#), December 6, 2024.

<sup>928</sup> Statista, [Prison occupancy rates in the Caribbean as of 2024, by country](#), September 2024.

<sup>929</sup> World Coalition Against the Death Penalty, [Grenada](#), May 23, 2023. Last visited: October 2024.

<sup>930</sup> IACHR, [The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition, aimed at ending this form of punishment](#), OEA/Ser.L/V/II. Doc.68, December 31, 2011, para. 143.

## XVII. GUATEMALA

- **General considerations**

446. Concerning the **progress** made, the Commission understands the inauguration of the authorities elected as president and vice president of the Republic as a triumph for democracy, as it respects the will of the Guatemalan people freely expressed in the polls. The Commission also underscores the new administration's acceptance of international monitoring, the invitation made to the Commission to conduct an *in loco* visit in July and the commitment undertaken by senior officials to guarantee the human rights of the population, apply public policies in this regard and follow up on the recommendations made by the Commission and other international mechanisms for the protection of human rights. The Commission welcomes the strengthening of the role of the National Coordinator for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) and the measures taken to improve the response, investigation and prosecution of acts of violence against women, including the creation of a social protection model for women who are victims of violence.

447. As for the **challenges** ahead, the Commission notes the persistent use of the judicial system to criminalize human rights defenders, reporters, justice operators, the President of the Republic and, in general, anyone who is involved in the fight against impunity and corruption. The reported meddling in the selection process of the members of the Supreme Court of Justice, courts of appeals and other courts of the same hierarchy, as well as alleged violations of international human rights standards, are also areas of special concern.

448. The State of Guatemala submitted its response to the Commission's request for information to prepare this chapter on October 22, 2024.<sup>931</sup> On December 19, 2024, the Guatemalan Prosecutor for Human Rights (PDH) submitted information for the preparation of this chapter<sup>932</sup>.

- **Specific issues**

449. In terms of **democratic institutional**ity, the State of Guatemala reported on "attempts by antidemocratic players<sup>933</sup>" to obstruct the 2023 election process through lawfare practices. The State explained that, after a period of political tension that put democratic institutional

450. The current Government of Guatemala also expressed its commitment to reaffirming democracy through the consolidation of an independent judicial system and the effective protection of human

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<sup>931</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024.

<sup>932</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the Inter-American Commission on Human Rights to be presented to the General Assembly of the Organization of American States (OAS), December 2024. In IACHR files.

<sup>933</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 10.

<sup>934</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 10.

<sup>935</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 8, 67, 139 and 140.

rights “to overcome the current crises.”<sup>936</sup> In this regard, it resumed relations with international human rights agencies and promoted visits by the Inter-American Commission on Human Rights and the OHCHR, which took place in 2024.<sup>937</sup> In this context, the PDH informed the Commission about the challenges faced in the implementation of the 2024-2028 General Government Policy (PGG) by the executive branch, such as corruption and institutional weakness, limited capacities of local governments and social inequalities.<sup>938</sup>

451. On January 15, 2024, the Commission recognized Bernardo Arévalo as President of the Republic for the 2024-2028 period as a victory for democracy and proof of the resilience of the Guatemalan people in their fight for the upholding of the Rule of Law. The Commission also expressed its willingness to provide the technical cooperation required to support and overcome the serious violations of human rights observed in the country, in particular those related to the decline in democratic institutionalality and judicial independence, and the rise of impunity. These issues resulted in the inclusion of Guatemala in Chapter IV.B of the annual reports prepared by the Commission between 2021 and 2023.<sup>939</sup> Finally, at the invitation of the State of Guatemala, between July 22 and 26, 2024, the Commission made an *in loco* visit to observe the impact caused by the decline in democratic institutionalality and judicial independence since the last visit conducted in 2017.<sup>940</sup>

452. As for **human rights institutions**, the State of Guatemala explained that it is facing historic challenges due to deeply rooted social inequalities, structural violence and historic discrimination against some groups of the population.<sup>941</sup> The State highlighted that the new administration undertook a commitment to respecting and guaranteeing human rights. Therefore, it will prioritize the application of public policies that not only ensure access to rights such as health, education and security, but that also promote inclusion and engagement by women, indigenous communities, young people and persons with disabilities.<sup>942</sup> As part of such commitment, the State underscored the reinforcement of the PDH and the Presidential Commission for Peace and Human Rights (COPADEH) and its willingness to collaborate with international human rights protection mechanisms. With regard to the work performed by COPADEH, the State shared abundant information on the measures taken to follow up on judgments issued by the Inter-American Court of Human Rights and the recommendations made by the Inter-American Commission on Human Rights through its different mechanisms.<sup>943</sup>

453. Concerning **citizen security**, the State reported on the work carried out by the Ministry of the Interior (MIGOB) and the National Civil Police (PNC) to reduce crime rates and restore citizens’ trust in security institutions.<sup>944</sup> In particular, as part of its 2024-2032 Institutional Strategic Plan, the MIGOB will be in charge of implementing the following public policies: Prison Reform, Open Data, Prevention and Fight against Customs Fraud and Smuggling, Prevention of Violence and Crime, Citizen Security and Peaceful Coexistence,

<sup>936</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 21.

<sup>937</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 21.

<sup>938</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024. In IACHR files.

<sup>939</sup> IACHR, Press Release No. 14/24, [Guatemala: IACHR Applauds the Inauguration of President Arévalo in Guatemala as a Triumph of Democracy and the Will of the People](#), Washington, D.C., January 15, 2024.

<sup>940</sup> In addition, the purpose of the visit by the IACHR was to monitor the situation of human rights concerning groups in special conditions of vulnerability based on ethnic, racial and gender-based approaches; freedom of expression; citizen security; the rights to memory, truth and justice; as well as economic, social and cultural rights. IACHR, Press Release No. 199/24, [IACHR Presents Preliminary Observations of the On-site Visit to Guatemala](#), Washington, D.C., August 30, 2024.

<sup>941</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 52.

<sup>942</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 52.

<sup>943</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 53 *et seq.*

<sup>944</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 94 and 95.



and Fight against Sexual Violence in Guatemala (2019-2029).<sup>945</sup> Moreover, the 2021-2028 Institutional Strategic Plan guides the actions of the PNC.<sup>946</sup> Finally, the State explained that it had implemented more rigorous control mechanisms in border areas to fight organized crime and protect its sovereignty. In this regard, the State provided information on the results of the work performed by the Tax Administration Superintendency (SAT) in partnership with the PNC and the Guatemalan army, such as seizures and raids.<sup>947</sup>

454. According to public information furnished by the PDH, in 2024, there was a slight decrease in the rate of homicides compared to that of 2023, going from 24.8 to 24.0 homicides every 100,000 people. However, there has been an increase in other crimes, such as extortion, with a 44.6-percent increase in complaints received by the Public Prosecutor's Office (from 13,468 cases in 2020 to 19,469 cases in 2024). Data from the PNC, however, shows that this increase was even higher, reaching 76.8 percent (from 13,031 cases in 2020 to 23,042 in 2024).<sup>948</sup>

455. Concerning the **judicial independence and justice operators**, the State pointed out that the co-optation of the judicial system in Guatemala remains a critical challenge.<sup>949</sup> In particular, the State explained that "the influence of power groups on institutions, such as the Public Prosecutor's Office and courts of justice, as well as attacks against independent justice operators, have undermined trust in the judicial system."<sup>950</sup> The State added that, despite the efforts made by the executive branch to promote a policy of respect towards human rights, this co-optation has weakened the capacity of the justice system to administer impartial justice, which seriously affects institutionality and democracy.<sup>951</sup> As explained to the Commission, an important group of justice operators, human rights defenders, reporters and persons who collaborate in the fight against corruption and who are still criminalized, remain in exile.<sup>952</sup> In this regard, the State pointed to the "need to assess the possibility of establishing a case review mechanism and a process to remove cases from the judicial process in circumstances of clear criminalization and use of criminal prosecution as a tool for political persecution."<sup>953</sup> Finally, according to the State, the recent selection process of high court members clearly showed the need to move forward with reforms that ensure a judicial system that is free from external influence and that allows justice operators to act impartially and pursuant to the principles of justice and equity.<sup>954</sup>

456. The Commission followed up on the selection process of justices for the Supreme Court of Justice and judges sitting at courts of appeals for the 2024-2029 tenure. Said process concluded in October 2024.<sup>955</sup> The Commission learned about the number of challenges involved, including the application of deficient evaluation mechanisms and the absence of an ethical evaluation of candidates by the nominating commissions, the National Congress' lack of publicity and transparency in showcasing candidates and the

<sup>945</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 95 and 96.

<sup>946</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 101 and 102.

<sup>947</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 108–115.

<sup>948</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024. In IACHR files, p. 22.

<sup>949</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>950</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>951</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>952</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>953</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 140.

<sup>954</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 135.

<sup>955</sup> See: [Preliminary Report of the OAS Electoral Observation Mission for the Selection of Judges in Guatemala](#), September 18, 2024, and reports from the [Panel of Independent Experts to observe the election of High Courts in Guatemala](#).

alleged influence exerted by the Public Prosecutor's Office in such process through the use of the criminal law system.<sup>956</sup>

457. As for **human rights defenders**, the State informed that it resumed the design of a public protection policy for human rights defenders, with the technical support of the OHCHR in Guatemala. The State reported that it held working sessions with victims' representatives to update such policy and that it has held meetings with several state institutions and civil society organizations.<sup>957</sup>

458. Moreover, the PDH underscored the resumption of activities by the Unit for the Analysis of Attacks against the Right of Persons, Organizations, Communities and Authorities of Native Peoples to Defend Human Rights, by means of a Ministerial Agreement dated August 29, 2024, in compliance with the recommendations made by such entity to the MIGOB.<sup>958</sup> The PDH added that in 2024, it followed up on the implementation of the public protection policy for human rights defenders.<sup>959</sup>

459. Concerning criminal prosecution against defenders, the State informed that, by means of General Order No. 08-2022, the General Director of the Civil Police set out the structure and duties of two departments within the Criminal Investigation Special Unit (DECI), whose purpose is to conduct criminal investigations, as well as document, advise and inform on criminal acts against the life and integrity of defenders.<sup>960</sup> Moreover, the Public Prosecutor's Office reported that between January and August 2024, it received a total of 75 complaints on crimes committed against human rights defenders.<sup>961</sup>

460. In addition, the Commission learned about the assassination of Felipe Xo Quib, a fisherman and community leader who founded the Union of Artisanal Fishermen of El Estor, Izabal.<sup>962</sup> The Commission also condemned the murder of human rights defender José Alberto Domingo Montejo, committed on June 5 in the department of Escuintla, after an attack in which members of the Peasant Union Committee (CUC) Marcelo Yaxón Pablo and Gustavo Yaxón were also injured.<sup>963</sup> The Commission later granted precautionary measures in favor of Marcelo and Gustavo Yaxón as it considered they were facing serious risk and needed urgent protection.<sup>964</sup>

461. With respect to the criminalization of defenders, in the context of the public hearing "Guatemala: Forced Internal Displacements of Indigenous and Peasant Communities" held during the 190<sup>th</sup> period of sessions of the Commission, civil society organizations informed the Commission about the existence of a substantial number of arrest warrants issued against several indigenous persons and peasants. According to the information received, at least 115 arrest warrants have been issued against several Guatemalan communities, mostly located in the departments of Alta Verapaz, Baja Verapaz, Izabal and Suchitepéquez. Furthermore, in 2023, the Peasant Committee of the Altiplano (CCDA), in the district of Alta Verapaz, reported that there were 1,080 judicial accusations primarily based on usurpation claims, as well as pending warrants

<sup>956</sup> See Impunity Watch, [Lessons Learned from the Election of the Courts](#), November 4, 2024; Panel of Independent Experts to Observe the Election of High Courts in Guatemala, [Obstáculos y desafíos para la independencia judicial en Guatemala](#), November 2024.

<sup>957</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 70.

<sup>958</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 13. In IACHR files.

<sup>959</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 14. In IACHR files.

<sup>960</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 71.

<sup>961</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, Annex 1.

<sup>962</sup> *Resumen Latinoamericano*, Guatemala, "[Asesinan a pescador Felipe Xo Quib, integrante de la Gremial de Pescadores de El Estor](#)," October 29, 2024; Business and Human Rights Resource Centre, "[Guatemala: Felipe Xo Quib, líder pescador parte de la resistencia contra la Compañía Guatemalteca de Níquel, es asesinado](#)," November 11, 2024.

<sup>963</sup> IACHR [@CIDH], (June 11, 2024), CIDH condena el asesinato del defensor de #DerechosHumanos José Alberto Domingo Montejo, el 5 de junio en el departamento de Escuintla, tras un ataque, en el que también resultaron heridos los integrantes del Comité de Unidad Campesina (CUC) Marcelo Yaxón Pablo y Gustavo Yaxón, [X post], X, <https://x.com/CIDH/status/1800545057730072974>.

<sup>964</sup> IACHR, [Resolution No. 44/2024](#), Precautionary Measure No. 638-24, Gustavo Yaxón Meletz and his family regarding Guatemala, August 2, 2024.

against community members and defenders as a result of their advocacy for land rights. Out of the total number of persons accused, 342 are reportedly women.<sup>965</sup>

462. In connection with **memory, truth and justice**, the State of Guatemala pointed to the proposal for a National Plan for Dignification and Reparations, whose purpose is to acknowledge and redress victims of the armed conflict (1960-1996), as well as a Policy for Democratic Memory, intended to preserve historical truth.<sup>966</sup> The State added that the Presidential Commission for Peace and Human Rights has engaged in dialogue to address the situation of disappeared persons, including the preparation of a national search plan and the creation of a National Register of Disappeared Persons.<sup>967</sup>

463. As for the challenges ahead, the Commission has received complaints against the abuse of legal remedies to hinder the investigation of human rights violations and international crimes committed during the armed conflict.<sup>968</sup> In November, the Commission expressed its concern about the decision adopted by the Second Chamber of High Risk Appeals whereby it declared that the High Risk Court did not have jurisdiction over the Creompaz case, released defendants and annulled all procedural acts in the case, which was related to the forced disappearance of 558 people, after an appeal filed by a military involved in the case.<sup>969</sup> The Commission also learned about the suspension of the final trial stage of the Genocidio Ixil case based on a request for disqualification filed by the former chief of staff of the army, who was prosecuted for genocide and forced disappearance.<sup>970</sup> Claims that the Human Rights Prosecutor's Office is being dismantled are also an area of concern, after the dismissal of prosecutor Erick de León, who was in charge of the Genocidio Ixil case investigation,<sup>971</sup> as well as claims that prosecutor assistants from the Unit Investigating Internal Armed Conflict Cases are being transferred.<sup>972</sup>

464. Concerning the human rights of **women**, the Commission welcomes the public apologies made by the State to the families of Claudina Isabel Velásquez Paiz and María Isabel Véliz Franco for the human rights violations committed against them through acts of gender-based violence, which resulted in a judgment by the Inter-American Court of Human Rights.<sup>973</sup> In this context, the Commission appreciates the efforts made by the State to prevent and combat gender-based violence and to improve judicial response in these cases.

465. In particular, the Commission applauds the resumption of activities by CONAPREVI, by means of Government Agreement No. 257-2023, which required relevant entities to earmark budget resources for the deployment of the 2020-2029 National Plan to Eradicate Violence against Women (Planovi 2020-2029).<sup>974</sup> In this regard, as part of the measures taken to improve the response to, investigation and

<sup>965</sup> IACHR, public hearing "[Guatemala: Forced Internal Displacements of Indigenous and Peasant Communities](#)," 190<sup>th</sup> period of sessions, July 12, 2024. See also IACHR, [Preliminary Observations of the On-Site Visit to Guatemala](#), OEA/Ser.L/V/II.doc.124/24, approved on August 15, para. 27.

<sup>966</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, p. 9.

<sup>967</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, October 22, 2024, pp. 63–66.

<sup>968</sup> Meeting with civil society organizations concerning memory, truth and justice processes in Guatemala, held on November 26, 2024. In IACHR files.

<sup>969</sup> IACHR [@CIDH], (March 27, 2024), #Guatemala: La #CIDH expresa su preocupación por la decisión de la Sala Segunda de Apelaciones de Mayor Riesgo de declarar incompetente al Juzgado de Mayor Riesgo 'A', liberar a los militares presuntamente responsables y anular todos los actos procesales realizados en el caso #Creompaz, relacionado con la desaparición forzada de 558 personas durante el conflicto armado. La decisión se toma tras un amparo presentado por uno de los militares investigados, [X post], X, <https://x.com/CIDH/status/1854944179501097394>; see also No Ficción, "[Cierran el caso CREOMPAZ ¿Quiénes son los militares liberados?](#)," November 6, 2024; *Kilómetro 169 Prensa Comunitaria*, "[Sala anula caso Creompaz y ordena libertad de militares acusados de desaparición forzada](#)," November 5, 2024.

<sup>970</sup> *Ocote*, "En riesgo juicio por Genocidio Ixil previo a la sentencia," November 25, 2024.

<sup>971</sup> *Kilómetro 169 Prensa Comunitaria*, "[Porras destituye a fiscal que investigó casos de violaciones a los derechos humanos](#)," November 4, 2024.

<sup>972</sup> *Ocote*, "En riesgo juicio por Genocidio Ixil previo a la sentencia," November 25, 2024; Meeting with civil society organizations concerning memory, truth and justice processes in Guatemala, held on November 26, 2024. In IACHR files.

<sup>973</sup> Government of the Republic of Guatemala, National report for the World Conference on Women and the approval of the Beijing Declaration and Platform for Action, June 2024, pp. 54 and 55.

<sup>974</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, pp. 70–71. In IACHR files.

punishment of violence, the Commission highlights the creation of a social protection model for women who are victims of violence;<sup>975</sup> the establishment of an Interinstitutional Commission against Sexual Violence (CIVS), which will make decisions to foster prevention, comprehensive support, justice and reparation for victims;<sup>976</sup> and the reforms of the Alba-Keneth Alert System Law and the Law for the Immediate Search of Disappeared Women intended to promote coordinated efforts to disseminate information through mobile telephone operators.<sup>977</sup> The Commission also appreciates the creation and reinforcement of Gender Units in the public administration.<sup>978</sup>

466. Conversely, the figures on violence against women in 2024 are alarming. According to official records, between January and August 2024, 34,121 complaints were filed for acts of violence against women, 157 femicide complaints and 56 complaints against gender-based crimes committed by the PCN.<sup>979</sup> Furthermore, the National Institute of Forensic Sciences recorded 6,184 forensic examinations for sexual violence from January to November 2024.<sup>980</sup> In terms of access to justice, official records show that between January and August 2024, 3,549 persons were convicted for acts of violence against women while 55 were convicted for femicide.<sup>981</sup>

467. The Commission notes with concern the high number of pregnancies among girls and adolescents. According to data from the Observatory on Reproductive Health, between January and October 2024, 46,557 pregnancies were recorded in adolescents from 15 to 19 years old and 1,650 in girls between 10 and 14 years old.<sup>982</sup> In addition, the Commission warns against the disproportionate impact of abortion criminalization, such as exposure to criminal prosecution and forced pregnancies,<sup>983</sup> obstacles in the access to therapeutic abortion—the only type of abortion authorized under the current legal framework<sup>984</sup>—even in pregnancies of girls under 14 years of age, which are considered of high risk given their nature<sup>985</sup> and the public scorn to which women detained and accused of having had an abortion are subjected.<sup>986</sup>

468. Concerning the rights of **LGBTI persons**, the Public Criminal Defense Institute of Guatemala informed that it has an area specialized in providing assistance to LGBTI persons, which is made up of personnel with expertise in the defense of crime victims. In addition, the Institute's roadmap focuses on removing stereotypes, ensuring dignified treatment and respecting gender identity and the pronouns of those it supports. It has also moved forward with the implementation of a protocol to support the LGBTI community, created in 2020, which provides guidelines for public defenders to provide a dignified service, free from discrimination.<sup>987</sup>

<sup>975</sup> Presidential Secretariat on Women, *Sistema de Protección Social para mujeres víctimas y sobrevivientes de violencia*, pp. 4 and 5.

<sup>976</sup> Government of the Republic of Guatemala, "*Vicepresidencia y SVET realizan lanzamiento de la Comisión Interinstitucional contra la Violencia Sexual (CIVS)*," April 29, 2024.

<sup>977</sup> Congress of the Republic, "*Normativa fortalece búsqueda de menores y mujeres desaparecidas*," February 27, 2024.

<sup>978</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, p. 71. In IACHR files.

<sup>979</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, Article 41, Annex of the Public Prosecutor's Office, October 18, 2024, pp. 3 and 9. In IACHR files.

<sup>980</sup> National Institute of Forensic Sciences, *Evaluaciones Médico Legales*, accessed on November 25, 2024.

<sup>981</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, received through Diplomatic Note No. OEA-M4-NV-315-2024, Article 41, Annex of the Public Prosecutor's Office, October 18, 2024, pp. 3 and 9. In IACHR files.

<sup>982</sup> Reproductive Health Observatory, *Registros de nacimiento y embarazos en madres adolescentes – Año 2024*, October 15, 2024.

<sup>983</sup> IACHR, *Preliminary Observations of the On-Site Visit to Guatemala*, July 22–26, 2024, para. 68.

<sup>984</sup> IACHR, 2021 Annual Report, Chapter IVb, December 31, 2023, para. 223.

<sup>985</sup> Center for Reproductive Rights, *et. al.*, Report submitted in the context of the IACHR *in loco* visit to Guatemala, July 2024, p. 3. In IACHR files.

<sup>986</sup> Center for Reproductive Rights, *et. al.*, Report submitted in the context of the IACHR *in loco* visit to Guatemala, July 2024, p. 3. In IACHR files.

<sup>987</sup> Government of the Republic of Guatemala, 2024 Report on State actions to uphold human rights in Guatemala, pp. 122 *et seq.* In IACHR files.

469. Despite these efforts, the State faces challenges in terms of violence. Until mid-2024, at least 19 LGBTI persons were victims of acts of violence, with high levels of cruelty, mainly against gay men, bisexual persons and trans women.<sup>988</sup> This couples with the resolution issued by the Constitutional Court, dated June 28, 2024, which ordered the observance of “good customs” in the 2024 LGBTI Pride parade after a petition had been filed in an attempt to prevent the parade from taking place in public spaces in the city of Guatemala, which could restrict the rights to freedom of expression and peaceful assembly of the LGBTI community.<sup>989</sup> Additionally, in September 2024, a group of deputies proposed to remove references to gender identity and sexual orientation from school books to purportedly defend traditional values.<sup>990</sup> While the Ministry of Education denied the existence of such content in schools, these initiatives might limit the right of students to an integral education that respects diversity.<sup>991</sup>

470. With regard to the situation of the **Afro-descendants and indigenous peoples**, the State referred to the efforts made to protect and promote the social and economic rights of Afro-descendant and Garífuna communities<sup>992</sup> through the work of the Indigenous Development Fund of Guatemala (FODIGUA) and projects focused on intercultural education, sustainable agriculture and access to drinking water and health services for these communities.<sup>993</sup>

471. The Commission takes note of the actions promoting access to water, housing and education carried out by the FODIGUA, which helped around 10,000 people from 11 linguistic communities. It also welcomes the bill submitted by the Ministry of the Environment and Natural Resources to create a category for Collective, Indigenous or Community Management Areas. In addition, the Commission underscores the design of the curricula for an Initial Training Program for Trial Court Candidates, which prioritizes training in the human rights of indigenous peoples.<sup>994</sup>

472. Conversely, the Commission notes with concern the complaints made by organizations and communities on frequent power outages during 2024, which affected access to their fundamental rights, such as health and water, and resulted in economic losses for their business activities.<sup>995</sup> Likewise, indigenous, peasant and Garífuna communities reported forced evictions related to mining and palm plantations, as well as the persecution of human rights defenders in their territories.<sup>996</sup> These evictions are carried out without notice nor effective judicial action, which derives in the forced displacement of indigenous communities.<sup>997</sup>

473. According to the information furnished by the PDH, this uncoordinated work by institutions advocating for peace has increased conflict over land. In 2024, despite the president’s announcement of an

<sup>988</sup> IACHR, [Preliminary Observations of the On-Site Visit to Guatemala](#), OEA/Ser.L/V/II.doc.124/24, August 15, 2024.

<sup>989</sup> Constitutional Court of Guatemala [@CC\_Guatemala], (June 28, 2024), La Corte de Constitucionalidad a la opinión pública hace saber, [X post], X, [https://x.com/CC\\_Guatemala/status/1806749169375228360](https://x.com/CC_Guatemala/status/1806749169375228360).

<sup>990</sup> Congress of the Republic [@CongresoGuate], (September 18, 2024), El diputado Rodrigo Pellecer @rapellecer junto a legisladores de diferentes bloques legislativos presentaron a Dirección Legislativa una iniciativa de ley que propone retirar de los libros de texto educativos, contenido sobre la ideología de género [X post], X, <https://x.com/CongresoGuate/status/1836234783564698068>.

<sup>991</sup> *Emisoras Unidas*, “[Proponen eliminar el contenido sobre ideología de género en libros de texto](#),” September 19, 2024.

<sup>992</sup> Information received during the meeting between the IACHR and local authorities from Puerto Barrios held on July 24, 2024, in the context of the *in loco* visit to Guatemala. Meeting minutes in IACHR files.

<sup>993</sup> Government of the Republic of Guatemala, Presidential Commission for Peace and Human Rights, Report on State actions to uphold human rights in Guatemala in 2024, October 18, 2024, pp. 76–77. In IACHR files.

<sup>994</sup> Government of the Republic of Guatemala, Presidential Commission for Peace and Human Rights, Report on State actions to uphold human rights in Guatemala in 2024, October 18, 2024. In IACHR files.

<sup>995</sup> Information received during the IACHR meeting with Garífuna organizations and members of the Livingston civil society, held on July 23, 2024, in the context of the *in loco* visit to Guatemala. Meeting minutes in IACHR files; *Federación Guatemalteca de Escuelas Radiofónicas*, “[Habitantes de Livingston rechazan Eneguarte](#),” September 3, 2024; *Prensa Comunitaria*, “[Retos para el gobierno de Arévalo frente al extractivismo en Guatemala](#),” January 29, 2024.

<sup>996</sup> Information received during the IACHR meeting with Garífuna organizations and members of the civil society of Puerto Barrios and El Store, held on July 24, 2024, in the context of the *in loco* visit to Guatemala. Meeting minutes in IACHR files; International Land Coalition, “[We demand protection and an end to harassment and violence against land defenders in Guatemala](#),” September 11, 2024; Business and Human Rights, “[Guatemala: Exigen parar desalojos a comunidades maya q’eqchi’ a favor de intereses mineros y de cultivo de palma africana y banano](#),” October 29, 2024.

<sup>997</sup> IACHR, thematic hearing “[Guatemala: Forced Internal Displacements of Indigenous and Peasant Communities](#),” 190<sup>th</sup> period of sessions, online, Washington D.C., United States, July 12, 2024.



“Agrarian Political Agreement,” there were currently no clear procedures or rules governing land access and tenure, which would primarily impact the rights of indigenous communities.<sup>998</sup>

474. Moreover, the OHCHR stated that racial discrimination and systemic racism continue to negatively affect the enjoyment of human rights by indigenous, Garífuna and Afro-descendant communities. The OHCHR found that multidimensional deprivation affects 86.1 percent of households in the Xinka people, 82.3 percent of households in the Maya communities and 63.2 percent of households across the country.<sup>999</sup>

475. As for **persons in the context of human mobility**, Guatemala has traditionally been a country of origin, transit and return of persons in human mobility and, to a lesser extent, a destination for some people who require international protection. According to a joint report prepared by the Secretariat of Planning and Programming of the Office of the President (SEGEPLAN) and the United Nations Population Fund (UNFPA), there is a constant, ever-growing migration flow of Guatemalan people to foreign countries. Most displacements are irregular, which makes it an invisible flow from an institutional standpoint and, therefore, difficult to measure.<sup>1000</sup>

476. As for the transit of persons across the country, the PDH reported to the Commission that, during 2024, there was an increase in the number of people in transit, with a daily average of 2,300 people<sup>1001</sup> compared to the 2023 daily average of 2,213 persons.<sup>1002</sup> In this context, the Commission notes with concern the risks faced along the migration route. People in human mobility are victims of theft, extortion and kidnapping, threats, physical and psychological violence, while women, girls and LGBTI persons experienced sexual violence too, mainly by PNC agents. In 2024, the Commission received information about serious cases of sexual rape against migrant women and girls committed by groups of people, including police agents. Furthermore, civil society organizations have expressed their concern about the disappearance of Guatemalan migrants and the lack of response by the State in their search and ultimate repatriation of their bodies.<sup>1003</sup> The PDH highlighted that the complexity of migration flows, fueled by economic, social and political factors, calls for comprehensive, coordinated responses to ensure the respect and protection of the human rights of people in mobility situations.<sup>1004</sup>

477. As for the insertion and adaptation of returnees, as of September 30, 2024, the Guatemalan Migration Institute (IGM) identified 61,892 returnees, of which 10.47 percent were children and adolescents.<sup>1005</sup> This represents an increase against the same period of 2023, with 57,384 returnees.<sup>1006</sup> More often than not, these people return in adverse economic conditions, without clear employment perspectives, worn-out social support networks and the need for psychosocial care.<sup>1007</sup> According to the PDH, this rise mirrors variations in the migration policies of the destination countries and regional migration dynamics.<sup>1008</sup>

478. In terms of internal displacement in Guatemala, the IDMC report, published in 2024, states that, by late 2023, only 580 displacements had been identified as related to conflicts and violence, while 48,000 of displacements were related to disasters. The report also explains that knowing the scale, scope and

<sup>998</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 18.

<sup>999</sup> OHCHR, *Situation of Human Rights in Guatemala*, A/HRC/55/21, February 6, 2024, pp. 17–28.

<sup>1000</sup> SEGEPLAN and UNFPA, *Análisis de Situación de Población 2024*, p. 32.

<sup>1001</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 6.

<sup>1002</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 6.

<sup>1003</sup> IACHR, Press Release No. 199/24, *IACHR Presents Preliminary Observations of the On-Site Visit to Guatemala*, August 30, 2024.

<sup>1004</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 6.

<sup>1005</sup> IGM, *Consolidado de guatemaltecos retornados vía aérea y terrestre*, undated, accessed on October 2, 2024.

<sup>1006</sup> IGM, *Informe de labores*, 2023, pp. 1, 2 and 3.

<sup>1007</sup> SEGEPLAN and UNFPA, *Análisis de Situación de Población 2024*, p. 57.

<sup>1008</sup> PDH, Guatemala, Information sent by the Prosecutor for Human Rights of Guatemala for the preparation of the 2024 Annual Report of the IACHR to be presented to the General Assembly of the OAS, December 2024, p. 7.

complexity of internal displacement in countries such as Guatemala is key to inform policies and operational responses.<sup>1009</sup>

479. Concerning **persons deprived of liberty**, there is still cause for concern in terms of prison conditions and the excessive use of pretrial detention. In particular, the situation of detainees in Guatemala is marked by overcrowding, with prison occupation exceeding 200 percent of prison capacity.<sup>1010</sup> This stems from a crime policy that prioritizes imprisonment by means of an excessive use of pretrial detention—with a 47-percent rate—<sup>1011</sup> as well as the absence of alternative measures to punish certain crimes, including those related to organized crime, especially to extortion and to the Law against Drug Trafficking.<sup>1012</sup> In this regard, said crime policy hinders the access to benefits, such as the commutation of sentences caused by an insufficient number of programs or by administrative hurdles and the continued imprisonment of persons with a served sentence due to the lack of resources to pay the fines imposed.<sup>1013</sup>

480. In connection with the rights of **children and adolescents**, the Commission takes note of the launch of crime prevention programs to reduce crimes and ensure citizen security targeted at protecting Guatemalan children and adolescents.<sup>1014</sup> Furthermore, the Commission underscores the implementation, since May, of the Plan to Prevent and Respond to Violence Against Children, developed in partnership with the Government of Sweden and UNICEF.<sup>1015</sup>

481. In addition, the Commission acknowledges the efforts made by the Attorney General's Office (PGN) to protect the rights of children and adolescents in Guatemala. During the first quarter of 2024, the PGN provided support to 588 children and adolescents whose rights to protection against ill-treatment, integrity, family, health, education and protection against sexual exploitation had been violated.<sup>1016</sup> Furthermore, between January and September 2024, the PGN provided assistance in 104 cases of children affected by malnutrition—93 of them involved children under 5 years of age.<sup>1017</sup>

482. Moreover, based on data from the Public Prosecutor's Office, as of August 31, 2024, 9,496 complaints on crimes against children and adolescents were received, of which 59 percent involved ill-treatment, 28 percent were related to violence and 11 percent concerned sexual assault.<sup>1018</sup> As for children and adolescents in situations of human mobility, from January to September 28, 2024, a total of 6,484 children and adolescents returned to Guatemala, out of which 2,027 were unaccompanied.<sup>1019</sup>

<sup>1009</sup> IDMC, [Global Report on Internal Displacement 2024](#), May 14, 2024, pp. 90 and 122.

<sup>1010</sup> Information provided to the IACHR at the meeting held with personnel from the General Directorate of the Penitentiary Service during the *in loco* visit to Guatemala, July 23, 2024.

<sup>1011</sup> Information provided to the IACHR at the meeting held with personnel from the General Directorate of the Penitentiary Service during the *in loco* visit to Guatemala, July 23, 2024.

<sup>1012</sup> In particular, these crimes are: international transit, sowing and cultivation, manufacture or processing, illicit marketing, trafficking and storage, possession for the purpose of use, aiding or abetting and incitement, furnishing of means, alteration, illicit retailing, prescription or supply, illicit investments or transactions, criminal associations, assisting the avoidance of punishment or escape, aiding and abetting or encouragement of drug addiction, receiving stolen property or assets, shielding of criminals. In this regard, see Government of Guatemala, Report No. DAJCC-Seprem 003-2021, April 14, 2021, p. 6. Information provided in the context of the preparation of the report titled *Women Deprived of Liberty*. See also: IACHR, Report on the Situation of Human Rights in Guatemala, para. 400.

<sup>1013</sup> See Information provided to the IACHR at the meeting held with personnel from the General Directorate of the Penitentiary Service during the *in loco* visit to Guatemala, July 23, 2024, and information provided to the IACHR at a meeting with civil society organizations about persons deprived of liberty held during the *in loco* visit to Guatemala, July 23, 2024.

<sup>1014</sup> MIGOB, "[Se fortalecen Programas de Prevención del Delito para proteger a la niñez y adolescencia](#)," May 8, 2024; *Agencia Guatemala de Noticias*, "[Programas de prevención de delitos llegan a la niñez y adolescencia del país](#)," May 9, 2024.

<sup>1015</sup> *Agencia Guatemala de Noticias*, "[Presentan plan para la prevención y respuesta a la violencia contra la niñez](#)," May 30, 2024.

<sup>1016</sup> Attorney General's Office of Guatemala, "[¿Cuáles son los derechos más vulnerados de la niñez y adolescencia?](#)," April 10, 2024.

<sup>1017</sup> *Agencia Guatemala de Noticias*, "[PGN rescata por desnutrición a más de 100 niños menores de 5 años](#)," October 26, 2024.

<sup>1018</sup> *Prensa Libre*, "[Día del Niño: El 27% de los guatemaltecos tienen menos de 12 años y tienen limitadas oportunidades](#)," October 1, 2024.

<sup>1019</sup> *Agencia Guatemala de Noticias*, "[72 migrantes fueron atendidos durante el fin de semana en su paso por Guatemala](#)," October 14, 2024.

483. Furthermore, the Commission takes note that in January 2024, almost seven years after the facts of the Hogar Seguro Virgen de Asunción case took place, in which 41 girls and adolescents died in a fire,<sup>1020</sup> the trial against eight former public officials was initiated; these former public officials were accused of abuse of authority, breach of duty, manslaughter, negligent injury and ill-treatment against minors.<sup>1021</sup>

484. With regard to **human trafficking**, the Commission welcomes the letter of commitment signed in March by the IGM and the Secretariat against Sexual Violence, Exploitation and Human Trafficking (SVET) to join efforts and ensure that complaints are heard and human trafficking victims are supported at border crossings.<sup>1022</sup> Moreover, the PDH stated that human trafficking would continue to show alarming figures, affecting mainly children, even in their early childhood.<sup>1023</sup>

## XVIII. GUYANA

### • General considerations

485. As it relates to **progress**, the Commission highlights the State's continued progress towards constitutional reform including the establishment of the Constitutional Reform Commission, its legislative efforts to transform its judicial system and address gender-based violence. In addition, the IACHR highlights the State's proposal to provide specialized training to migrants and the provision of language learning sessions for migrant children. Furthermore, the Commission values the State's continuing commitment to facilitate social reintegration and improve the conditions of detention of persons deprived of their liberty.

486. As it relates to **challenges**, the IACHR notes the continued delay in the establishment of a Human Rights Commission. In addition, the Commission takes note of high levels of sexual violence and femicide against women. Moreover, the IACHR notes with concern violence against members of the LGBTI community in the State and the need for legal reforms to safeguard this vulnerable group.

487. On October 3, 2024, the State submitted its response to the request for information sent for the preparation of this chapter.<sup>1024</sup>

### • Specific issues

488. With regards to **democratic institutional**ity, in April the State established its Constitutional Reform Commission (CRC). According to official information, the Commission will review the Constitution to address the rights, duties, and obligations of the people of Guyana, as well as implement reforms related to elections and to the Guyana Elections Commission (GECOM). The CRC will evaluate submissions for constitutional changes and forward recommendations to the National Assembly. This will be the third constitutional reform process in Guyana.<sup>1025</sup>

489. Moreover, in July judicial proceedings began into allegations of fraud concerning the 2020 general and regional elections. In March 2020, the State held elections which resulted in a political impasse that

<sup>1020</sup> IACHR, Press Release No. 31/17, [IACHR Issues Precautionary Measures to Guatemala and Laments Deaths in Fire at Children's Residential Institution](#), Washington D.C., March 13, 2017; Disability Rights International, [Still at risk: Death and Disappearance of Survivors of the Fire at Hogar Seguro Virgen de la Asunción](#), October 13, 2021, p. 7.

<sup>1021</sup> Plaza Pública, ["Fuego en la punta de la lengua: los primeros días del juicio por el incendio en el Hogar Seguro"](#), February 22, 2024; La Lupa, ["Caso Hogar Seguro: Seis años de impunidad, corrupción y violencia"](#), February 20, 2023; Prensa Libre, ["Caso Hogar Seguro: a 7 años de la tragedia empieza juicio contra 8 personas por la muerte de 41 niñas"](#), January 10, 2024.

<sup>1022</sup> Government of Guatemala, ["Firman Carta de compromiso contra la violencia sexual, explotación y trata de personas"](#), March 4, 2024.

<sup>1023</sup> PDH, [Situación de la Trata de Personas en Guatemala: Una década bajo la lupa de los Derechos Humanos de las víctimas](#), Guatemala, September 2024.

<sup>1024</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR.

<sup>1025</sup> Department of Public Information, [Constitutional Reform Commission sworn-in](#), April 3, 2024.

sparked civil unrest.<sup>1026</sup> In April 2023, the State completed its inquiry and published a report on the circumstances of these elections.<sup>1027</sup> In these judicial proceedings, nine defendants are facing 19 conspiracy charges which allege that they attempted to defraud the electors of Guyana by manipulating the votes cast during the March 2020 general and regional elections.<sup>1028</sup>

490. In addition, within the context of the review of Guyana's third periodic report the UNHRC welcomed the efforts by the State in combatting corruption, including the creation of the Special Organized Crime Unit of the Guyana Police Force. However, the Committee expressed concern that the institutional framework to combat corruption was not sufficiently effective in practice to adequately prevent and prosecute corruption, particularly involving police officers and high-level public officials. In this regard, the Committee recommended the adoption of concrete measures to address the root causes of corruption, including those necessary to ensure the independence and effectiveness of all anti-corruption bodies.<sup>1029</sup>

491. In relation to **human rights institutions**, although the Constitution of Guyana provides for the establishment of a Human Rights Commission to promote the respect for and investigation of violations of fundamental rights, the State has yet to establish this Commission.<sup>1030</sup> The UNHRC recommended that the State should take the measures necessary to operationalize the Human Rights Commission as an independent national human rights institution in accordance with the Paris Principles. The UNHRC also emphasized that the State must ensure the Human Rights Commission, once established, is equipped with adequate human and financial resources to effectively fulfill its mandate.<sup>1031</sup>

492. Regarding **citizen security**, according to public information, there were 35 homicides reported from January to April 15, 2024, as compared to 28 homicides for the same period in 2023, which represented an approximately 25% increase.<sup>1032</sup> This is higher than the 21.4% increase in homicides recorded in 2023.<sup>1033</sup> The State's homicide rate now stands at 4 per 100,000 inhabitants as of April 2024.<sup>1034</sup>

493. In May, the UNHRC expressed concerns regarding the alleged extrajudicial killings that occurred between 2002 and 2006, called on the State to ensure that all allegations are promptly and thoroughly investigated, and recommended the establishment of a presidential commission of inquiry.<sup>1035</sup> Consequently, in September, the State announced that a commission of inquiry will soon be established to investigate extrajudicial killings for the period.<sup>1036</sup> At the time of the writing of this report, the commission of inquiry had not yet been established.

494. In terms of **access to justice**, the Commission takes note of the passage of the Criminal Law Procedure (Paper Committal) and the Criminal Procedure (Plea Discussion and Plea Agreement and Assistance Agreement) acts. The first act abolishes preliminary inquiries and provides for the implementation of paper committals. The paper committal process, which involves reviewing the evidence and arguments in written form rather than conducting an in-person hearing, aims to save time and resources during the preliminary inquiry stage. According to information provided by the State, this will save judicial time, reduce the backlog of

<sup>1026</sup> IACHR, [Annual Report, Chapter IV.A "Guyana"](#), 2020, para. 414.

<sup>1027</sup> IACHR, [Annual Report, Chapter IV.A "Guyana"](#), 2023, para. 436.

<sup>1028</sup> Department of Public Information, [Continuous delay of elections fraud trial does not align with principles of justice – AG Nandlall](#), September 18, 2024.

<sup>1029</sup> UN Human Rights Committee, [Concluding observations on the third periodic report of Guyana\\*](#), CCPR/C/GUY/CO/3, May 3, 2024 paras. 10-13.

<sup>1030</sup> IACHR, [Annual Report, Chapter IV.A "Guyana"](#), 2023, para. 437.

<sup>1031</sup> UN Human Rights Committee, [Concluding observations on the third periodic report of Guyana\\*](#), CCPR/C/GUY/CO/3, May 3, 2024 para. 9.

<sup>1032</sup> News Room, [Fewer serious crimes being reported- Police](#), May 3, 2024.

<sup>1033</sup> Kaiteur News, [Murders increased by 21.4% in 2023](#), January 22, 2024.

<sup>1034</sup> The IACHR calculated the homicide rate based on the State's population of 813,834 according to data from The World Bank, [Population, total – Guyana](#), 2023.

<sup>1035</sup> UN Human Rights Committee, [Concluding observations on the third periodic report of Guyana\\*](#), CCPR/C/GUY/CO/3, May 3, 2024 paras. 24-25.

<sup>1036</sup> Department of Public Information, [GS Jagdeo confirms crime wave Col to be announced soon](#), September 19, 2024.

criminal cases and reduce the prison population held on remand.<sup>1037</sup> In addition, the State passed the Criminal Procedure (Plea Discussion and Plea Agreement and Assistance Agreement) Act which establishes a system of plea discussion and plea agreements between defendant and State prosecutors in criminal proceedings. The Act aims to expedite criminal proceedings while ensuring proper sentencing for offenders, with the goal of reducing the court backlog and number of persons held on remand.<sup>1038</sup>

495. Concerning the rights of **children**, the Commission welcomes the introduction of the “International Measures for the Protection of Children (Hague Convention) Bill 2024”, which aims to strengthen child safety measures in the country by aligning Guyana’s legislation with the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.<sup>1039</sup> The Commission also highlights the campaign led by the government of Guyana, through the Ministry of Human Services and Social Security, which awarded a grant of \$50,000 Guyanese dollars to 200 children to cover three months of childcare services, thereby supporting working parents and ensuring a safe and quality environment for children.<sup>1040</sup>

496. With respect to the rights of **women**, the IACHR highlights the increase in women’s representation in the judiciary. According to information provided by the State, in June, 8 new women puisne judges were appointed bringing the total representation of women judges within the judiciary to 70%.<sup>1041</sup> In addition, the Commission welcomed the enactment of the Family Violence Act that strengthens the protection of victims of violence in intimate partner or family contexts.<sup>1042</sup> According to official information, there has been a 33% reduction in homicides caused by domestic violence for the year 2024.<sup>1043</sup> Moreover, the Commission notes that the State has informed that the draft law on Sexual Harassment<sup>1044</sup> and the proposed amendments to the Sexual Offences Act<sup>1045</sup>, are both in the process of being approved. On the other hand, the State is yet to include the crime of femicide in its legislation.<sup>1046</sup>

497. Furthermore, the IACHR notes with concern the situation of sexual violence and femicide against women, especially against indigenous and migrant women.<sup>1047</sup> The Demerara Assizes Court registered 114 people accused of rape in January; 94 in April; and 98 in June.<sup>1048</sup> According to information from civil society, between 2020 and 2024, 275 cases of violence against migrant women were registered.<sup>1049</sup> In addition,

<sup>1037</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR; Department of Public Information, [National Assembly passes bill to abolish preliminary inquiries](#), July 8, 2024; Parliament of the Co-operative Republic of Guyana, [Criminal Law Procedure \(Paper Committals\) Act 11 of 2024](#), July 15, 2024.

<sup>1038</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR; Parliament of the Co-operative Republic of Guyana, , May 24, 2024. [Criminal Procedure \(Plea Discussion, Plea Agreement and Assistance Agreement\) Act 7 of 2024](#), May 24, 2024.

<sup>1039</sup> Parliament of the Co-operative Republic of Guyana, [International Measures For The Protection of Children \( Hague Convention\) Bill 2024](#), November 25, 2024; Kaiteur News, [New bill to add another layer of protection to child safety measures in Guyana](#), December 3, 2024.

<sup>1040</sup> Department of Public Information, Press Release, [“200 children receive \\$50,000 under Childcare Subsidy initiative”](#), September 9, 2024.

<sup>1041</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR, p.8. “Puisne” is the formal title given to a judge of a superior court inferior in rank to the chief justice.

<sup>1042</sup> CIDH - IACHR [@CIDH]. (August 7, 2024). [#Guyana: The #IACHR commends the recent passage of the Family Violence Bill 2024, which replaces the Domestic Violence Act and increases protection against family violence.](#) [Tweet]. Twitter. <https://x.com/CIDH/status/1821178310644154648>; The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR, p. 3; Guyana Chronicle, [Landmark Family Violence Bill enacted](#), August 3, 2024; Department of Public Information, [Guyana has comprehensive, holistic model to address Gender-Based Violence](#), September 22, 2024.

<sup>1043</sup> Department of Public Information, [Murders caused by domestic violence reduced to 33 per cent – Min Persaud](#), December 9, 2024.

<sup>1044</sup> Department of Public Information, [Public consultation underway for new harassment bill](#), October 27, 2024; IACHR, Annual Report 2023, Chapter IVa, December 31, 2023, para. 443.

<sup>1045</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR, p. 5.

<sup>1046</sup> Human Rights Committee, [Concluding observations on Guyana’s third periodic report](#), May 3, 2024, para. 18.

<sup>1047</sup> Human Rights Committee, [Concluding observations on Guyana’s third periodic report](#), May 3, 2024, para. 18.

<sup>1048</sup> CIJN, In This South American Nation, Rapes of Women, Young Girls, and Migrants are Rampant, October 3, 2024.

<sup>1049</sup> IACHR, Thematic Hearing [“Impacts of Gender-Based Violence on Migrant Women, Sex Workers, and Transgender Women.”](#) 191st Regular Session, November 15, 2024.



according to indigenous leaders, cases of sexual violence against indigenous women, girls and adolescents go unnoticed by the authorities due to alleged political influence.<sup>1050</sup>

498. In relation to the rights of **persons in the context of human mobility**, according to public information, the State will undertake a survey of the existing Venezuelan migrants within its borders to assist with providing training and certification for their inclusion into the labor force.<sup>1051</sup> Further, English as a Second Language classes were offered during the school vacation period for an extended two-week period, with the primary goal of removing language barriers for migrant children in schools.<sup>1052</sup> Moreover, the Commission notes the recommendation of the United Nations Human Rights Committee that the State adopt national legislation to protect the rights of refugees and asylum-seekers, in accordance with international norms and standards.<sup>1053</sup>

499. Regarding **human trafficking**, the State informed that the new Combatting of Trafficking in Persons Act of 2023, which seeks to provide comprehensive measures to address trafficking in persons, came into effect in May.<sup>1054</sup> Likewise, the Commission welcomes the capacity-building training for frontline officials on the new Act launched on July 3, 2024, which will target 150 personnel by the end of 2024. In this context, the State also reported that during the first quarter of 2024, the Guyana Police Force- Trafficking in Persons Unit received and investigated seven cases of which 159 alleged victims were screened and interviewed, and one person was charged and placed before the court for the offence of trafficking in persons.<sup>1055</sup>

500. In relation to the rights of **indigenous peoples**, in June the State launched the Gender-Based Violence (GBV) Mobile Remote Unit as part of a strategy to provide essential services to remote Indigenous communities in the town of Mabaruma. According to official information, this Unit aims to provide accessible and immediate support to survivors of gender-based violence in Mabaruma and surrounding areas.<sup>1056</sup>

501. The Commission welcomes the holding, in July, of the Annual National Toshias Conference that brought together Indigenous leaders from over 200 communities across the country and focused on improving access to government services.<sup>1057</sup> In addition, in August the State granted land titles to seven indigenous communities: absolute grant titles to Hotoquai, Hobodai, and Red Hill in Region One, Akiwini in Region Two and Moco Moco in Region Nine, and certificate of title to Arrau Village in Region Seven and Karasabai, also in Region Nine.<sup>1058</sup>

502. Regarding the rights of **people of African descent and against racial discrimination**, in April, before a United Nations forum, the State reaffirmed its commitment to combating racial discrimination, ensuring that it will investigate all credible claims related to this issue. Senior public officials emphasized that discriminatory practices will not be tolerated, and that racial equality will be prioritized as a fundamental pillar to promote social cohesion in a country characterized by its cultural and ethnic diversity.<sup>1059</sup>

503. On the other hand, a report by the United Nations Human Rights Committee highlighted that the State continues to face challenges, such as reports of ethnic tensions, hate speech, and incitement to racial

<sup>1050</sup> Kaieteur News, [Investigate growing cases of sexual abuse in Indigenous communities](#), April 28, 2024; CNN, [Guyanese political power broker accused of sexual assault by another woman](#), May 10, 2024.

<sup>1051</sup> Guyana Times, [Venezuelan migrants in Guyana to be trained, certified to join workforce – Min Hamilton](#), May 10, 2024.

<sup>1052</sup> Guyana Times, [Education Ministry extends ESL after-school classes for migrant learners](#), July 15, 2024.

<sup>1053</sup> Human Rights Committee, [Concluding observations on the third periodic report of Guyana](#), May 3, 2024, paras 38-39.

<sup>1054</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR, p. 10; Parliament of Guyana, [The Combatting of Trafficking in Persons Bill, 2023](#).

<sup>1055</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024, p. 10 and 11. On file at the IACHR.

<sup>1056</sup> Guyana Government, [Official Opening of the Gender-Based Violence Mobile Remote Unit in Region One, Mabaruma, Guyana](#), June 24, 2024.

<sup>1057</sup> The Co-operative Republic of Guyana, [Minister, PS joins opening ceremony of the National Toshias Council Conference](#), August 2024; [National Toshias Council – Notice to the Public – National Toshias Council Conference](#), July 12, 2024.

<sup>1058</sup> The Co-operative Republic of Guyana, [Seven villages receive certificate of title, absolute grants at NTC](#), August 19, 2024.

<sup>1059</sup> News Source Guyana, [Tourism Minister assures UN forum that Government will investigate “credible” claims of Racial Discrimination](#), April 16, 2024.

hostility by individuals in political leadership roles and public office, as well as racial profiling practices carried out by law enforcement agents.<sup>1060</sup>

504. Regarding the rights of **LGBTI persons**, in November, during a public hearing in the context of the 191<sup>st</sup> Period of Sessions, the IACHR was made aware of high levels of sexual and gender-based violence in Guyana, in particular against migrant women, trans women and sex workers. The requesting organizations stressed the need for legal reforms to safeguard these vulnerable groups. In response, the State highlighted its progress in protecting women and improving access to justice, citing legislative measures including the Family Violence Act, specialized support programs for Venezuelan migrants and special gender-based violence police units.<sup>1061</sup> In this context, the Commission notes the homicide of a trans woman sex worker was reported and two people were formally charged in connection with this case.<sup>1062</sup>

505. On the matter of **persons deprived of liberty**, the Commission values the State's continuing commitment to facilitate social reintegration and improve the conditions of detention.<sup>1063</sup> According to data provided by the State, in July the Guyana Prison Service and the Central Housing and Planning Authority (CH&PA) signed an agreement for the production of 500,000 concrete blocks by inmates, under CH&PA's Community-based Employment Stimulation Project aimed at providing inmates employment opportunities, skills training, and income to support their families while in prison. Also, the State informed that during the first half of 2024, a total of 354 inmates completed training in several technical and vocational skills, and 271 prison staff completed approximately 50 courses related to prison management, human rights and supervisory management. In addition, according to information provided by the State, 13 ex-prisoners participated in the "Fresh Start" Programme aimed at equipping them with skills and resources for their reintegration into society and the workforce.<sup>1064</sup>

506. According to public information, in April the Guyana Prison Service established partnerships with different organizations with the aim of implementing programmes to promote female entrepreneurship and facilitate their reintegration into society.<sup>1065</sup> Public data indicate that inmates in the same facility received training in auto mechanics, joinery, masonry tailoring, welding, and carpentry.<sup>1066</sup> The Commission also highlights the State's efforts in expanding the availability of healthcare to all inmates and staff since January 2024,<sup>1067</sup> including with the opening, in February, of a new pharmacy at the Lusignan Prison envisioned to function on a 24-hour basis.<sup>1068</sup> The Commission takes note of the efforts to improve infrastructure of the New Amsterdam, Lusignan, and Mazaruni prisons<sup>1069</sup> aimed at providing better spaces for inmate rehabilitation and security.<sup>1070</sup>

<sup>1060</sup> UN, Human Rights Committee, [Concluding observations on the third periodic report of Guyana](#), CCPR/C/GUY/CO/3, May 3, 2024, para. 14.

<sup>1061</sup> IACHR, 191 Period of Sessions, [Guyana: Impacts of gender violence on migrant, sex workers and transgender women](#), November 15, 2024.

<sup>1062</sup> Stabroek News, [Second man remanded over transgender woman's murder](#), July 23, 2024; News Room, [Man, 31, remanded for murder of sex worker](#), July 19, 2024; Stabroek News, [Two charged with murder of transgender woman](#), July 20, 2024.

<sup>1063</sup> Also, see: IACHR, [Annual Report, Chapter IV.A "Guyana"](#), 2023, paras. 448-449. See also IACHR, [IACHR Annual Report, Chapter IV.A "Guyana"](#), 2022, para. 468.

<sup>1064</sup> The Co-operative Republic of Guyana, Inputs for the 2024 Annual Report of the IACHR, October 3, 2024. On file at the IACHR.

<sup>1065</sup> NCN Guyana, [Guyana Prison Service Partners with Organizations to Empower Female Inmates](#), April 16, 2024.

<sup>1066</sup> Guyana Chronicle, [Lusignan Prison inmates gain new skills through trade shops](#), June 12, 2024.

<sup>1067</sup> Stabroek News, [Prison Service gets new Medex](#), January 31, 2024; and Guyana Times, [Equal healthcare for prisoners a State responsibility – Prison Director](#), January 8, 2024.

<sup>1068</sup> Stabroek News, [Lusignan Prison opens new pharmacy](#), February 24, 2024; and Newsroom Guyana, [Lusignan Prison gets new pharmacy](#), February 23, 2024.

<sup>1069</sup> Stabroek News, [Impressive strides' being made on \\$1.7b NA prison complex – ministry](#), April 14, 2024; Kaieteur News, [\\$166M more to complete female prison at Lusignan](#), January 5, 2024; Guyana Chronicle, [Major construction works at Mazaruni, Lusignan prisons progressing well](#), April 8, 2024; Guyana Chronicle, [New Amsterdam Prison undergoing \\$1.7B upgrade](#), April 10, 2024; Guyana Times, [Lusignan Prison upgrades: New block for high-profile inmates to tackle violence, gang formation – OIC](#), August 12, 2024; and NCN Guyana, [Mazaruni Prison Overcrowding Resolved with \\$700 Million Expansion](#), September 2, 2024.

<sup>1070</sup> Stabroek News, [Impressive strides' being made on \\$1.7b NA prison complex – ministry](#), April 14, 2024; and NCN Guyana, [Mazaruni Prison Overcrowding Resolved with \\$700 Million Expansion](#), September 2, 2024.

507. Despite the above, according to the United Nations, the conditions of incarcerated people are characterized by overcrowding (exacerbated by the overuse of pretrial detention and the absence of application of alternative measures), physical abuse, and a lack of access to sanitation, water, health care and sunlight. In addition, pretrial detention is purported to be used for periods far exceeding maximum applicable prison sentences. In addition, there are allegations of the lack of independence and transparency of Prison Visiting Committees.<sup>1071</sup>

508. In relation to the **death penalty**, the IACHR observes that Guyana is the only country in South America that retains the death penalty as a punishment, with the last known execution carried out in 1997.<sup>1072</sup>

## XIX. HAITI

### • General considerations

509. As it relates to **progress**, the Commission takes note of the reappointment of the Prime Minister and President of the High Transitional Council (CPT) and the constitution and appointment of the members of the Provisional Electoral Council (CEP) both necessary to hold elections. In addition, the Multinational Security Support Mission (MMAS) was deployed in the country since June to restore security conditions.

510. As it relates to **challenges**, the IACHR notes with concern the upsurge in violent attacks, including massacres, and the heightened risk of gender-based violence. Additionally, the Commission is particularly alarmed by the increase in the number of displaced persons given the continued deterioration of the humanitarian and security situation in the country.

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

### • Specific issues

512. In terms of **democratic institutional**ity, the IACHR takes note of the installation of the Presidential Transitional Council (CPT), after the resignation of the former Prime Minister, Ariel Henry, in April. The creation of the CPT was supported by the international community during a high-level meeting that took place in March.<sup>1073</sup> This new institution aims to promote dialogue and organize transparent general elections by February 2026.<sup>1074</sup> Initially, Edgar Leblanc-Fils was appointed as President of the CPT and Garry Conille was appointed Prime Minister. However, continued political instability is evident as both officers were replaced in their functions by Leslie Voltaire, in October, and by Alix Didier Fils-Aimé, in November, respectively.<sup>1075</sup>

513. In addition, the State constituted the “Provisional Electoral Council”<sup>1076</sup> (CEP) and appointed its members,<sup>1077</sup> despite the initial disagreements existing in the different sectors represented in the CEP, which prevented their appointment within the term agreed upon by Decree.<sup>1078</sup> In addition, civil society

<sup>1071</sup> United Nations, United Nations Human Rights Office of the High Commissioner, [In Dialogue with Guyana, Experts of the Human Rights Committee Commend Measures Promoting Gender Equity. Ask About the Territorial Dispute with Venezuela and Alleged Corruption Regarding Oil Exploitation Permits](#), March 20, 2024.

<sup>1072</sup> World Coalition Against the Death Penalty, [Guyana](#), May 23, 2023. Last visited: October 2024.

<sup>1073</sup> CARICOM, [Agreements on transitional governance in place following talks on Haiti in Jamaica](#), March 15, 2024.

<sup>1074</sup> IACHR, Press Release No. 55/24 - [IACHR welcomes the international community's support and calls on Haiti to ensure a peaceful transition](#), March 21, 2024.

<sup>1075</sup> Journal Officiel de la République “Le Moniteur”, Arrêté du 11 novembre 2024, Spécial No. 57, November 8, 2024.

<sup>1076</sup> Journal Officiel de la République “Le Moniteur”, Arrêté du 19 septembre 2024, Spécial No. 48, September 22, 2024.

<sup>1077</sup> Juno, [Le Conseil Électoral Provisoire désormais au complet avec l'installation de deux nouveaux membres](#), December 13, 2024.

<sup>1078</sup> Haitian Times, [Haiti's Provisional Electoral Council finally complete after contentious process](#), December 14, 2024.

organizations have denounced their lack of meaningful participation and consultation in the appointment process and contested some of the designations.<sup>1079</sup>

514. The Commission notes that the instability of the political transition process is being undermined by armed gang violence, which prevents the re-establishment of authority and control by the State. The existence of endemic impunity for human rights violations and abuses<sup>1080</sup> and the high levels of corruption also contribute to instability.<sup>1081</sup> In this regard, according to civil society organizations, there is permissiveness and widespread corruption at all levels of government that undermines the role of the State and institutional trust.<sup>1082</sup>

515. The IACHR also highlights the work carried out by the Venice Commission, following a request by OAS Secretary General, Luis Almagro. The final opinion adopted by the Venice Commission understands as an incontestable priority of the government of Haiti to held elections and to restore of an appropriate level of security. In terms of constitutional and electoral rules amendments, the Venice Commission highlighted the need to amend the current constitution to eliminate all elements of instability which have led to the collapse of the state institutions as well as to enshrine in the future constitution the main features of the electoral system and of the electoral administration to ensure the stability of electoral law and of the electoral institutions. Finally, the opinion remarks support of the international community as essential.<sup>1083</sup>

516. Regarding **citizen security**, as it has been expressed throughout the year in the various press releases published<sup>1084</sup>, the Commission once again reiterates its concern about the context of insecurity and generalized violence that has worsened and deteriorated throughout this year, because of continuous attacks by armed gangs all over the country. According to United Nations data, the number of people killed in Haiti this year is estimated to have reached 5,000 people.<sup>1085</sup>

517. Between January and April 2024, the activation of an alliance and the launching of coordinated attacks against critical infrastructure between the G-9 and G-Pèp gangs –two opposing coalitions– in the Port-au-Prince metropolitan area reportedly contributed to an unprecedented increase in violence.<sup>1086</sup> This situation overwhelmed the capacities of the national security forces, which, in addition, were particularly affected by the lack of protection for agents, resignations from the police service and the loss of police facilities due to attacks perpetrated against them by armed gangs.<sup>1087</sup> All this led to the dismissal of the director of the Haitian National Police in June.<sup>1088</sup>

518. Subsequently, during the second semester of 2024, the Commission observed a spread of armed gang violence from the capital to different departments of the country, with repeated attacks by armed

<sup>1079</sup> RLN News Haiti, [Nomination à la DGI et au CEP : tensions autour des décisions du Conseil des ministres](#), December 5, 2024.

<sup>1080</sup> Bureau Intégré des Nations Unies en Haïti (BINUH), [Haïti: UN Human Rights expert William O'neill concludes official visit. Laments bleak situation](#), September 20, 2024.

<sup>1081</sup> United Nations (UN), Press Release 9757th Meeting, "[Rising Displacement, Criminal Gangs and Corruption Continue to Plague Haitian Life, Slowing Democratic Reform, Speakers Tell Security Council](#)", October 22, 2024.

<sup>1082</sup> Institute for Justice & Democracy in Haiti, [Human Rights and the Rule of Law in Haiti: Jey recent Developments](#), December 2024, p. 5.

<sup>1083</sup> European Commission for Democracy Through Law (Venice Commission), [Haiti Final Opinion on possible constitutional and legislative solutions to conduct future electoral processes](#), December 11, 2024.

<sup>1084</sup> IACHR, Press Release No. 39/24 - [CIDH expresa preocupación por el significativo recrudecimiento de la violencia en Haití](#), February 21, 2024. IACHR, Press Release No. 048/24 - [CIDH condena escalada de violencia y ataques de grupos armados en Haití](#), March 7, 2024. IACHR, Press Release No. 55/24 - [CIDH saluda el apoyo de la comunidad internacional y llama a Haití a garantizar una transición pacífica](#), March 21, 2024. IACHR, Press Release No. 146/24 - [Haiti: IACHR Calls to Guarantee Transition Process with the Support of the International Community](#), June 24, 2024. IACHR, Press Release No. 316/24 - [CIDH reitera su preocupación ante el continuo deterioro de la seguridad en Haití](#), December 12, 2024.

<sup>1085</sup> UN News, [Le chef de l'ONU condamne le massacre de 184 personnes par un gang en Haïti](#), December 9, 2024.

<sup>1086</sup> UN, [Interim report of the Panel of Experts on Haiti submitted pursuant to Resolution 2700 \(2023\)](#), S/2024/253, March 29, 2024.

<sup>1087</sup> IACHR, Press Release No. 39/24 - [CIDH expresa preocupación por el significativo recrudecimiento de la violencia en Haití](#), February 21, 2024.

<sup>1088</sup> Milton Today, [Haitian leaders oust police chief and appoint a new one as gang violence claims officers' lives](#), June 15, 2024.

gangs in municipalities such as Ganthier, Cabaret and Arcahaie, Carrefour, Gressier, Petit-Goâve and Léogâne, among others.<sup>1089</sup> The last quarter of 2024, particularly from November, saw an upsurge in violence in the various neighborhoods of the capital, with armed gangs controlling more than 80% of the Port-au-Prince metropolitan area.<sup>1090</sup>

519. The Multinational Security Support Mission in Haiti (MMAS) created the UN Security Council was deployed in June and its mandate has been extended until October 2, 2025.<sup>1091</sup> The Mission is estimated to have more than 400 members, mostly from Kenya but also from Jamaica and Belize.<sup>1092</sup> Although the more effective and coordinated response to violence, according to information from civil society organizations, the deployment of the MMAS has not prevented armed gangs from expanding their territorial control into areas previously unaffected by gang violence.<sup>1093</sup> As a result of the continuing security challenges, in October, the President of the Presidential Transitional Council requested the United Nations to transform the MMAS into a UN peacekeeping mission,<sup>1094</sup> but the request was denied.<sup>1095</sup>

520. **Access to justice** is in a near total paralysis situation in the greater Port-au-Prince region due to the multiple violent attacks perpetrated by armed gangs against the main judicial institutions. The Commission observed an aggravated paralysis of the courts of first instance by the persistence of strikes by magistrates and judicial staff to demand labor rights.<sup>1096</sup> According to Bureau Intégré des Nations Unies en Haïti (BINUH), since the start of the judicial year in October 2023 and until June 2024, courts have been operational for only ten days.<sup>1097</sup>

521. Regarding the **rights of children**, the Commission expresses its concern about the impact that the context of generalized violence in the country has had on this population. According to the United Nations Integrated Office in Haiti, children continue to be killed and injured in gang attacks and during police operations. Some children have been targeted due to their alleged support for rival gangs or the police, while others, suspected of committing minor offenses, have been lynched and killed by local community members.<sup>1098</sup> Data from civil society indicates that, as of August 2024, at least 131 children, including infants, had been killed or injured due to violent attacks on their neighborhoods or confrontations between armed groups and the police.<sup>1099</sup>

522. The IACHR is also concerned about the rising number of children and adolescents being recruited by gangs in Haiti, largely driven by a lack of socio-economic opportunities.<sup>1100</sup> According to UNICEF, the number of children recruited by armed groups in Haiti increased by 70% in 2024.<sup>1101</sup> In addition to committing minor offenses, some of these children have also been involved in violent acts, including murders, kidnappings, attacks, and looting of public institutions.<sup>1102</sup>

<sup>1089</sup> Office of the United Nations High Commissioner for Human Rights (OACNUDH), Press Release, [Haïti : le Haut-Commissaire des Nations Unies aux droits de l'homme appelle à la fin de la violence qui s'intensifie à Port-au-Prince](#), November 20, 2024.

<sup>1090</sup> IACHR, Press Release Release No. 316/24 - [CIDH reitera su preocupación ante el continuo deterioro de la seguridad en Haïti](#), December 12, 2024.

<sup>1091</sup> UN, [Resolution 2751 \(2024\) adopted by the Security Council at its 9735th meeting](#), September 30, 2024.

<sup>1092</sup> United Nations Integrated Office in Haiti (BINUH), [Rapport du Secrétaire Général sur la situation en Haïti](#), October 15, 2024.

<sup>1093</sup> Institute for Justice & Democracy in Haiti, [Human Rights and the Rule of Law in Haiti: Key recent Developments](#), December 2024, p. 2.

<sup>1094</sup> UN, [Letter dated 22 October 2024 from the Permanent Representative of Haiti to the United Nations addressed to the President of the Security Council](#), October 25, 2024.

<sup>1095</sup> The Haitian Times, [Russia, China block UN mission for Haiti amid rising gang violence](#), November 21, 2024.

<sup>1096</sup> OACNUDH, [Interim report on the situation of human rights in Haïti](#), September 26, 2024, p. 32.

<sup>1097</sup> BINUH, [Quarterly report on the human rights situation in Haïti April - June 2024](#), June 2024, p. 9.

<sup>1098</sup> BINUH, [Quarterly report on the human rights situation in Haïti April - June 2024](#), June 2024, p. 1 and 8.

<sup>1099</sup> Save the Children, Press Release, ["Una media semanal de cinco niños y niñas mueren o son heridos por la violencia armada en Haïti"](#), August 13, 2024.

<sup>1100</sup> BINUH, [Quarterly report on the human rights situation in Haïti April - June 2024](#), June 2024, p. 8.

<sup>1101</sup> UNICEF, Press Release, ["Number of children in Haiti recruited by armed groups soars by 70 per cent in one year - UNICEF"](#), November 24, 2024.

<sup>1102</sup> BINUH, [Quarterly report on the human rights situation in Haïti April - June 2024](#), June 2024, p. 8.



523. In relation to the right to education, UNICEF reported that, as of October 2024, the Ministry of Education in Haiti had confirmed the closure of 919 schools across the country, representing an increase of more than 20% compared to 2023. This situation has disrupted school attendance, affecting more than 300,000 children.<sup>1103</sup> Additionally, nearly 2 million children—almost half of the country's youth—are enduring crisis levels of hunger. Among them, over 760,000 are experiencing emergency-level food insecurity, characterized by acute malnutrition and an elevated risk of death from starvation.<sup>1104</sup>

524. Moreover, the violent context has led to significant internal displacement among children and adolescents. By July 2024, the number of internally displaced children in Haiti had risen by approximately 60% since March due to the violence inflicted by armed groups.<sup>1105</sup>

525. Regarding the **rights of women**, the IACHR reiterates its concern about the national emergency of sexual violence against women, girls, and adolescents in the country, perpetrated by armed groups and gangs.<sup>1106</sup> These groups are reportedly using sexual violence as a weapon of extortion<sup>1107</sup> and amplifying sexual violence against victims who have been displaced and seek refuge as a result of gang clashes.<sup>1108</sup> According to civil society data, between January and October 2024, 5,400 acts of gender-based violence were registered, of which 72% were sexual violence.<sup>1109</sup> Along these lines, there is a 1,000% increase in cases of sexual violence against girls compared to last year.<sup>1110</sup>

526. In this context, the IACHR was informed of the serious situation of generalized impunity in cases of sexual violence. According to civil society data, of 1,375 complaints of sexual violence, 353 were followed up and only 31 cases were tried.<sup>1111</sup> In addition, obstacles to survivors accessing health care services, including maternal health, persist, such as lack of infrastructure, closures of health centers, staffing shortages, and the inability to afford private care.<sup>1112</sup>

527. Regarding the situation of **human mobility**, the Commission notes with concern the persistent increase in the number of internally displaced persons as a result of the context of generalized violence and multidimensional crisis that Haiti is experiencing.<sup>1113</sup> According to the International Organization for Migration (IOM), it is estimated that in 2024 the number of internal displacements will exceed 700,000 people, half of whom are children.<sup>1114</sup> The number of internally displaced people has doubled since December 2023.<sup>1115</sup> According to available information, many of these people find refuge in shelters, which have deficient conditions of access to drinking water, hygiene, sanitation and food.<sup>1116</sup> Also, according to IOM, displaced

<sup>1103</sup> UNICEF, Press Release, "[Haiti: La educación de más de 1 millón de niños, niñas y adolescentes en peligro debido a la violencia armada](#)", October 2, 2024.

<sup>1104</sup> Save the Children, Press Release, "[Uno de cada seis niños, niñas y adolescentes en Haití a un paso del hambre](#)", October 3, 2024.

<sup>1105</sup> UNICEF, Press Release, "[Cada minuto se desplaza un niño en Haití a causa de la violencia armada](#)", July 2, 2024.

<sup>1106</sup> IACHR, Thematic Hearing "[Impunité pour les violences sexuelles contre les femmes et les filles](#)," 189th Regular Period of Sessions, February 29, 2024; Bureau des Avocats Internationaux, et al., Update on Widespread Sexual Violence against Women and Girls in Haiti, on file with the IACHR, February 26, 2024, p. 12. IACHR, Annual Report 2023, Chapter IVa, December 31, 2023, paragraph 468; IACHR, Annual Report 2022, Chapter IV.A Development of Human Rights in the Region, OEA/Ser.L/V/II. Doc. 50 rev. April 1, 2023, para. 488. IACHR, Thematic Hearing "[Sexual Violence against Women and Girls in Haiti](#)," 186th Period of Sessions, Washington, DC, United States, March 15, 2023.

<sup>1107</sup> OACNUDH, [Haiti: Soaring number of displaced desperately need protection and aid priority](#), June 20, 2024.

<sup>1108</sup> Human Rights Watch (HRW), [Haiti: Weak protection capacity in the face of escalating sexual violence](#), November 25, 2024. Gender-Based Violence Subgroup, [Snapshot sur les incidents de violences basees sur le genre \(VBG\)](#), November 6, 2024.

<sup>1109</sup> Gender-Based Violence Subgroup, [Snapshot sur les incidents de violences basees sur le genre \(VBG\)](#), November 6, 2024.

<sup>1110</sup> UN, [Haiti: Persistent, Brutal Crisis Having Devastating Impact on Children](#), November 12, 2024.

<sup>1111</sup> IACHR, solicitud de Audiencia temática "[Impunity for sexual violence against women and girls](#)," 189th Period of Sessions, February 29, 2024.

<sup>1112</sup> United Nations Fund for Population Activities (UNFPA), [Mothers and daughters of Haiti, living in the grip of violence](#), August 6, 2024; HRW, [Haiti: Weak protection capacity in the face of escalating sexual violence](#), November 25, 2024. Gender-Based Violence Subgroup, [Snapshot sur les incidents de violences basees sur le genre \(VBG\)](#), November 6, 2024.

<sup>1113</sup> International Organization for Migration (IOM), [Haiti: More than 60% of forced displacements happened in 2023, a year of growing brutality](#), January 26, 2024.

<sup>1114</sup> UN News, [Haiti: 'Very critical situation on the ground,' warns Humanitarian Coordinator](#), November 20, 2024.

<sup>1115</sup> IOM, [Over 700,000 Displaced in Haiti, Half are Children as Humanitarian Crisis Worsens](#), October 2, 2024.

<sup>1116</sup> Global Protection Cluster, [Protection of Internally Displaced People in Haiti](#), May 31, 2024.

children would not receive education and the violence suffered by internally displaced persons has affected their mental health.<sup>1117</sup> Faced with this scenario, many people have opted to leave the island by sea, a situation that would have an impact on the growing number of interdictions, disappearances or fatalities on the high sea.<sup>1118</sup>

528. Regarding advances on **people of African descent and against racial discrimination**, the state has joined the Caribbean Community (CARICOM) Reparations Commission, which aims to seek reparations for the damages caused by slavery and colonialism in member countries.<sup>1119</sup>

529. With respect to **persons deprived of their liberty**, according to data from BINUH, as of June, with a total of 7,523 persons in detention, the prison occupancy rate was 295%. Of this total, 84% were held in pretrial detention.<sup>1120</sup> This percentage maintains Haiti as the country in the region with the highest percentage of people in pretrial detention.<sup>1121</sup>

530. In addition, the Commission reiterates its concern about the deplorable detention's conditions in Haitian prisons, which are said to have caused the death of incarcerated persons.<sup>1122</sup> In a press release published in June, the IACHR highlighted the deplorable situation of the prisons as being completely overcrowded –with the exception of the National Penitentiary of Port-au-Prince– and lacking sanitary and food services.<sup>1123</sup> Also, according to BINUH data, these spaces are characterized by a shortage of medicines and hygiene products. In this scenario, from January to June 2024, at least 107 people detained in Haitian prisons died, mostly due to lack of care, unsanitary conditions, lack of access to potable water, insufficient food and diseases caused by malnutrition.<sup>1124</sup>

531. The Commission is also concerned about the impact of the crisis of violence that the country is facing on detention centers. In a press release dated issued in March, the IACHR referred to the attacks perpetrated by armed groups on police stations and at the National Penitentiary in Port-au-Prince and a civilian prison in Croix-des-Bouquets, which resulted in the murder of at least 12 people, the wounding of multiple police officers, and the mass escape of thousands of detainees.<sup>1125</sup> According to UN estimations, a total of 4,299 people escaped from the National Penitentiary in Croix-des-Bouquets in Port-au-Prince during these events.<sup>1126</sup> In addition, according to public information, in August, an attack and prison break took place in the city of San Marcos, north of Port-au-Prince, resulting in the death of 12 prisoners during an exchange of fire with security forces.<sup>1127</sup>

## XX. HONDURAS

### • General considerations

532. As for the **progress** observed during 2024, the Commission welcomes the ratification of the Inter-American Convention to Prevent and Punish Torture. It also positively notes the measures taken in terms

<sup>1117</sup> IOM, [Protection et assistance aux populations affectées par la violence des gangs en Haïti](#), March 2024.

<sup>1118</sup> IOM, [Tragic Boat Fire Claims 40 Migrant Lives Off Haiti's Coast](#), July 19, 2024.

<sup>1119</sup> Dominican Today, [Haiti joins CARICOM Reparations Commission](#), August 12, 2024.

<sup>1120</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti](#), August 3, 2024.

<sup>1121</sup> See World Prison Brief, [Highest to Lowest - Pre-trial detainees / remand prisoners](#), 2024.

<sup>1122</sup> IACHR, [Informe Anual. Capítulo IV.A. "Desarrollo de los derechos humanos en la región"](#), 2023, párr. 475.

<sup>1123</sup> IACHR, Press Release No. 146/24 - [Haiti: IACHR Calls to Guarantee Transition Process with the Support of the International Community](#), June 24, 2024.

<sup>1124</sup> BINUH, [Quarterly Report on the Human Rights Situation in Haiti](#), August 3, 2024.

<sup>1125</sup> IACHR, Press Release No. 048/24 - [CIDH condena escalada de violencia y ataques de grupos armados en Haití](#), March 7, 2024. IACHR, Press Release No. 055/24 - [CIDH saluda el apoyo de la comunidad internacional y llama a Haití a garantizar una transición pacífica](#), March 21, 2024.

<sup>1126</sup> The calculation was made by the IACHR based on BINUH data indicating that, as of June 30, 2024, there were 7,523 persons detained in Haitian prisons; and that, as of March 2024, before the escape, there were 11,822. In this sense, see BINUH, [Quarterly Report on the Human Rights Situation in Haiti](#), August 3, 2024.

<sup>1127</sup> La Jornada, [Fuga de presos en cárcel de Haití causa 12 muertos](#), August 16, 2024; Voz de América, [Una fuga en cárcel de Haití causa 12 muertos](#), August 17, 2024; Diario libre, [Once muertos en fuga carcelaria en Haití: la tercera en cinco meses](#), August 17, 2024.

of gender perspective, such as the approval of the Law on Safe Houses for women surviving violence, the resumption of activities by the technical investigation committee of the Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides, and the progress made in the inclusion of trans persons in the national identification system through processes that enable rectification of official IDs in the National Registry of Persons (RNP). The Commission also notes the creation of the National Institute of Historical Memory.

533. With regard to the **challenges** ahead, in 2024, the Commission observed that the State kept extending the state of emergency as part of its citizen security policy, as well as the continued presence of the Military Police for Public Order (PMOP) in the direction and control of penitentiaries. The Commission also learned about the high levels of violence against defenders, women and LGBTI persons.

534. The State submitted its response to the Commission's request for information to prepare this chapter on October 21, 2024.<sup>1128</sup>

- **Specific issues**

535. With regard to **democratic institutional**ity, the State reported the measures being adopted by the National Election Council (CNE) for the forthcoming primary election to be held in 2025, including the official call for the 2025 primaries, the approval of a special budget, the rules on election monitoring and the taking of oath by the new members of the CNE plenary.<sup>1129</sup>

536. As for the fight against corruption, the Commission continued monitoring the potential creation of an International Commission against Corruption and Impunity in Honduras (CICIH), under the auspices of the United Nations. In this regard, the Commission learned about the submission to the United Nations of a second draft of the CICIH convention under negotiation.<sup>1130</sup>

537. Furthermore, the State explained that on September 20, 2024, the Supreme Court of Justice declared that the Employment and Economic Development Zones (ZEDE) were unconstitutional.<sup>1131</sup> The Commission has followed up on the implementation of the ZEDEs in Honduras<sup>1132</sup> and has emphasized the importance of ratifying the repeal of the ZEDE Law issued by the National Congress in 2022.<sup>1133</sup>

538. Concerning **human rights institutions**, the State referred to the National Human Rights Commissioner (CONADEH), the Secretariat of Human Rights (SEDH), the Special Human Rights Prosecutor's Office, the Special Prosecutor's Office for the Protection of Human Rights Defenders and the National Mechanism to Prevent Torture and Other Cruel, Inhuman or Degrading Treatment (MNP-CONAPREV). The State added that it provided training in a number of human rights topics to 7,159 persons, out of which 1,098 were public officials, 4,908 were law enforcement officials and 1,153 were part of the general public.<sup>1134</sup>

<sup>1128</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024.

<sup>1129</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 4.

<sup>1130</sup> *Contra Corriente*, "[Honduras entregó a la ONU el segundo borrador del convenio de la Cicih que aún está en proceso de negociación](#)," September 27, 2024; *Prensa Latina*, "[Honduras entregó a ONU borrador sobre comisión anticorrupción](#)," September 24, 2024.

<sup>1131</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, para. 4.a.

<sup>1132</sup> IACHR, *Situación de derechos humanos en Honduras*, OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 142.

<sup>1133</sup> *Contracorriente*, "[Mientras Gobierno celebra anulación constitucional de las ZEDE, inversionistas califican al Estado hondureño de 'mentiroso' y 'abusivo'](#)," September 28, 2024.

<sup>1134</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, pp. 4 and 5.

539. In terms of **citizen security**, the downward trend in homicides continues. According to preliminary figures from the Secretariat of Security, as of December 1, 2024, the partial rate of homicides was 23.42 every 100,000 people.<sup>1135</sup> Despite this drop, there is a general perception that crime rates have increased because crimes are not prosecuted.<sup>1136</sup> In this regard, Honduras continues to be considered as the most violent country in Central America, as it ranks first in murder rates.<sup>1137</sup> In addition, according to public information, between January and July, at least 200 persons disappeared, especially in cases of collective disappearance of young people.<sup>1138</sup> The CONADEH registered that in the last 18 months, at least 76 people disappeared in 13 departments across the country.<sup>1139</sup>

540. Honduras is still under the state of emergency ordered in December 2022. Since then, the State has extended this measure, effective in 158 municipalities across Honduras.<sup>1140</sup> Its last extension was ordered by means of Executive Decree No. PCM 18-2024, which extends it until December 31, 2024. In this regard, the United Nations Committee against Torture expressed its concern over the extension of the state of emergency, under which over 25,896 detentions and more than 17,062 raids without a warrant have taken place by virtue of the powers granted to the National Police and the PMOP of the armed forces.<sup>1141</sup> The Commission reminds the State that the suspension of guarantees is not a means within a security policy to address ordinary crimes. The Commission also highlights the need to adopt a comprehensive security policy based on a human rights approach that simultaneously takes specific actions and strategic plans from different operational, regulatory and prevention perspectives.<sup>1142</sup>

541. In terms of **access to justice and judicial independence**, the State informed that in February 2024, the National Congress appointed Johel Zelaya Álvarez as Attorney General of the Republic and Marcio Cabañas Cadillo as Deputy Attorney General.<sup>1143</sup> The State added that the judiciary is preparing a new bill to replace the current Judicial Service Law and taking specific measures to ensure the independence and integrity of its officials.<sup>1144</sup> Moreover, civil society organizations informed the Commission about allegedly ungrounded transfers and disqualifications of 17 judges and magistrates.<sup>1145</sup>

542. In connection with **memory, truth and justice** processes, the State of Honduras referred to the creation of the National Institute of Historical Memory, whose purpose is to investigate and disseminate information about human rights violations and interruptions of the democratic order in the country.<sup>1146</sup> Furthermore, the Commission is aware of a bill on a Law on Victims of Serious Human Rights Violations in Honduras as a Result of the National Security Doctrine, prepared in collaboration with human rights

<sup>1135</sup> State Secretariat's Security Office, *Histórico de tasa anual de homicidios por cada 100,000 habitantes (dato parcial a la fecha año 2024)*, accessed on November 4, 2024.

<sup>1136</sup> *Criterio Honduras*, "Homicidios descienden en 2024, pero la percepción de inseguridad crece," June 4, 2024; *El Periódico*, "La Criminalidad en Honduras: Realidad y Percepción Pública," July 29, 2024;

<sup>1137</sup> *El Heraldó Honduras*, "Honduras es el país más violento de Centroamérica," September 28, 2024; *Hondudiario*, "Honduras es el país más violento de Centroamérica con percepción de inseguridad alta," June 3, 2024; *Swiss Info*, "Honduras, segundo país más violento de Latinoamérica, con 11.294 muertes entre 2023 y 2024," September 10, 2024.

<sup>1138</sup> *Radio Progreso*, "Una ola trágica de desapariciones," July 2, 2024; National Autonomous University of Honduras (UNAH), "Desapariciones en Honduras, un análisis de la coordinadora del ONV-UNAH," July 5, 2024; *Expediente Público*, "Alarma por desapariciones en Honduras pese a Estado de Excepción," July 10, 2024.

<sup>1139</sup> *Proceso Digital*, "Sin tregua femicidios, masacres y desapariciones forzadas," July 1, 2024.

<sup>1140</sup> *La Gaceta*, Official Gazette of the Republic of Honduras, *Executive Decree No. PCM 18-2024*, June 21, 2024.

<sup>1141</sup> United Nations, Committee against Torture, *Concluding Observations on the Third Periodic Report of Honduras*, CAT/C/HND/CO/3\*, May 27, 2024, paras. 10.b and 14.

<sup>1142</sup> IACHR, *Situación de derechos humanos en Honduras*, OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 185.

<sup>1143</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 20.

<sup>1144</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 20.

<sup>1145</sup> IACHR, public hearing "*Current Status of Judicial Independence in the Americas*," 191<sup>st</sup> period of sessions, November 13, 2024.

<sup>1146</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 2.



organizations and submitted in April to the plenary of the National Congress. Among the most important aspects of the law are a public policy on memory, a genetic profile bank, special investigation units, a National Directorate of Reparations charged with reparation management and a Unified Registry of Victims.<sup>1147</sup>

543. As for **human rights defenders**, the Commission learned of at least five murders of defenders in 2024. In particular, it notes that agricultural conflicts remain one of the primary factors of violence against defenders, especially in Bajo Aguán, department of Tocoa.<sup>1148</sup> In this regard, the Commission heard about the murders of Selvin Noé García Pérez, an active member of the Brisas del Aguán cooperative, who was murdered on October 17;<sup>1149</sup> Juan López, an environmental activist and a beneficiary of precautionary measures granted by the Commission, murdered on September 14 in the department of Tocoa;<sup>1150</sup> and Marvin Dubón, a member of the Farming Cooperative of Peasants Tranvio, murdered on March 17 in Bajo Aguán, Tocoa.<sup>1151</sup> In addition, the Commission learned of the assassination of land defender and peasant leader Olman García on August 4 in the department of Atlántida<sup>1152</sup> and of environmental defender and LGBTI activist Erlin Blandín Álvarez on July 14 in the department of Olancho.<sup>1153</sup> Based on estimations by CONADEH, from 2022 to 2024, at least 30 defenders of indigenous people, land, territory and the environment were killed.<sup>1154</sup> The Commission has been informed of the impunity in most of these cases, especially regarding the masterminds.

544. Concerning other acts of violence, the Commission granted precautionary measures in favor of Rodsman Saadik Molina Ortez, president of the Union of Workers of the Honduran Civil Aeronautics Agency after having learned of the multiple threats he suffered, including the interception of his vehicle by armed persons when he was on his way to work, threats, injuries, robbery, and an assault committed by individuals wearing police uniforms; he was also stalked and pictures of him were taken from unidentified vehicles.<sup>1155</sup>

545. Moreover, the Commission continued receiving information about the criminalization of defenders. In this context, it learnt of the case of Nolvía Obando, leader of women peasant movement Las Galileas, who is standing trial for land usurpation. Currently, the proceedings against her were suspended after the filing of an *amparo* writ that is still pending.<sup>1156</sup> In addition, on September 19, 2024, the Second Court of Appeals of La Ceiba ordered to reopen the criminal case against five water defenders from the Guapinol community and members of the Municipal Committee for the Defense of Community and Public Property

<sup>1147</sup> Radio América Honduras, "[Presentan en el CN propuesta de Ley de Víctimas de Graves Violaciones de Derechos Humanos en Honduras](#)," April 2, 2024.

<sup>1148</sup> IACHR, Situación de Derechos Humanos en Honduras, OEA/Ser.L/V/II Doc.9/24, March 24, 2024, para. 132; In October 2024, in response to the high levels of violence recorded in the Department of Colón, merchants, ranchers, farmers, and community organizations held demonstrations demanding the repeal of Decree 119-2012, which prohibits the possession, carrying, and trade of firearms and ammunition. In response, the Ministry of Security expressed its willingness to promote a reform of this Decree. *El Mundo*, [Ministry of Security and Business Sector Promote Reform of the Disarmament Law in Colón](#), October 14, 2024; *La Tribuna*, [Security Ministry Commits to Chamber of Commerce and Industry of Tocoa \(CCIT\) to Promote Reform of Disarmament Law](#), October 12, 2024; *Hondudiario*, [Disarmament in Colón Is "Unconstitutional," Say Aguán Farmers](#), October 8, 2024."

<sup>1149</sup> *Criterio Hn*, "[Asesinato de Selvin Noé García Pérez: un nuevo golpe a la lucha campesina en Honduras](#)," October 18, 2024; *Más Noticias Televisión*, "[Matan a socio de cooperativa de campesinos](#)," October 17, 2024.

<sup>1150</sup> IACHR, Press Release No. 219/24, [Honduras: IACHR Condemns Assassination of Environmental Defender Juan López in Honduras](#), September 18, 2024.

<sup>1151</sup> CIVICUS, "[Se intensifican los ataques contra la prensa, represión de manifestantes en Choluteca y asesinato de otro líder comunitario en el Bajo Aguán](#)," May 17, 2024.

<sup>1152</sup> Peace Brigades International (PBI), "[Honduras Sends Condolences on the Murder of CNTC Campesino Leader and Land Defender Olman García](#)," August 13, 2024; InterReligious Task Force on Central America (IRFT), [Communication to the National Human Rights Commissioner of Honduras](#), September 22, 2024; CIVICUS, "[Killing of Environmental Defender Highlights Ongoing Violence against HRD](#)," October 20, 2024.

<sup>1153</sup> *C-Libre*, "[Acallan la voz de un defensor de derechos humanos en Juticalpa Olancho](#)," July 15, 2024; IRFT, [Communication to the National Human Rights Commissioner of Honduras](#), August 6, 2024.

<sup>1154</sup> CONADEH, "[Más de 30 defensores del ambiente, la tierra y de pueblos originarios murieron violentamente](#)," October 9, 2024.

<sup>1155</sup> IACHR, [Resolution No. 56/2024](#), Precautionary Measure No. 511-24, Rodsman Saadik Molina Ortez regarding Honduras, August 26, 2024 para. 27.

<sup>1156</sup> *Criterio Hn*, "[Juicio contra Nolvía Obando se suspende indefinidamente por falta de resolución en recurso de amparo](#)," September 3, 2024; IM Defensoras, "[HONDURAS / Juicio oral y público contra Nolvía Obando: Ministerio Público juzga a campesina y defensora del derecho a la tierra y alimentación](#)," August 26, 2024; IM Defensoras, *Actualización del caso sobre Nolvía Obando*, received on September 9, 2024. In IACHR files.



(CMDBCP), who had been accused of arson and unfair deprivation of liberty due their work to protect the Guapinol river against the environmental damage caused by mining and extractive activities in the area.<sup>1157</sup>

546. In connection with the criminal proceedings filed against those responsible for the murder of indigenous defender Berta Cáceres, the Commission was informed of delays in the resolution of the cassation remedies filed by the eight defendants in the case in 2018 and 2022.<sup>1158</sup> On November 25, 2024, the Criminal Chamber of the Supreme Court of Justice (CSJ) ratified the convictions of seven out of the eight defendants as material perpetrators and co-perpetrators of the Berta Cáceres' assassination. Said ruling reduced the sentences of three of them and forwarded to the plenary of the CSJ the debate on whether or not to ratify the sentence of the remaining defendant, a decision that is still pending.<sup>1159</sup>

547. As to the rights of **indigenous and Afro-Honduran persons**, the State reported on the creation of the First National Plan to Safeguard the Languages of Indigenous and Afro-Honduran Persons, aimed at strengthening and preserving their linguistic heritage by means of collaborative efforts with these communities. Honduras also implemented the Project for Safeguarding the Intangible Afro-descendant Cultural Heritage, which focuses on protecting the cultural heritage of this population and adopting measures to combat racism and racial discrimination.<sup>1160</sup>

548. The State also achieved progress in the restitution of land to the Garifuna Community of Punta Piedra, in accordance with the judgment issued by the Inter-American Court in 2015, by convening the High-Level Intersectoral Commission for Compliance with International Judgments in April and starting the process to rehabilitate their lands in October 2024.<sup>1161</sup> The United Nations Committee on Economic, Social and Cultural Rights expressed its concern over the complex and slow process of registering and demarcating the lands of indigenous and Afro-Honduran peoples and over cases of eviction, dispossession and displacement of these peoples due to land disputes and the impact of extractive projects carried out in their customary territories without consultation or free, prior and informed consent.<sup>1162</sup> Civil society organizations reported that the State had conducted large-scale, violent evictions of black, indigenous and peasant communities without prior notice and in cases where judgments had not become final. They also denounced the forced displacement of communities from their ancestral territories due to extractive industry activities, which were generally supported by the State, and referred to the systematic criminalization and violence against community leaders.<sup>1163</sup> Moreover, the Commission learned of the construction of a prison in La Mosquitia, in the ancestral territories of the Miskito people, without their consultation or prior consent.<sup>1164</sup>

549. Additionally, according to public reports, the leaders of 50 Garifuna communities denounced social exclusion, institutional racism and marginalization and called for affirmative government measures to

<sup>1157</sup> *Front Line Defenders*, "[Legal Proceedings Reopened Against Five Environmental Defenders from Guapinol, Including Late Juan López](#)," September 25, 2024; OHCHR, "[OACNUDH expresa preocupación por la resolución que revoca el sobreseimiento para los defensores de Guapinol](#)," September 19, 2024.

<sup>1158</sup> Washington Office on Latin America (WOLA), "[Call on Honduran Authorities to Bring Justice for Berta](#)," June 24, 2024; CEJIL, "[Continúan sin confirmarse las sentencias contra los responsables del asesinato de Berta Cáceres](#)," May 8, 2024; World Organization Against Torture (OMCT), "[Honduras: Eight Years After the Assassination of Berta Cáceres, We Demand Justice](#)," March 1, 2024.

<sup>1159</sup> Civic Council of Popular and Indigenous Organizations of Honduras (COPINH), "[Comunicado N°12 2024: La Corte Suprema de Justicia de Honduras confirma sentencias de asesinos de Berta Cáceres, pero modifica agravantes en la condena de David Castillo y envía el caso de Sergio Rodríguez al pleno de la Corte Suprema de Justicia](#)," November 25, 2024; *Criterio Hn*, "[Ratifican condenas en el caso Berta Cáceres: persiste la impunidad para autores intelectuales](#)," November 25, 2024.

<sup>1160</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 19.

<sup>1161</sup> *Criterio Hn*, "[Tras tenso inicio, Garífunas y gobierno instalan Comisión para cumplir fallos de Corte IDH](#)," April 12, 2024; *SWI swissinfo.ch*, "[Honduras inicia la restitución de tierras a la comunidad garífuna tras fallo de Corte IDH](#)," October 15, 2024; *ANSA Latina*, "[Gobierno restituye tierras a comunidad garífuna Tras fallo de Corte IDH](#)," October 15, 2024.

<sup>1162</sup> United Nations, Committee on Economic, Social and Cultural Rights, *Concluding Observations on the Third Periodic Report of Honduras*, E/C.12/HND/CO/3, October 22, 2024, para. 54.

<sup>1163</sup> IACHR, thematic hearing "[Honduras: Forced evictions of indigenous, black and peasant communities](#)," 189<sup>th</sup> period of sessions, February 28, 2024.

<sup>1164</sup> *El Mundo*, "[Ministro de Seguridad defiende construcción de cárcel en La Mosquitia pese a controversia indígena](#)," December 4, 2024. In IACHR files.

guarantee basic, territorial and environmental rights.<sup>1165</sup> Moreover, in October, acts of violence against members of the Garífuna community of Nueva Armenia, Atlántida, were reported, who were allegedly intimidated, threatened and shot at by the Honduran National Police during a peaceful demonstration to reclaim an area within their ancestral territory, which was usurped by the Palmas de Atlántida company.<sup>1166</sup> The OHCHR Office in Honduras expressed its concern over these incidents.<sup>1167</sup>

550. With regard to the rights of **women**, the Commission highlights the passage of the Law on Safe Houses for women surviving violence.<sup>1168</sup> The Commission also welcomes various measures aimed at improving judicial responses and access to justice in cases of gender-based violence, such as the resumption of activities by the technical investigation committee of the Inter-Agency Commission for Monitoring the Investigation of Violent Deaths of Women and Femicides,<sup>1169</sup> the implementation of a model of open and accessible judicial offices and courts in the Specialized Court against Domestic Violence and the Sentencing Court of Francisco Morazán,<sup>1170</sup> and the steps taken towards establishing the Justice and Gender Observatory of the judiciary.<sup>1171</sup>

551. However, the Commission notes that limited progress was achieved in drafting the Comprehensive Law on Violence against Women, the Purple Alert Law for the search of disappeared women<sup>1172</sup> and the Law Against Political Violence Towards Women.<sup>1173</sup> The Commission also observes that the CONADEH received 1,566 complaints from women during the first half of the year, most of which involved human rights violations in relation to due process of law and access to justice.<sup>1174</sup> Furthermore, the Commission is alarmed at reports of media violence against women and adolescents arrested for alleged abortion who have been exposed by the authorities in both traditional and social media.<sup>1175</sup>

552. Moreover, the Commission notes that high rates of femicide, sexual and domestic violence against women, girls and adolescents persist in Honduras.<sup>1176</sup> According to official records, 177 violent deaths of women were recorded between January and October 2024,<sup>1177</sup> while the civil society reported 203 femicides during the same period, most of which were committed in public spaces.<sup>1178</sup> The Public Prosecutor's Office recorded 766 complaints of sexual violence against women and girls in the first quarter alone.<sup>1179</sup> Additionally,

<sup>1165</sup> *La Prensa*, "[Racismo, exclusión y discriminación: las realidades que persiguen a garífunas de Honduras](#)," September 12, 2024.

<sup>1166</sup> Solidarity Collective, "[Pronunciamiento Público: Organizaciones Condenan Violencia en Contra de Comunidades Garífunas en Honduras](#)," October 17, 2024; *Expediente Público*, "[Brutalidad policial contra garífunas en Honduras](#)," October 11, 2024.

<sup>1167</sup> OHCHR, "[OACNUDH expresa preocupación por los actos de violencia cometidos contra miembros de la comunidad garífuna de Nueva Armenia, Atlántida, que resultaron en dos personas heridas por arma de fuego](#)," October 8, 2024.

<sup>1168</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 3.

<sup>1169</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 14.

<sup>1170</sup> *Canal 8*, "[Lanzan el Modelo de Despachos Judiciales Abiertos en Honduras](#)," November 19, 2024.

<sup>1171</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 10.

<sup>1172</sup> IACHR, [2023 Annual Report, Chapter IV.A](#), December 31, 2023, para. 494; IACHR, [2022 Annual Report, Chapter IV.A](#), April 1, 2023, para. 529; *Criterio*, "[Honduras: urge aprobación de la Ley Integral Contra la Violencia hacia las Mujeres](#)," September 13, 2024.

<sup>1173</sup> *Criterio*, "[Ley Contra la Violencia Política hacia las mujeres sigue estancada en el Congreso Nacional](#)," November 19, 2024.

<sup>1174</sup> *La Tribuna*, "[Mujeres son principales víctimas de violaciones a DD. HH. en Honduras](#)," September 4, 2024.

<sup>1175</sup> OPTIO, *et al.*, Inputs for the 2024 Annual Report of the Inter-American Commission on Human Rights on the situation of the sexual and reproductive rights of women and girls in Central America and the Dominican Republic, November 25, 2024, p. 9. In IACHR files; Police Investigation Directorate [@dpi\_honduras], (July 21, 2024), Policía Nacional arresta mujer por la comisión del supuesto delito de aborto en Catacamas, Olancho [X post], X, [https://x.com/dpi\\_honduras/status/1815064572698427731](https://x.com/dpi_honduras/status/1815064572698427731).

<sup>1176</sup> IACHR, [Situation of Human Rights in Honduras](#), March 24, 2024, paras. 129, 350; IACHR, [2021 Annual Report, Chapter IV.A](#), May 26, 2022, para. 689; IACHR, [2022 Annual Report, Chapter IV.A](#), April 1, 2023, para. 530; IACHR, [2023 Annual Report, Chapter IV.A](#), December 31, 2023, para. 493.

<sup>1177</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat's Human Rights Office, October 21, 2024, p. 15.

<sup>1178</sup> Centro de Derechos de Mujeres, [Violence against women in Honduras-2024](#), October 31, 2024.

<sup>1179</sup> *Expediente Público*, "[En Honduras hay una denuncia por abuso sexual cada tres horas](#)," May 22, 2024.

27,809 domestic violence and 39,550 domestic abuse complaints were recorded between January and September 2024.<sup>1180</sup> In the same period, 3,799 victims of human trafficking received assistance, including 45 people rescued in 2024, including 33 children and eight women.<sup>1181</sup>

553. In terms of sexual and reproductive rights, the Commission notes the persistently high pregnancy rates among girls and adolescents aged 10 to 19,<sup>1182</sup> with 6,914 births reported over the first seven months of 2024.<sup>1183</sup> In this context, the Commission voices its concern over the fact that the Law on Comprehensive Education and Teenage Pregnancy Prevention, vetoed in 2022,<sup>1184</sup> was excluded from the legislative agenda, and, in turn, a bill that could hinder its enactment was introduced.<sup>1185</sup> Furthermore, the Commission observes barriers to accessing reproductive healthcare, particularly for victims of sexual violence who become pregnant.<sup>1186</sup> Some of these barriers include the limited distribution of the emergency contraceptive pill<sup>1187</sup> and deficiencies in the effective implementation of the Assistance Protocol for Victims and Survivors of Sexual Violence.<sup>1188</sup>

554. As to **persons in the context of human mobility**, the National Institute of Migration of Honduras reported that 290,902 persons entered the country irregularly between January 1 and August 31, 2024. Most of them were nationals from Venezuela (140,400), Cuba (47,247), Haiti (16,726), Ecuador (16,372) and Colombia (14,037).<sup>1189</sup> These figures account for a 16.3 percent increase compared to the same period in 2023, when the irregular entry of 249,972 migrants was recorded.<sup>1190</sup> The International Committee of the Red Cross (ICRC) noted that the rising number of persons in mobility aggravates the need for assistance and protection.<sup>1191</sup> In this context, the Commission notes that the validity of the measure suspending administrative penalties for entering the country through unauthorized border points,<sup>1192</sup> which was initially adopted under Legislative Decree No. 42-2022, was extended.<sup>1193</sup>

555. Moreover, the Commission continues to monitor the return of Hondurans. As of August 31, 2024, the National Institute of Migration had received 24,392 returnees, primarily from Mexico and the United States. This marks a decrease compared to the same period in 2023, when 40,895 people returned.<sup>1194</sup> In this regard, the Commission takes note of the presentation of the 2024–2025 National Reintegration Plan.<sup>1195</sup> According to public information, this plan introduces a series of concrete measures to help returnees rebuild their economic, social and psychosocial ties, ensuring their well-being and livelihoods, while contributing to the sustainable development of their communities. The plan is part of a broader strategy to promote a dignified

<sup>1180</sup> Centro de Derechos de Mujeres, [Violence against women in Honduras–2024](#), October 31, 2024.

<sup>1181</sup> Interinstitutional Commission Against Commercial Sexual Exploitation and Human Trafficking in Honduras (CICESCT HN), [@cicesct], (November 20, 2024), La CICESCT te informa que en el año 2024 se han atendido 3,799 víctimas directas e indirectas del delito de Trata de Personas a nivel nacional, ofreciéndole atención legal, médica, psicológica y social [X post], X, <https://x.com/cicesct/status/1859226576551878975>.

<sup>1182</sup> IACHR, [Situation of Human Rights in Honduras](#), March 24, 2024, para. 376.

<sup>1183</sup> Criterio, “[Honduras registra casi siete mil partos en adolescentes en 2024](#),” July 23, 2024.

<sup>1184</sup> IACHR, [2023 Annual Report, Chapter IV.A](#), December 31, 2023, para. 496; IACHR [@CIDH], (November 21, 2024), Estándares interamericanos sobre derechos sexuales y reproductivos [X post], X, <https://x.com/CIDH/status/1859681323381817527>.

<sup>1185</sup> *Contracorriente*, “[Grupos conservadores promueven ley de derechos parentales que limita la educación sexual y estigmatiza a organizaciones de mujeres](#),” October 23, 2024.

<sup>1186</sup> Center for Reproductive Rights, “[Honduras fue denunciado ante el Comité de Derechos Humanos de la ONU por la prohibición absoluta del aborto vigente en el país](#),” April 10, 2024; IACHR [@CIDH], (November 21, 2024), Estándares interamericanos sobre derechos sexuales y reproductivos [X post], X, <https://x.com/CIDH/status/1859681323381817527>.

<sup>1187</sup> Criterio, “[Acceso libre y gratuito de la PAE sigue sin cumplirse en Honduras](#),” June 25, 2024.

<sup>1188</sup> Criterio, “[Protocolo de atención a víctimas de violencia sexual sigue sin materializarse en el sistema de salud pública](#),” December 11, 2023.

<sup>1189</sup> National Institute of Migration of Honduras, [Irregular Migration Flows](#), undated, accessed on October 1, 2024.

<sup>1190</sup> National Institute of Migration, Op. cit.

<sup>1191</sup> International Committee of the Red Cross (ICRC), “[Honduras: Humanitarian Report 2024](#),” April 5, 2024, pp. 8-9.

<sup>1192</sup> National Institute of Migration [@MigracionHND], (January 31, 2024), El Congreso Nacional aprobó la ampliación de la amnistía migratoria [X post], X, <https://x.com/MigracionHND/status/1752722943254102030>.

<sup>1193</sup> IACHR, [2022 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), April 1, 2023, para. 518.

<sup>1194</sup> National Institute of Migration of Honduras, [Honduran Returnees](#), undated, accessed on October 1, 2024.

<sup>1195</sup> Secretariat of Foreign Affairs and International Cooperation (SRECI) of Honduras, [Plan Nacional de Reintegración. Resumen Ejecutivo](#), July 2024.

return and sustainable reintegration, in line with Objective 21 of the *Global Compact for Safe, Orderly and Regular Migration*.<sup>1196</sup>

556. With regard to **internal displacement**, the IDMC reported that Honduras had recorded 5,100 internal displacements associated with conflict—a conservative estimate as it only includes beneficiaries of humanitarian support in some parts of the country—as well as 5,800 internal displacements caused by disasters.<sup>1197</sup> More than one year after the enactment of Law for the Prevention, Assistance and Protection of Internally Displaced Persons, the regulations outlining the guidelines and procedures for its implementation have yet to be issued.<sup>1198</sup>

557. With respect to **human trafficking**, the Commission welcomes the steps taken by the State, including the progress achieved in amending the Criminal Code to incorporate precise terminology related to the crime of trafficking.<sup>1199</sup> The Commission also commends the State for delivering training sessions on sexual cybercrimes and human trafficking in La Ceiba.<sup>1200</sup>

558. Regarding the rights of **children and adolescents**, the Commission welcomes the enactment of the law creating the National Children's Congress in April 2024.<sup>1201</sup> Composed of 128 children, this congress is authorized to convene, engage in discussions and propose bills on issues affecting children and the general population; however, the law does not define its specific mandate or the actual impact of its deliberations.<sup>1202</sup>

559. Moreover, the Commission notes concerns raised by the CONADEH and UNICEF over the closure of several facilities of the Secretariat for Children, Adolescents and the Family following staff protests in April. These demonstrations were prompted by overdue payments, alleged unjustified dismissals and claims of workplace harassment. The interruption of services reportedly had a negative impact on the protection of the rights of children and adolescents under state guardianship, inasmuch as assistance to this population was temporarily suspended.<sup>1203</sup>

560. The Commission also notes the high number of children impacted by violence. The CONADEH recorded the violent deaths of approximately 950 children between 2020 and April 2024. Until May 2024, the CONADEH had received 93 complaints related to violations of children's rights, including at least 22 cases of abuse, four cases of school dropout and four cases of injuries, among others.<sup>1204</sup> In addition, the CONADEH reported that more than 20 children and adolescents had disappeared between January and July.<sup>1205</sup>

561. With regard to the rights of **persons deprived of liberty**, the Commission welcomed the ratification of the Inter-American Convention to Prevent and Punish Torture by Honduras and the deposit of its ratification instrument on July 23.<sup>1206</sup> The Commission also notes that the Honduran Mechanism against

<sup>1196</sup> SRECI of Honduras, "[Honduras lanza el Plan Nacional de Reintegración para asistir a quienes retornan al país](#)," undated, IOM, "[Honduras lanza el Plan Nacional de Reintegración para asistir a quienes retornan al país](#)," June 20, 2024.

<sup>1197</sup> IDMC, *Global Report on Internal Displacement 2024*, May 14, 2024, pp. 90, 122.

<sup>1198</sup> Secretariat of Human Rights of Honduras, "[SEDH participa en la quinta sesión ordinaria del 2024 de la Comisión para la Protección de Personas Desplazadas Forzadamente \(CIPPDEF\)](#)," May 28, 2024.

<sup>1199</sup> Government of Honduras, "[La CICESCT junto al MP socializan reformas al código penal sobre delitos de trata de personas](#)," January 30, 2024.

<sup>1200</sup> Government of Honduras, "[La CICESCT, presente en inauguración de la campaña 'Tu Seguridad en Cada Paso'](#)," April 15, 2024.

<sup>1201</sup> *La Gaceta*, Official Gazette of the Republic of Honduras, [Decree No. 16-2024, Law on the National Children's Congress](#), April 16, 2024.

<sup>1202</sup> SRECI, "[Presidenta Castro recibe a los 128 niños diputados del Congreso Infantil](#)," 2024.

<sup>1203</sup> CONADEH-The Office of the Ombudsperson [@CONADEH], (March 15, 2024), El #CONADEH exhorta a la SENAF a solucionar y superar los desafíos internos para garantizar efectivamente los derechos de las niñas [X post], X, <https://x.com/CONADEH/status/1768671621043167324>; UNICEF, "[Ante los acontecimientos ocurridos en la Secretaría de Niñez, Adolescencia y Familia, UNICEF manifiesta su preocupación por su impacto en la garantía y protección de los derechos de la niñez, especialmente la más vulnerable](#)," March 7, 2024.

<sup>1204</sup> CONADEH, "[Alrededor de 950 niños y niñas murieron violentamente en los últimos 52 meses](#)," May 9, 2024.

<sup>1205</sup> CONADEH, "[Más de una veintena de niños y adolescentes reportados como desaparecidos en el 2024](#)," July 24, 2024.

<sup>1206</sup> IACHR [@CIDH], (July 23, 2024), #Honduras: #CIDH celebra la ratificación de la Convención Interamericana para Prevenir y Sancionar la Tortura [X post], X, <https://twitter.com/CIDH/status/1815876473598734588>.



Torture, along with others in the region, adopted the Declaration of San José aimed at institutional strengthening and networking and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>1207</sup> Moreover, the Commission welcomes the issuance of Decree No. 40-2024, which, *inter alia*, establishes the Interinstitutional Committee for the Follow-up of Commitments and Recommendations on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and provides for the registration of detainees, the training of security agents and the medical examination of detainees upon entry to detention centers.<sup>1208</sup> Similarly, the Commission appreciates the refurbishment of the National Women's Penitentiary for Social Adaptation (PNFAS) to improve detention conditions for women and their children.<sup>1209</sup>

562. Notwithstanding the foregoing, the CONADEH documented the deaths of 30 people in custody across various detention centers between June 23, 2023, and June 14, 2024.<sup>1210</sup> In addition, the armed forces reportedly remain involved in penitentiary operations, as the state of emergency concerning the national penitentiary system was extended and the decree appointing the Military Police for Public Order (PMOP) as the Intervening Commission of the National Penitentiary System in charge of managing detention centers remains in force.<sup>1211</sup>

563. In this regard, during the public hearing titled “Honduras: Human rights of individuals who are deprived of liberty in the context of the prison crisis,” the Commission learned that the militarization of prisons had exacerbated the violations of the rights of detainees. The civil society highlighted deaths in custody, overcrowding, torture practices and risks faced by incarcerated women and their children among the main violations. The organizations also expressed their concern over the construction of a “mega prison” in an unpopulated area and a new prison in the Swan Islands. The State acknowledged the fact that it is facing a prison crisis, and it committed to building a system focused on the protection of human rights. Honduras also reported that 16 members of the 18<sup>th</sup> Street Gang had been charged for the deaths of 46 women who were detained in the PNFAS in June 2023 and that investigations to identify the state officials involved remained ongoing.<sup>1212</sup>

564. Additionally, the State informed the Commission of the measures taken to ensure dignified living conditions for the prison population. In this regard, Honduras described the phases of intervention and control, stabilization, governance, development of rehabilitation programs and expansion and/or update of the legal and regulatory framework and provided data on the institutional modernization and strengthening of the National Penitentiary Academy. Among the reported achievements, the Commission highlights a prison census that covered 95 percent of the prison population as of July 2024 and the reduction of violence as a relevant indicator.<sup>1213</sup>

565. As for the **fight against torture**, the Commission learned of the creation of the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment (MNP-CONPAREV). The State reported that a new executive branch representative was sworn into the mechanism on August 20, 2024.<sup>1214</sup> Nevertheless, the Commission notes that the civil society representative has yet to be appointed, although she was elected on July 25, 2023.<sup>1215</sup>

<sup>1207</sup> CPT, Chile, [Declaración de San José para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad](#), May 10, 2024.

<sup>1208</sup> *La Gaceta*, Official Gazette of the Republic of Honduras, Decree No. 40-2024, published on June 6, 2024. In IACHR files.

<sup>1209</sup> National Institute for Prisons of Honduras, “[Renovación y Esperanza: Inauguración de Módulo en la PNFAS](#),” August 2, 2024.

<sup>1210</sup> Office of the Ombudsperson for Persons Deprived of Liberty–CONADEH, [Memorandum No. DPPL-10/2024](#), June 14, 2024.

<sup>1211</sup> *La Gaceta*, Official Gazette of the Republic of Honduras, [Executive Decree No. PCM 18-2024](#), published on June 21, 2024. See also: IACHR, Press Release No. 139/23, [IACHR Condemns Deaths of At Least 46 Women in Honduran Prison](#), June 28, 2023.

<sup>1212</sup> IACHR, Public hearing “[Honduras: Human rights of individuals who are deprived of liberty in the context of the prison crisis](#),” 190<sup>th</sup> regular period of sessions, July 10, 2024.

<sup>1213</sup> Government of Honduras, Diplomatic Note No. DNDDHH-LAI-1137-2024, September 13, 2024, pp. 7–22.

<sup>1214</sup> Government of Honduras, Diplomatic Note No. DNDDHH-LAI-1137-2024, September 13, 2024, p. 6.

<sup>1215</sup> IACHR, Press Release No. 148/24, [IACHR Calls on States to Promote the Creation and Functioning of National Anti-Torture Mechanisms](#), June 26, 2024. See also: IACHR, [2023 Annual Report, Chapter IV.A, Development of Human Rights in the Region](#), December 31, 2023, para. 511.



566. Regarding the rights of **LGBTI persons**, Honduras has achieved progress in the inclusion of trans persons in the national identification system. The National Registry of Persons (RNP) announced plans to implement processes for people to rectify their official documents, in compliance with the judgment issued by the Inter-American Court in *Vicky Hernández et al. v. Honduras*.<sup>1216</sup> Additionally, the Secretariat for Social Development (SEDESOL) ran a diploma course on equity and human rights for people living with HIV and the LGBTI population, and developed a guide to educate and raise awareness on the rights of LGBTI persons.<sup>1217</sup>

567. However, in terms of challenges, the civil society had recorded at least 17 murders of LGBTI persons until August. The civil society has also identified high levels of violence, exclusion and social rejection in the workplace, educational institutions and family settings, which are rooted in prejudice against diverse sexual orientations or gender identities.<sup>1218</sup>

568. With respect to the rights of **older persons**, based on public information, the Commission has identified issues concerning the rights to community participation, social security, housing, food and nondiscrimination. The Commission welcomes the entry into force of Decree No. 34-2024, which exempts older persons from fees associated with bank services, such as the issuance of credit cards and bankbooks.<sup>1219</sup> The Commission also acknowledges the creation of the diploma course titled “Development of Capabilities to Provide Healthcare to Older Persons,” designed for public officials and offered by the Secretariat for Social Development.<sup>1220</sup>

569. As to the right to work and nondiscrimination, the Commission welcomes a law passed by the National Congress of Honduras aimed at preventing age discrimination against people over 35 of age in recruitment, selection and hiring processes, as well as in their terms of employment.<sup>1221</sup>

570. Finally, the Commission takes note of a study conducted by the Food and Nutritional Security Observatory of the National Autonomous University of Honduras (OBSAN-UNAH), which found that 44.33 percent of persons over 60 years of age in at least 15 departments of the country face a risk of malnutrition, while 7.91 percent suffer from severe malnutrition.<sup>1222</sup> The Commission also welcomes the discounts mandated by the General Directorate for Consumer Protection, which benefit older persons with 30 to 40 percent reductions on transportation tickets, restaurant meals, healthcare services, pharmacies and drugstores, general and specialized medical care, as well as on the purchase of frames and lenses for eyeglasses.<sup>1223</sup>

## XXI. JAMAICA

### • General considerations

571. As it relates to **progress**, the IACHR notes a decrease in homicides recorded in the State. Moreover, the Commission notes the efforts to increase access to justice for vulnerable groups, to address

<sup>1216</sup> *La Prensa*, “[Honduras avanza para identificar personas trans en el RNP](#),” August 20, 2024; *El Heraldo*, “[Aprobarán protocolo para que la comunidad LGBTI+ cambie su nombre, confirma RNP](#),” August 5, 2024.

<sup>1217</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat’s Human Rights Office, October 21, 2024, p. 6 *et seq.*

<sup>1218</sup> *Infobae*, “[La discriminación y el estigma contra personas LGBTI no cede en Honduras, dice un estudio](#),” August 15, 2024.

<sup>1219</sup> *El Heraldo*, “[Nuevos beneficios para personas de la tercera edad en el sistema bancario](#),” October 21, 2024.

<sup>1220</sup> Government of the Republic of Honduras, Electronic Communication No. 1516-DPM-SRECI-2024, Report in response to the request for information made by the IACHR, in its Article 41 letter, on the situation of human rights in Honduras during 2024, State Secretariat’s Human Rights Office, October 21, 2024.

<sup>1221</sup> *Diario El País Honduras*, “[CN aprueba reforma de ley para evitar discriminación laboral en personas mayores de 35 años](#),” August 1, 2024.

<sup>1222</sup> *El Heraldo*, “[El 8% de los hondureños mayores de 60 años sufren malnutrición severa](#),” October 21, 2024.

<sup>1223</sup> *Proceso Digital*, “[En vigencia nuevos descuentos para personas de la tercera edad en Honduras](#),” February 19, 2024.

gender-based violence, including amendments to its Domestic Violence Act, and to increase protection of children.

572. As it relates to **challenges**, the IACHR notes with concern the continued use of States of Emergency and Zones of Special Operations as crime suppression measures. In addition, the Commission took note of reports of human rights abuses against Haitian citizens in human mobility in Jamaica and the persistence of regulatory frameworks that criminalize consensual sexual activity between adults of the same sex.

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

- **Specific issues**

574. With regards to **democratic institutional**ity, the IACHR notes that, in February, the State held local government elections for 228 Electoral Divisions. Via these elections, citizens elected councilors and mayors to develop and manage infrastructure and public facilities within the divisions.<sup>1224</sup> According to the Electoral Office of Jamaica, the results indicate that the ruling Jamaica Labour Party won the majority of the seats in seven parishes, while the People's National Party won five.<sup>1225</sup> Further, the IACHR notes that in December, the government introduced in the House of Representatives the Bill to abolish the Constitutional Monarchy and transition Jamaica to a Republic. According to official information, the Bill will also clarify provisions regarding Jamaican citizenship and provide provisions for the Office of the President of Jamaica as a Republic, including qualifications to hold the office and procedure for appointment.<sup>1226</sup>

575. As it relates to **human rights institutions**, in its 2023 Annual Report, the Commission noted that the State was in the process of transferring the functions of the Office of the Political Ombudsman to the Electoral Commission.<sup>1227</sup> This transition was finalized through the amendment of the Political Ombudsman Act. According to official information, it is anticipated that this transfer will lead to more effective recommendations to political parties and their representatives, enhancing oversight of the political process and conduct.<sup>1228</sup> In addition, the Commission notes the renewed call by civil society for the establishment of a National Human Rights Institution to investigate claims of human rights abuses and monitor human rights violations in the State.<sup>1229</sup>

576. With respect to **citizen security**, according to the figures presented by the Jamaica Constabulary Force, there was a total of 842 homicides reported from January 1 to September 21, 2024, compared to 1,013 homicides reported in the same period in 2023, which represented an approximately 17% decrease.<sup>1230</sup> This represents a homicide rate of rate of 29 per 100,000 inhabitants as of September, 2024.<sup>1231</sup>

577. Additionally, the Commission notes the State's continued use of States of Emergency (SOEs) as a crime suppression strategy. In August, the State declared a SOE for the parish of Clarendon after a shooting incident in which eight persons were killed and nine injured.<sup>1232</sup> In a press release, the Commission expressed concern over Jamaica's reliance on SOEs and underscored that such measures should be exceptional and limited in scope and duration. The IACHR called on the State to address the causes and consequences of crime from a comprehensive and intersectoral perspective and to adopt prevention and response measures that

<sup>1224</sup> Jamaica Information Service, [Local Government Elections in Jamaica](#), January 30, 2024.

<sup>1225</sup> Electoral Office of Jamaica, [Final Count Complete for ALL Electoral Divisions](#), February 29, 2024.

<sup>1226</sup> Minister of Legal and Constitutional Affairs, [Constitution \(Amendment\) \(Republic\) Act](#), 2024; Jamaica Information Service, [Legislation Facilitating Jamaica's Transition To A Republic Tabled In The Lower House](#), December 11, 2024.

<sup>1227</sup> IACHR, [Annual Report Chap IV.A "Jamaica"](#), 2023, para. 519.

<sup>1228</sup> Jamaica Information Service, [Bill Passed to Integrate Political Ombudsman into ECJ](#), February 7, 2024.

<sup>1229</sup> Jamaicans for Justice, [Press Release](#), December 10, 2024.

<sup>1230</sup> Jamaica Constabulary Force, [Crime Statistics: January 1-September 21, 2024](#), October 2024.

<sup>1231</sup> The IACHR calculated the homicide rate based on the State's population of 2,825,544 according to data from The World Bank. The World Bank, [Population, total - Jamaica](#), 2023.

<sup>1232</sup> Jamaica Information Service, [Reward for Information Leading to Arrest and Charge of Persons Involved in Cherry Tree Lane Gun Attack](#), August 14, 2024.

guarantee respect for human rights, including gender and intersectional approaches.<sup>1233</sup> In response, the State reiterated its commitment to protect, uphold and respect the human rights of all persons in Jamaica, in accordance with its Charter of Fundamental Rights and Freedoms.<sup>1234</sup> In December, according to public information, the State declared an SOE across the St Andrew South police division and sections of St Andrew Central due to an increase in criminal activities.<sup>1235</sup>

578. Moreover, the IACHR also takes note of the continued use of Zones of Special Operations (ZOSOs) across Jamaica. These ZOSOs have been used by the State in addition to SOEs. In December, the ZOSOs in seven communities were further extended for an additional 180 days.<sup>1236</sup> According to the State, the ZOSOs that have been extended are all in the 'community development' phase which entails the establishment of a Social Intervention Committee. This Committee is responsible for assessing and developing sustainable development plans for the community, including addressing issues relating to health, the environment, education and economic development. Additionally, the Committee recommends social interventions which may include compulsory school attendance and urban renewal initiatives.<sup>1237</sup>

579. In relation to **access to justice**, the Commission notes the efforts by the State to increase access to justice for persons with disabilities and children in contact and conflict with the law by partnering with civil society. According to official information, the 'Social Justice' project seeks to enshrine equity, access, participation and rights as the cornerstone of a modernized judicial system and make judicial services easier for every citizen to understand and use.<sup>1238</sup> Via this program, 56 attorneys-at-law, legal aid and justice service providers from the Ministry of Justice have completed training in Jamaican Sign Language and Deaf Culture in order to be able to better communicate and connect with members of the deaf community.<sup>1239</sup>

580. In addition, the IACHR takes note of the intention of the State to develop a legal information portal to improve public access to Jamaica's laws, educate the public about all aspects of legal information and provide a facility for the persons to express views on and query the status of any law. The portal is expected to be operational by February 2025.<sup>1240</sup>

581. Concerning the rights of **children**, the Commission notes that the Child Protection and Family Services Agency (CPFSA) endeavored to improve the quality of services it provides to children at risk by strengthening its workforce and working with the Ministry of Education and Youth (MOEY) to fill a number of vacant positions.<sup>1241</sup> In addition, the IACHR commends the State on receiving certification from the World Health Organization for eliminating the mother-to-child transmission of HIV and syphilis (EMTCT).<sup>1242</sup>

582. The Commission also commends the initiatives led by the MOEY to increase public awareness of children's rights, empower children with knowledge of their rights and responsibilities, and promote positive engagement and affirmation. These initiatives include the National Child Online Protection Forum on the importance of safeguarding children in digital spaces, the "Child Conversation" series with an edition for

<sup>1233</sup> IACHR, [Press Release No. 208/24](#), "IACHR expresses concern over Jamaica's continued use of states of emergency", September 5, 2024.

<sup>1234</sup> Government of Jamaica, "Comments by the Government of Jamaica iro proposed release titled "IACHR Expresses Concern Over Jamaica's Continued Use of States of Emergency and Zones of Special Operations", August 30, 2024, IACHR Archive.

<sup>1235</sup> Jamaica Observer, [SOE declared in St Andrew South: sections of St Andrew Central police divisions](#), December 5, 2024.

<sup>1236</sup> Jamaica Information Service, [ZOSOs Extended in Seven Communities](#), December 4, 2024.

<sup>1237</sup> Government of Jamaica, "Comments by the Government of Jamaica iro proposed release titled "IACHR Expresses Concern Over Jamaica's Continued Use of States of Emergency and Zones of Special Operations", August 30, 2024, IACHR Archive.

<sup>1238</sup> Jamaica Information Service, [Vulnerable Groups' Access to Justice Services Being Increased](#), February 21, 2024.

<sup>1239</sup> Jamaica Information Service, [56 Justice Ministry Service Providers Graduate from Six-Week Sign Language Training Course](#), September 13, 2024.

<sup>1240</sup> Jamaica Information Service, [Jamaica Legal Information Portal to Be Developed](#), March 6, 2024.

<sup>1241</sup> Jamaica Information Service, [CPFSA on Drive to Improve Services to Children at Risk](#), March 13, 2024.

<sup>1242</sup> UNICEF, Press Release, ["Belize, Jamaica and St. Vincent and the Grenadines eliminate mother-to-child transmission of HIV and syphilis"](#), May 7, 2024.

children with special needs, and the "Wellness Bench Lyne – Child Conversation" in collaboration with the Ministry of Health and Wellness.<sup>1243</sup>

583. On the other hand, civil society organizations reported that children are often moved within the childcare system in Jamaica, allegedly without proper assessments or follow-ups, and that aftercare support and placement procedures remain insufficient<sup>1244</sup>. In April, in a letter sent to the State under art. 41 of the American Convention, the Commission requested information on the delicensing of the Sunbeam Boys Home in January 2024 by the Child Protection and Family Services Agency (CPFSA) following allegations of child abuse at the facility. According to publicly available information, children from the home had to be relocated to other residential childcare units, placed in foster care, or, in some cases, returned to their families<sup>1245</sup>. In this context, the IACHR requested details on the measures taken to support the affected children and the criteria guiding decisions on their placement within the residential care system. However, the Commission did not receive a response from the State.

584. The Commission also takes note of UNICEF's call to update the National Plan of Action for an Integrated Response to Children and Violence and to allocate the necessary funding with the aim of reinforcing coordination mechanisms and strengthening programs and services designed to protect children from violence.<sup>1246</sup>

585. Regarding the rights of **women**, the Commission notes that the amendments to the Domestic Violence Act came into force in January 2024, thereby expanding the categories of persons who can apply for a protection order and establishing the possibility of non-compliance with a fine of up to 1 million Jamaican dollars and imprisonment for up to one year.<sup>1247</sup> However, the IACHR notes that civil society organizations have highlighted the limited scope of the reforms, as they focus on physical violence and disregard other forms of violence.<sup>1248</sup>

586. Moreover, the Commission highlights the workshop given to first responders to address gender-based violence in emergency situations,<sup>1249</sup> and the ongoing review and update of the National Policy for Gender Equality of 2011.<sup>1250</sup> Finally, the Commission reiterates its concern over the persistence of the criminalization of abortion in all cases with penalties that include life imprisonment.<sup>1251</sup>

587. With respect to the rights of **persons in the context of human mobility**, according to official information, the State facilitated the move of approximately 50 Haitian children, including children with disabilities, from an orphanage in Haiti under siege from organized criminal groups, to a private orphanage in Jamaica for their care and welfare.<sup>1252</sup> However, the State continued to deport Haitian migrants allegedly

<sup>1243</sup> Jamaica Information Service, [Education Minister Gives Firm Commitment to the Care and Protection of Children](#), 2024.

<sup>1244</sup> Information provided to the IACHR by civil society virtual meeting, February 2, 2024.

<sup>1245</sup> Jamaica Star, [Sunbeam Children's Home to be delicensed over claims of child abuse](#), January 16, 2024; Caribbean Times, [Children's home to be delicensed following report of child abuse](#), January 19, 2024; National Wide Radio, [Sunbeam Children's Home Losing License Due to Child Abuse](#), January 16, 2024.

<sup>1246</sup> UNICEF, Press Release, ["UNICEF Calls for Action to Keep Promise to Children"](#), August 10, 2024.

<sup>1247</sup> Jamaica Information Service, [Amended Domestic Violence Act Takes Effect January 22](#), January 17, 2024.

<sup>1248</sup> Jamaica Observer, [A promise is a comfort to a fool: JASL bemoans gaps in law](#), December 2, 2024.

<sup>1249</sup> Jamaica Information Service, [BGA Hosts Gender-Based Violence in Emergencies Workshop](#), September 16, 2024.

<sup>1250</sup> Government of Jamaica, [National Review Report on the Beijing Declaration and Platform for Action 2019-2024](#), September 25, 2024, p. 33.

<sup>1251</sup> Committee on the Elimination of Discrimination Against Women (CEDAW), [Concluding observations on the eighth periodic report of Jamaica](#), November 15, 2023, para. 32; IACHR, [Annual Report Chap IV.A "Jamaica"](#), 2023, para. 525; IACHR, [Annual Report, Chapter IV.A "Jamaica"](#), 2022, para. 546.

<sup>1252</sup> Jamaica Information Service, [Gov't Working Out Arrangements to Legally Receive Just under 50 Displaced Haitian Orphans](#), March 14, 2024.

without proper assessment of international protection needs. According to public information, in October 17 Haitian nationals were deported.<sup>1253</sup>

588. Moreover, via a public hearing held during its 191<sup>st</sup> Period of Sessions, the IACHR received information from civil society organizations on the human rights abuses to which Haitians in human mobility in Jamaica were allegedly subjected, including instances of alleged torture, arbitrary detention, separation of families, detention of children and collective expulsions.<sup>1254</sup> During the hearing, the State highlighted the operational and logistical challenges it faced as a result of the irregular movement of Haitians to Jamaica. In this context, the IACHR called for the establishment of a regulatory framework to protect and regularize the status of Haitians in Jamaica and the region.<sup>1255</sup>

589. Regarding **human trafficking**, the Commission takes note of the commitment expressed by the State regarding the Los Angeles Declaration on Migration and Protection to reduce the incidence of irregular migration and combat human trafficking. Likewise, the Commission welcomes actions led by the Ministry of National Security to protect children from child trafficking, including: i) the creation of friendly spaces to assist child victims of trafficking; ii) the institutionalization of 24-hour hotlines; iii) the establishment of child protection agencies with family services; and iv) the establishment of a national referral mechanism to interview child victims and witnesses with a friendly approach to avoid the revictimization of child victims.<sup>1256</sup> The Commission also notes the ongoing implementation of the National Referral Mechanism Framework for interviewing child human trafficking victims and witnesses, which would provide a child-friendly approach to interviewing child victims and witnesses of human trafficking to avoid retraumatizing such individuals.<sup>1257</sup>

590. Regarding the rights of **people of African descent and against racial discrimination**, the Commission notes that the Court of Appeal of Jamaica ruled that a school's policy on the wearing of dreadlock hairstyles violated a female child's constitutional rights when she was denied access to the school after her family refused to trim her dreadlocked hair. The Court ruled that the policy violated her constitutional rights to freedom of expression and to equitable treatment by a public authority. In relation to the general protection of children's rights, the Court of Appeal held that the formalization of rules and exemptions should lie with the executive and would not be given in the judgment.<sup>1258</sup>

591. In relation to the rights of **LGBTI persons**, the Jamaican Ministry of Health has reportedly suspended the chat and artificial intelligence service "Yute Chatz." This program was intended to provide information to people over 13 years of age on health issues, including sexual and reproductive health. The suspension occurred following allegations that the program promoted values considered contrary to Jamaican "morality," by stating that gender is a personal choice and not a biological reality, and by directing users to LGBTI organizations as a source of information.<sup>1259</sup> This context reflects the persistence of regulatory frameworks that criminalize consensual sexual activity between adults of the same sex.

592. On the matter of **persons deprived of liberty**, the Commission values the opening, in September, of an infant nursery for incarcerated pregnant mothers at the South Camp Adult Correctional Centre in Kingston. According to official information, the nursery has three rooms and is equipped with cribs,

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<sup>1253</sup> Jamaica Observer, [35 fleeing Haitians returned home via JDF coast guard](#), July 29, 2024; Jamaica Observer, [Human rights group wants Haitians to be assessed for asylum or refugee status](#), October 6, 2024; Jamaica Observer, [17 Haitians reportedly in Jamaica for a year returned home](#), October 23, 2024.

<sup>1254</sup> IACHR, 191<sup>st</sup> Period of Sessions, [Public Hearing – Jamaica: Situation of Haitians in human mobility](#), November 14, 2024.

<sup>1255</sup> IACHR, 191<sup>st</sup> Period of Sessions, [Public Hearing – Jamaica: Situation of Haitians in human mobility](#), November 14, 2024.

<sup>1256</sup> Government of Jamaica, [Johnson Smith Joins Regional Talks on Migration in LatAm and The Caribbean](#), May 7, 2024.

<sup>1257</sup> Jamaica Information Service, [Gov't Implementing Framework to Protect Child Victims of Human Trafficking](#), July 31, 2024.

<sup>1258</sup> Court of Appeal of Jamaica, [Virgo and Another v Board of Management of Kensington Primary School and Others JMCA Civ 33](#), 2024; The Gleaner, [Celebrate and respect African values](#), July 20, 2024; Jamaica Observer, [Court rules school breached constitutional rights of dreadlocks student. PNP applauds ruling](#), June 16, 2024.

<sup>1259</sup> Jamaica Observer, [Health ministry suspends Yute Chatz chatbot](#), June 24, 2024; Jamaica Observer, [Chatbot suspended. Advocacy groups welcome health ministry's review of controversial platform](#), June 25, 2024; The Gleaner, ["Health ministry suspends Yute Chatz service over concerns it's promoting deviant sexual behaviour to children"](#), June 24, 2024.



feeding chairs, toys, a changing table, and washing areas.<sup>1260</sup> Moreover, the IACHR welcomes the State's efforts in September to repurpose a newly refurbished hostel into a temporary housing facility for individuals who are eligible for parole. Specifically, the facility functions as temporary housing where parolees who do not have accommodation after being released from detention can reside.<sup>1261</sup>

593. The IACHR also values the continued implementation of an educational rehabilitation programme during 2024, which is a result of the partnership established in January 2020 among the State, the University of the Commonwealth Caribbean, and civil society.<sup>1262</sup> With regard to inmates suffering from mental illnesses, according to civil society, the current system does not provide adequate care and protection as a result of the shortage of facilities for long-term treatment and housing.<sup>1263</sup>

594. Regarding the **death penalty**, the IACHR notes that there has been no progress with removing this punishment from the statutory books. On the other hand, no person has been sentenced to death since the last execution in 1988, and as of May 23, 2023, no one is currently on death roll.<sup>1264</sup>

## XXII. MEXICO

- **General considerations**

595. As regards the **advances**, the IACHR welcomed the deep democratic vocation of the Mexican people and celebrated the election of the first woman as President. Including several measures in the Constitution is a positive development; these include measures related to pensions, minimum wage, housing, improved conditions for workers, and differentiated protections for persons with disabilities and older persons, as well as the constitutional reform on equality as between men and women and on indigenous and afrodescendants, and the reduction in the percentage of the population living in multidimensional poverty. Also viewed in a positive light is the registry of persons held in immigration detention, which was ordered by the Supreme Court of Justice. The drop in crime is a gain, as are the actions to strengthen the Mechanism of Protection for Human Rights Defenders and Journalists.

596. As regards the **challenges**, special mention can be made of tensions around the judicial reform, and the concern over guarantees of the independence and suitability of judicial officers. Constitutional reforms for the constitutional militarization of the National Guard and the shutting down of the National Institute on Transparency, Access to Public Information, and Protection of Personal Data impact Mexico's human rights obligations. Violence continues against persons and groups in vulnerable situations, such as women, human rights defenders, journalists, trans women, persons engaged in searching for the disappeared and people in mobility. In addition, there were elevated levels of violence against candidates in the electoral context. The failure to issue visitor cards on humanitarian grounds, which aggravates the risk of violence against migrants, is of concern. Figures from 2024 indicate that there were 120,000 persons disappeared in Mexico, and 72,000 unidentified corpses in the custody of the State.

<sup>1260</sup> Jamaica Information Service, [First Ever Infant Nursery for Incarcerated Expectant Mothers Opened](#), September 25, 2024; Jamaica Informative Service, [South Camp Correctional Nursery](#), September 30, 2024; and Jamaica Observer, [Nursery coming for women who give birth while in custody](#), February 22, 2024.

<sup>1261</sup> Jamaica Information Service, [Hostel Refurbished for Rehabilitated Inmates of Correctional Institutions Eligible for Parole](#), September 29, 2024.

<sup>1262</sup> Jamaica Observer, [More success for prison inmates under educational rehabilitation programme](#), July 31, 2024.

<sup>1263</sup> Jamaicans for Justice and Stand Up For Jamaica, "Urgent Reforms Needed for Mentally Ill in Jamaica's Justice System", June 26, 2024, IACHR Archive; Jamaica Observer, [Mental health services in prison only 50% therapeutic](#) Expert psychiatrist testifies at trial of former JDF officer who killed wife, February 18, 2024. Also, see: Jamaica Observer, [Transfer of mentally ill prisoners from Spanish Town to Tower Street putting pressure on system](#), February 22, 2024.

<sup>1264</sup> World Coalition Against the Death Penalty, [Jamaica](#), May 23, 2023. Last visited: October 2024.

597. The State submitted a response to the request for information sent for the drafting of this chapter on October 1, 2024.<sup>1265</sup>

- **Specific issues**

598. In terms of **the institutional framework for human rights** the State affirmed that it has been working on implementing the 2020-2024 National Human Rights Program (PNDH). It indicated that more than 90% of the 188 specific actions of the PNDH have seen substantive progress and that implementation is monitored through a digital platform.<sup>1266</sup>

599. The IACHR welcomes the reforms that incorporate into the Constitution a non-contributory pension for persons with a permanent disability who are under 65 years of age, the right to rehabilitation and enablement of persons living with a permanent disability (with priority for persons under 18 years of age), and the right to a universal non-contributory pension for all persons 65 and over. In addition, these reforms establish a safe, fair, and permanent workday for peasant farmers, direct economic support and support in the form of free fertilizer for small-scale agricultural producers and fisherpersons, and access to credit or affordable rental housing for workers.<sup>1267</sup>

600. The Commission also took note of the concerns around a possible weakening of the National Commission on Human Rights (CNDH) related to allegations of irregularities in the process whereby the Senate selects its chairperson;<sup>1268</sup> reports that complaints have been dismissed without an adequate investigation, smear campaigns against civil society organizations, journalists, and human rights defenders, as well as the disintegration of its Advisory Council as a means of protesting how the institution is being managed.<sup>1269</sup>

601. Regarding **the democratic institutional framework**, the State explained that it carried out the largest election in history, in which 20,000 public officials were elected at the federal and state levels. Among the elected authorities, the election of Dr. Claudia Sheinbaum, the first woman president of Mexico, stood out.<sup>1270</sup> The IACHR congratulated the Mexican people for its profound democratic vocation and celebrated the election of the first woman president in Mexico's history.<sup>1271</sup>

602. Public information emerged about serious acts of violence against the lives and integrity of candidates and pre-candidates; according to some counts, 37 were killed, of a total of 320 attacks identified.<sup>1272</sup> Pursuant to a request for information as per Article 41 of the American Convention concerning such incidents, the State reported that establishment of the Inter-institutional Roundtable for Security for the 2023-2024

<sup>1265</sup> Mexican State, Informe del Estado mexicano para el Informe Anual 2024 de la CIDH, September 27, 2024, sent with Diplomatic Note OEA3220, 4.0.2.1 of October 1, 2024. [Hereinafter "Report of the Mexican State. Chapter IV.A., September 27, 2024."]

<sup>1266</sup> In addition, in the period covered it noted that the PNDH organized two editions of the course "Legislative practice from a human rights perspective" in 14 state legislatures for 150 officials; convened two sessions of the "National Agenda for Coordination on Human Rights" (February and July); and gave 27 training courses and seven sessions of the course Constitutional Principles to 12,395 public servants from the three levels of government on issues such as the right to protest, the right to freedom of expression, and gender violence. Report of the Mexican State. Chapter IV.A., September 27, 2024, pp. 11-12.

<sup>1267</sup> *Diario Oficial de la Federación*, [Decree reforming and adding Article 4 and 27 of the Mexican Constitution on well-being](#), December 2, 2024; *Diario Oficial de la Federación*, [Decree reforming and addition subsection XII of Section A of Article 123 of the Mexican Constitution](#), on housing for workers, December 2, 2024.

<sup>1268</sup> El País, "Rosario Piedra pasa a la terna para dirigir la CNDH pese a estar entre las candidatas peor evaluadas", November 5, 2024 (December 10, 2024); *Pie de Página*, "Organizaciones de Derechos Humanos piden transparencia en próxima elección en la CNDH", September 18, 2024 (December 10, 2024); El País, "El Senado reelige a Rosario Piedra Ibarra al frente de la CNDH pese a todas las críticas", November 13, 2024 (December 10, 2024); *Animal Político*, "La reelección en la CNDH y el México que viene", November 13, 2024 (December 10, 2024).

<sup>1269</sup> Centro Prodh, ["CNDH. balance de su debilitamiento institucional durante la gestión 2019-2024"](#), pp. 6 ff., pp. 23 ff., and pp. 30 ff.

<sup>1270</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, p. 6.

<sup>1271</sup> IACHR [@CIDH], (June 3, 2024), #México: #CIDH celebra la elección de la primera mujer presidenta en la vida republicana del país; saluda al pueblo mexicano por su profunda vocación democrática; y felicita a la presidenta electa Claudia Sheinbaum, por su amplio triunfo, resultado de la jornada electoral en la que se registraron 43,623,360 votos. [X post], X, <https://twitter.com/CIDH/status/1797627030831251727>.

<sup>1272</sup> El País, [México sale a las urnas bajo la sombra de la violencia y 37 aspirantes asesinados](#), June 1, 2024.

Federal Elections, and the specific Protocol for addressing requests for security schemes from candidates and political parties, related to the security situation in various states.<sup>1273</sup> The Commission recognized Mexico's efforts to prevent and respond to these acts of violence, regretted the loss of human life in the electoral context, and urged the Mexican authorities to strengthen the measures necessary for ensuring the security of candidates and investigating the incidents, respecting due process guarantees.<sup>1274</sup> According to public information reported in the press, after the election recently-elected authorities were assassinated.<sup>1275</sup>

603. The Commission also followed up on the constitutional reform process in Mexico, which began February 5, 2024 with the forwarding by the Executive branch of a package of 20 constitutional and statutory reforms to Congress for legislative consideration.<sup>1276</sup> In addition, two reforms were introduced and recently approved after the initial package: one insulating constitutional reforms from judicial challenge;<sup>1277</sup> and another on issues related to gender equality.<sup>1278</sup>

604. In light of the profound legal and political impact of the constitutional reforms, they are directly related to the democratic institutional framework of the State. The State indicated that the constitutional reform process in Mexico is structured such that it guarantees the legality and legitimacy of the reforms; and that approval in the Senate requires a supermajority which no political force has acting alone, which would make clear the need to prioritize dialogue in order to actually adopt the reform.<sup>1279</sup> Moreover, the State reported that the constitutional reform process is the result of the free exercise of political participation by the citizens and their approval by means of freely-elected representatives, who constitute supermajorities in both chambers of the Mexican Congress and in most of the legislatures of the states of the federation, which reflects a political consensus on a reform of the Constitution of Mexico. The State also explained that the new constitutional framework is the result of social participation in the exercise of political rights, and, consequently, is compatible with the American Convention on Human Rights (ACHR).<sup>1280</sup> Pursuant to Article 41 of the ACHR, the Commission reiterated to Mexico the importance of the constitutional reform processes being conducted in a manner consistent with the State's human rights obligations.<sup>1281</sup>

605. As regards the constitutional reform on judicial matters, the Commission requested information on the adoption of the reform, based on Article 41 of the ACHR;<sup>1282</sup> issued a press release highlighting the concerns that were expressed by experts, civil society organizations, international human rights bodies, and associations of judicial officers;<sup>1283</sup> and convened a public hearing on the matter.<sup>1284</sup>

606. The Commission values the participation of and information provided by Mexico throughout the year.<sup>1285</sup> The Commission observes that the constitutional reform entails a fundamental transformation of

<sup>1273</sup> Communication from the Mexican State OEAA1245 Exp. 4.2.0.2., request for information pursuant to Article 41 of the [ACHR] on acts of violence in the context of the Mexican electoral process, April 16, 2024.

<sup>1274</sup> IACHR, Press Release No. 114/24, [Mexico: IACHR condemns acts of violence against candidates and calls for strengthening preventive actions to ensure peaceful elections](#), May 24, 2024.

<sup>1275</sup> El Economista, "[Suman tres asesinatos de candidatos electos a puestos públicos en el país](#)", June 27, 2024 (December 10, 2024); Swiss info, "[Asesinan en México a alcalde electo en municipio del estado de Guerrero](#)", June 18, 2024 (December 10, 2024); El País, "[Terror en Chilpancingo: el narco impone su ley tras la decapitación del alcalde](#)", October 7, 2024 (December 10, 2024).

<sup>1276</sup> Andrés Manuel López Obrador, [Iniciativas de reforma a la Constitución, desde Palacio Nacional](#), February 5, 2024.

<sup>1277</sup> Diario Oficial de la Federación, [Decree reforming the first paragraph of subsection II of Article 107, and adding a fifth paragraph to Article 105 of the Mexican Constitution, on insulating additions or reforms to the Constitution from challenges](#), October 31, 2024.

<sup>1278</sup> Diario Oficial de la Federación, [Decree reforming and adding Article 4, 21, 41, 73, 116, 122 and 123 of the Mexican Constitution, on substantive equality, gender perspective, and right of women to a life free from violence](#), November 15, 2024.

<sup>1279</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, pp. 55-56.

<sup>1280</sup> Communication from the Mexican State, OEA3898 4.5.0.1, Response to the request for information pursuant to Article 41 of the [ACHR] with respect to constitutional reforms in Mexico, November 29, 2024.

<sup>1281</sup> Communication from the IACHR, 1017-24/CIDH/SE/MCPT-Art.41, November 1, 2024.

<sup>1282</sup> Communication from the IACHR, 608-24/CIDH/SE/MPCT-Art.41, August 14, 2024.

<sup>1283</sup> IACHR, [Press Release No. 213/24, IACHR expresses concerns over judiciary reform in Mexico and warns of threats to judicial independence, access to justice, and rule of law](#), September 12, 2024.

<sup>1284</sup> IACHR, 191<sup>st</sup> period of sessions, Public Hearing "[Judicial Reform in Mexico](#)", November 12, 2024.

<sup>1285</sup> Communication from the Mexican State, OEA2799 Exp. 4.2.0.2, Report of the Mexican State, request for information pursuant to Article 41 of the [ACHR] with respect to the proposed reform of the Judicial Branch in Mexico, August 23, 2024.

one of the branches of government. The scope of the judicial reform, as regards the process of designating justices and judges by popular vote; terminating the designations of almost 1,700 judicial officers; establishing the Judicial Disciplinary Tribunal (Tribunal de Disciplina Judicial) and the Organ of the Judicial Administration (Órgano de Administración Judicial); adopting measures to keep confidential the identities of judicial officers; and other procedural changes related to time frames and *amparo* actions are far-reaching. All these measures have been the subject of grave concern by several stakeholders who have called into question, in particular, popular election as a method for selecting suitable and independent judicial authorities; the possible negative impact on the guarantee of tenure; and the labor rights of the outgoing judicial authorities.<sup>1286</sup> Along these lines, the relationship between the possible election of unsuitable judicial authorities and the right of access to justice or the victims of serious human rights violations was also brought to the attention of the Commission. Some of these topics were covered in a public statement by the IACHR.<sup>1287</sup>

607. The State noted that the judicial reform was carried out in keeping with adequate constitutional procedures and in a participatory manner. It also indicated that in its implementation the reform will respect the labor rights of the judicial personnel who have been dismissed and that it will guarantee the election of suitable persons through the selection committees. Regarding the foregoing, in a public hearing convened by the IACHR on the matter the State acknowledged not having an assessment that had determined a model for the reconfiguration of its courts through the popular vote.<sup>1288</sup>

608. The IACHR has learned of the concerns and feelings of uncertainty of judicial personnel with respect to the judicial reform, in particular with respect to the positions that have been terminated. Along these lines, the Commission was also informed that the Office of the Attorney General of the Republic (FGR: Fiscalía General de la República) had initiated investigations of judges who granted *amparo* actions brought against the judicial reform; they were being investigated for the offense of abuse of authority.<sup>1289</sup>

609. Regarding the INAI, the Commission observes that in November 2024 the constitutional reform was adopted that eliminates the textual reference to an autonomous and specialized agency responsible for guaranteeing implementation of the right of access to public information and the protection of personal data.<sup>1290</sup> Accordingly, human rights organizations indicated that this constitutional reform eliminated a fundamental pillar for the transparency of government and that constituted a major setback in transparency and access to information.<sup>1291</sup>

610. As regards **access to justice and judicial independence**, in addition to what was reported, the State identified three technological tools for improving the management and transparency of judicial entities.<sup>1292</sup> The State also communicated advances in consolidating the criminal justice system in the 32 states of the federation, highlighting 16 working groups with judicial and prison authorities from 23 states to improve the system, 11 virtual working groups with judicial officers in five states, and the certification of 382 experts in key functions of the criminal justice process from August 2022 to June 2024.<sup>1293</sup>

611. The IACHR observes that impunity continues to constitute a serious problem in Mexico. México Evalúa reports that in 2023 the impunity rate for crimes was 93.6%; the crimes with the highest

<sup>1286</sup> Communication from Senator Edith Anaya Mota and others, October 29, 2024.

<sup>1287</sup> IACHR, [Press Release No. 213/24, IACHR expresses concerns over judiciary reform in Mexico and warns of threats to judicial independence, access to justice, and rule of law](#), September 12, 2024.

<sup>1288</sup> At that hearing the United Nations Special Rapporteur for Judicial Independence indicated that judicial officers do not have a function of popular representation, but rather of imparting justice. IACHR, 191<sup>st</sup> period of sessions, Public Hearing “[Judicial Reform in Mexico](#)”, November 12, 2024.

<sup>1289</sup> Índice político, [¿Represalia? La FGR Investiga a Jueces por Suspensiones de la Reforma Judicial](#), November 4, 2024 (December 10, 2024).

<sup>1290</sup> Senate of the Republic, [Senate of the Republic approves reform on organic simplification and sends it to state legislatures](#), November 28, 2024 (December 10, 2024).

<sup>1291</sup> Centro Prodh, [Senado aprueba desaparición del INAI](#), November 29, 2024 (December 10, 2024), Fundar, México [dejará de ser un referente en el mundo en materia transparencia para convertirse en uno de opacidad](#), November 26, 2024 (December 10, 2024).

<sup>1292</sup> Report of the Mexican State, Chapter IV.A. September 27, 2024, p. 56.

<sup>1293</sup> Report of the Mexican State, Chapter IV.A. September 27, 2024, p. 57.

impunity were forced disappearance (99.5%), extortion (98.4%), fraud (97.2%), and intentional homicide (96.8%).<sup>1294</sup> According to data from the INEGI from 2024, in 2023 the prosecutors' offices across Mexico opened approximately 2,226,000 investigations, yet in only 9.2% were criminal prosecutions brought; the rest were archived.<sup>1295</sup>

612. In addition, in the framework of the regional public hearing on the situation of judicial independence in the Americas, Mexican organizations reported threats to judicial independence including attacks on judicial officers after issuing judgments unfavorable to certain state policies, among which reference was made to the use of impeachment proceedings (*juicios políticos*).<sup>1296</sup> In response to a request for information the State explained that impeachment proceedings in its domestic legislation apply in cases of human rights violations, attacks on the democratic institutions, and serious breaches of the Constitution and the laws.<sup>1297</sup> For its part, the Fundación para la Justicia y el Estado de Derecho and México Evalúa reported that from January 1, 2023 to October 11, 2024, 449 alleged "attacks" against judicial officers by different authorities from other branches of government.<sup>1298</sup>

613. As regards **citizen security** the State reported that it has a National Strategy for Public Security that is carried out through the Security Cabinet presided over by the principal of the Federal Executive, and which has succeeded in installing 32 State Roundtables and 266 Regional Roundtables for Peace and Security. Mexico indicated that to date, the National Guard has 133,102 members deployed throughout the national territory. According to the information provided, the average daily number of victims of intentional homicide in 2024 fell 18% compared to the average for 2018.<sup>1299</sup> In addition, according to the comparative data provided covering December 2018 and June 2024, kidnapping declined 62.9%, while theft of hydrocarbons declined 94.2%; total robberies declined 34.8%; and robbery of vehicles decreased 50.3%.<sup>1300</sup>

614. A constitutional amendment was adopted establishing that the National Guard is a public, professional, and permanent security force made up of military personnel with police training and that it is under the Ministry of National Defense to carry out the National Public Security Strategy.<sup>1301</sup> The militarization of citizen security has been a historic concern of the inter-American system with respect to Mexico.<sup>1302</sup> Accordingly, this reform may not be consistent with the recommendations and rulings of international human rights bodies on the need to demilitarize citizen security in Mexico.<sup>1303</sup>

<sup>1294</sup> México Evalúa, [México Evalúa presenta Hallazgos 2023: falta de recursos y sobrecarga de trabajo debilitan las instituciones de justicia en México](#), October 31, 2024.

<sup>1295</sup> INEGI, [Censo Nacional de Procuración de Justicia Estatal 2024](#), October 3, 2024; Proceso, [Fiscalías, el hoyo negro de la impunidad en México](#), November 8, 2024 (December 10, 2024).

<sup>1296</sup> IACHR, 189<sup>th</sup> period of sessions, Regional Public Hearing: [Situation of judicial independence](#), February 28, 2024.

<sup>1297</sup> Communication from the Mexican State, OEA1267, Exp. 4.2.0.2, Report of the Mexican State, Request for information pursuant to Article 41 of the [ACHR] on impeachment of judicial officers in Mexico, April 17, 2024.

<sup>1298</sup> Fundación para la Justicia, Information for the Inter-American Commission on Human Rights (IACHR) on occasion of its 2024 Annual Report on the Human Rights Situation in Mexico, October 2024, pp. 5-8.

<sup>1299</sup> Report of the Mexican State, Chapter IV.A. September 27, 2024, p. 41.

<sup>1300</sup> Report of the Mexican State, Chapter IV.A. September 27, 2024, pp. 42-44. In addition, Mexico reported on 29 Peace Fairs in the reporting period, and campaigns for voluntary disarmament that promote the turning in of weapons voluntarily and anonymously for an economic benefit; it also reported a decline in crime.

<sup>1301</sup> *Diario Oficial de la Federación*, [Decree reforming and adding Articles 13, 16, 21, 32, 55, 73, 76, 78, 82, 89, 123 and 129 of the Mexican Constitution, regarding the National Guard](#), September 30, 2024.

<sup>1302</sup> IACHR, Situation of Human Rights in Mexico, OEA/Ser.L/V/II. Doc. 44/15, December 31, 2015, paras. 34 ff.; I/A Court HR. Case of Alvarado Espinoza et al. v. Mexico. Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 370, paras. 54 ff.

<sup>1303</sup> UN Human Rights, [ONU Derechos Humanos preocupada porque la Guardia Nacional de México pase a estar bajo control militar](#), September 9, 2024, Press Release No. 201/22, [IACHR Urges Mexico to Adopt a Citizen Security Policy In Line with the Country's International Human Rights Obligations](#), September 9, 2022.



615. The acts of violence in the state of Sinaloa due to confrontations between organized crime organizations are of concern. The media have reported that more than 100 days of continuing violence took the lives of more than 600 persons.<sup>1304</sup>

616. As regards **torture**, Mexico reported that it has been implementing the National Strategy against Torture for preventing torture and assisting torture victims in 18 offices and administrative units of the federal public administration and the 32 states. In addition, it designed and put in place the National Program for Training on Torture 2024-2025 and since June 2024 has been disseminating the National Campaign against Torture.

617. Regarding **disappearances** the State reported that since the implementation of the so-called "National Strategy for the massive search for persons disappeared and not located in Mexico," 20,193 disappeared persons were found: 4,656 were found in house-to-house visits; 4,629 due to reports they had died; 10,717 were reported by the local authorities as already located; and 191 persons who were on record as disappeared were found in prisons. As regards identifying disappeared persons, 317 persons were identified genetically, using data bases of the INE and the Forensic Medical Service (Servicio Médico Forense). In addition, 15 brigades went out to take samples from 3,749 families, resulting in 22 genetic matches, among other findings.<sup>1305</sup>

618. The Commission notes that the organizations Quinto Elemento Lab and A dónde Van Los Desaparecidos indicated that to date there are at least 72,100 unidentified bodies under the State's custody in the country's morgues,<sup>1306</sup> which represents an increase of almost 20,000 corpses with respect to the last report, in 2021, by the Movimiento Por Nuestros Desaparecidos México.<sup>1307</sup>

619. In addition, the IACHR observes that in March 2024 a census was carried out that reduced by nearly 11,000 the number of names in the National Registry of Persons Disappeared and Not Located (RNPDO), as it was understood that they had been located.<sup>1308</sup> In this regard, the Commission takes note of the concerns of civil society organizations regarding the lack of transparency in the census methodology, the absence of the central role of victims' family members in applying the census, and the alleged irregular modification of the records of the RNPDO.<sup>1309</sup> The State has highlighted that the so-called "census" is not "disappearing the disappeared" and that no record is erased.<sup>1310</sup> In addition, information was received on challenges in the forensic identification of disappeared persons. It is noteworthy that the Extraordinary Forensic Identification Mechanism has been shut down,<sup>1311</sup> as is the reduction of expert personnel and the lack of an adequate budget for the operation of the National Center for Human Identification.<sup>1312</sup>

<sup>1304</sup> *Proceso*, [Cien días de violencia en una Sinaloa ocupada por el narco: suman más de 600 asesinatos](#), December 18, 2024 (December 18, 2024); *Diario Cambio 22*, [Guerra Civil en el Cártel de Sinaloa: 100 Días de Violencia entre Los Chapitos y La Mayiza](#), December 18, 2024 (December 18, 2024); *Contramuro*, [Sinaloa cumple más de 100 días de violencia, suma más de 600 asesinatos](#), December 18, 2024; *Nmas*, [Se Cumplen 100 Días de Violencia Continua en Sinaloa](#), December 17, 2024 (December 17, 2024).

<sup>1305</sup> Report of the Mexican State. Chapter IV.A. September 27, 2024, pp. 47-48.

<sup>1306</sup> *Quinto Elemento*, [Cierra sexenio de AMLO con más de 72,100 cuerpos sin identificar](#), September 24, 2024 (December 10, 2024).

<sup>1307</sup> Movimiento por Nuestros Desaparecidos México, [La Crisis Forense](#), August 2021.

<sup>1308</sup> *Animal Político*, [Desaparecer dos veces: estos son 10 mil nombres que el censo borró de lista oficial de desaparecidos](#), March 13, 2024; *Río Doce*, [11 mil nombres borrados entre bases de desaparecidos del gobierno, según Data Cívica](#), March 19, 2024; *El Universal*, ["Borran" 10 mil 953 nombres de registro desaparecidos](#), March 21, 2024.

<sup>1309</sup> *Animal Político*, [Desaparecer dos veces: estos son 10 mil nombres que el censo borró de lista oficial de desaparecidos](#), March 13, 2024; *Río Doce*, [11 mil nombres borrados entre bases de desaparecidos del gobierno, según Data Cívica](#), March 19, 2024; *El Universal*, ["Borran" 10 mil 953 nombres de registro desaparecidos](#), March 21, 2024.

<sup>1310</sup> It also reported that its National Search System (SNB: Sistema Nacional de Búsqueda) met three times in 2024 to discuss work processes, operational guidelines, and strategies for serving victims and family members, as well as the National Program for Training Searchers. Report of the Mexican State. Chapter IV.A. September 27, 2024, p. 46.

<sup>1311</sup> A dónde van los desaparecidos, [Adiós al Mecanismo Extraordinario de Identificación Forense; cierra en marzo](#), February 26, 2024.

<sup>1312</sup> *A dónde van los desaparecidos*, [Regresa CNB tareas de identificación forense a las fiscalías; rompen con ruta creada este sexenio](#), April 18, 2024.

620. In a public hearing the Commission received information from searchers who were calling for better security measures during the search days, their recognition as human rights defenders, and an end to the acts of harassment and attacks directed against them. The Commission values the fact that the State has recognized that searching is a responsibility of the State and a right of the families; and that it will no longer allow the families to search alone. In 2024, the Fundación para la Justicia reported the assassinations of Noé Sandoval (February 13) and Angelita Meraz (February 8), and the disappearance of Lorenza Cano (January 15), all of them persons engaged in searching.<sup>1313</sup>

621. As regards **indigenous peoples and Afro-Mexican communities**, the Commission welcomes the creation of the National Council of Indigenous Peoples as an entity for the participation of these peoples and the Executive branch in the design and implementation of public policies.<sup>1314</sup> It also values the constitutional recognition of indigenous and Afro-Mexican peoples as subjects of public law, with their own juridical personality and property, after the reform of Article 2 of the Constitution.<sup>1315</sup> Nonetheless, the IACHR takes note that the Committee on the Elimination of Racial Discrimination (CERD) of the United Nations expressed its concern that the reform did not adequately reflect the results of the prior consultation, especially in relation to the right of indigenous peoples to self-determination.<sup>1316</sup>

622. As regards the protection of **women's human rights**, the IACHR highlights the creation of the Ministry of Women's Affairs (Secretaría de las Mujeres)<sup>1317</sup> and the constitutional reform on women's substantive equality, gender perspective, and women's right to a life free from violence.<sup>1318</sup> The IACHR also highlights the recognition of responsibility and public apology of the State for the disappearance and femicides of women and girls in Ciudad Juárez from 1995 to 2003.<sup>1319</sup>

623. Similarly, the IACHR values the federal and state measures to prevent and punish violence, as well as to protect victims, such as the opening of new Women's Justice Centers,<sup>1320</sup> support for 75 shelters nationwide,<sup>1321</sup> and Operation Violeta in municipalities that have a Gender Violence Warning.<sup>1322</sup> In addition, it highlights the criminal law reforms to punish aiding and abetting femicide,<sup>1323</sup> withdrawing *patria potestas* from fathers convicted of this crime, and preventing and punishing vicarious violence.<sup>1324</sup>

624. Despite these efforts, the IACHR observes that violence against women continues to be alarming. From January to September 2024 a total of 598 femicides were reported, along with 449 cases of

<sup>1313</sup> Fundación para la Justicia, [Buscadoras asesinadas](#), 2024.

<sup>1314</sup> Government of Mexico, [Law of the National Institute for Indigenous Peoples](#), latest amendment DOF December 29, 2023.

<sup>1315</sup> Chamber of Deputies of the Honorable Congress of the Union, [Mexican Constitution](#), latest amendment December 2, 2024.

<sup>1316</sup> Committee on the Elimination of Racial Discrimination (CERD), [Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Mexico](#), CERD/C/MEX/CO/22-24, p. 4.

<sup>1317</sup> Chamber of Deputies, Gaceta Parlamentaria, [Iniciativa del Ejecutivo federal](#), November 1, 2024.

<sup>1318</sup> Government of Mexico, [Presidenta Claudia Sheinbaum firma decreto que garantiza la igualdad sustantiva de las mujeres en la Constitución](#), November 15, 2024.

<sup>1319</sup> Government of Mexico, [Ofrece Estado mexicano disculpa pública a familiares de niñas y mujeres desaparecidas y víctimas de feminicidio en Ciudad Juárez](#), March 6, 2024.

<sup>1320</sup> Government of the State of Sinaloa, [Rocha inauguró el tercer Centro de Justicia para las Mujeres, cumpliendo así su compromiso](#), February 27, 2024; Government of the State of Querétaro, [gobqro], (July 17, 2024), Con la inauguración del edificio del Sistema Estatal de Atención a Víctimas, damos un gran paso en materia de seguridad y acceso a la justicia, <https://mobile.x.com/gobqro/status/1813658106783818115>; La Jornada Maya, [Inauguran Centro de Justicia para las Mujeres de Tizimin](#), August 19, 2024; Enrique Alfaro, [Inauguración del Centro de Justicia para las Mujeres](#), September 24, 2024; Government of the State of Baja California, [Ofrece CEJUM san quintín servicios integrales para mujeres en situación de violencia](#), October 2024. Government of Mexico, [Inauguración del Centro de Justicia para las Mujeres en Chetumal, Quintana Roo](#), October 18, 2024.

<sup>1321</sup> Centro de Producción CEPROPRIE, [Estrategia Nacional Protección Integral a Mujeres y Niñas que Viven Violencias Basadas en el Género](#), July 27, 2024.

<sup>1322</sup> Government of the State of México, [Edomex], (May 14, 2024), El Operativo Violeta es una estrategia implementada en el Estado de México para salvaguardar la seguridad de las mexiquenses, <https://x.com/Edomex/status/1790472152493236517>.

<sup>1323</sup> This year they were approved in the states of Oaxaca, Mexico City, Milenio, [Aprueban 'Ley Monse' en el estado de Oaxaca: van por feminicidas y cómplices](#), March 14, 2024.

<sup>1324</sup> Congress of Mexico City, [Aprueba comisión reformas en materia de violencia vicaria](#), May 8, 2024; Chamber of Deputies of the Congress of the Union, [Cámara de Diputados fortalece marco normativo para prevenir y sancionar eficazmente la violencia vicaria](#), November 29, 2023; Supreme Court of the Nation, [La corte valida legislación del Estado de San Luis Potosí que prevé la figura de la violencia vicaria](#), February 26, 2024.

human trafficking of women, 16,398 reports of rape, and 214,572 complaints of family violence; and 248,854 emergency calls related to incidents involving violence against women.<sup>1325</sup> In addition, the demand for services at shelters climbed 75.6% from January to July 2024.<sup>1326</sup>

625. In the area of sexual and reproductive rights, abortion was decriminalized in four other states<sup>1327</sup> and judicial decisions were adopted that expand protection for these rights, including access to abortion for women with disabilities, recognizing their right to reproductive autonomy.<sup>1328</sup> In Aguascalientes a reform was adopted that reduced the time limit for abortions from 12 to six weeks.<sup>1329</sup>

626. With respect to the rights of **children and adolescents**, the Guidelines and Actions for Healthy Living were presented, focused on guaranteeing adequate food and nutrition for children and adolescents in schools.<sup>1330</sup> The IACHR also takes note of the 0.3% increase in crimes against this population from January to September 2024, compared to the same period in 2023, especially in corruption of minors, extortion, femicide, homicide, abduction, and trafficking of minors.<sup>1331</sup>

627. As regards **persons deprived of liberty**, the IACHR values state efforts to guarantee the vote for persons held in pretrial detention. In the 2024 general elections, 86% of this group voted in 214 prison establishments nationwide, except in Yucatán.<sup>1332</sup> In addition, though the number of persons subject to pretrial detention has declined, it is worrisome that it continues to be used for more than 35% of all persons facing criminal charges.<sup>1333</sup>

628. The IACHR received information on reports of poor conditions of detention due to the lack of resources, self-government, the lack of medicines, and the poor treatment accorded to the persons detained.<sup>1334</sup> In a public hearing before the IACHR, organizations reported on seven suicide attempts in February 2024, and the occurrence of 13 suicides in the last three years of women deprived of liberty at CEFERESO No. 16, attributable to problems accessing rights, including shortcomings in physical and mental health care. The State regretted the deaths and highlighted the measures adopted to prevent future incidents and investigate the

<sup>1325</sup> Executive Secretariat of the National System of Public Security, [Información sobre violencia contra las mujeres](#), September 30, 2024, pp. 15, 55, 60, 69 and 77.

<sup>1326</sup> Red Nacional de Refugios, "[Voces de Mujeres: Violencias machistas y la Respuesta de los Refugios](#)", August 26, 2024.

<sup>1327</sup> Government of the State of Michoacán, [Se publica en Periódico Oficial decreto que despenaliza el aborto](#), October 11, 2024; Congress of the State of Jalisco, [Avalan modificar el código penal para despenalizar el aborto](#), October 4, 2024; Infobae, [San Luis Potosí aprueba legalización del aborto](#), November 7, 2024; Congress of the State of Puebla, [Aprueba Congreso de Puebla reformas al Código Penal sobre el aborto](#), July 15, 2024; El Universal, [Congreso de Zacatecas aprueba despenalización del aborto: integrantes ProVida bloquean accesos al recinto](#), November 20, 2024; Infobae, [Congreso de Chiapas aprueba reforma para eliminar de la Constitución el artículo que castiga el aborto](#), November 19, 2024; El País, [El derecho al aborto avanza en México: se despenaliza en Chiapas y en el Estado de México](#), November 26, 2024.

<sup>1328</sup> Supreme Court, [La Corte protege el derecho de la mujer y personas gestantes a decidir sobre su vida reproductiva](#), November 7, 2024; Supreme Court, [La interrupción no consentida del embarazo de mujeres y personas con capacidad de gestar, que tienen alguna discapacidad, es inconstitucional: primera sala](#), October 17, 2024; First Collegial Court for Criminal and Administrative Matters of the 17<sup>th</sup> Circuit and Fourth Collegial Circuit Court of the Auxiliary Center of the Fifth Region (Chihuahua), Amparo on review [195/2023](#), [1019/2023](#) y [1036/2023](#), May 2024; Infobae, [Tribunal ordena la despenalización del aborto en Nayarit](#), August 2, 2024.

<sup>1329</sup> Human Rights Watch, [Mexican State Approved Six-Week Abortion Ban](#), August 30, 2024.

<sup>1330</sup> Office of the Deputy Minister for Middle Higher Education, Mexico. "[Presenta SEP nuevos lineamientos y acciones de Vida Saludable en las escuelas](#)", October 21, 2024.

<sup>1331</sup> Government of Mexico. [Datos Abiertos de Incidencia Delictiva](#), October 21, 2024.

<sup>1332</sup> Commission on Human Rights of Mexico City, [El voto de las personas en prisión preventiva permite la vinculación con su comunidad política](#), May 26, 2024. See also: National Electoral Institute, [Voto de las Personas en Prisión Preventiva Proceso Electoral 2024](#), May 14, 2024.

<sup>1333</sup> Ministry of Security and Citizen Protection, Government of Mexico, [Cuaderno mensual de información estadística penitenciaria nacional](#), June 2024, p. 3. See also: Ministry of Security and Citizen Protection, Government of Mexico, [Cuaderno mensual de información estadística penitenciaria nacional](#), July 2023, p. 4.

<sup>1334</sup> Information provided to the IACHR during a meeting with the civil society organization "Red solidaria década contra la impunidad AC," February 27, 2024.

deaths.<sup>1335</sup> In addition, the Commission observes with concern acts of violence in 2024 that resulted in several violations of the rights to life and integrity of both persons detained and prison personnel.<sup>1336</sup>

629. With respect to **LGBTI persons**, in June legislative reforms were adopted to prohibit and punish efforts to modify sexual orientations and non-normative gender identities and expressions.<sup>1337</sup> In addition, Baja California Sur passed the Law on Trans Childhoods (Ley de Infancias Trans), making it possible to recognize gender identity and change one's name,<sup>1338</sup> whereas Yucatán adopted a similar initiative.<sup>1339</sup> In Hidalgo, the State Electoral Institute demanded the inclusion of persons of sexual diversity on lists of candidates for elective office,<sup>1340</sup> and Guanajuato adopted the Law on Sexual and Gender Diversity, which established an Office of Sexual Diversity.<sup>1341</sup> Also, in Nayarit and Mexico City the crime of trans-femicide was codified.<sup>1342</sup> The IACHR highlights the gains in the case-law when it comes to the recognition of trans-femicide by the Supreme Court<sup>1343</sup> and the obligation to legislate recognizing the right to gender identity in Guanajuato.<sup>1344</sup>

630. In the course of the year there were at least 36 assassinations of trans women.<sup>1345</sup> In addition, in the context of the electoral processes three assassinations of LGBTI candidates were reported, in addition to threats and acts of intimidation.<sup>1346</sup> A civil society observatory recorded 35 cases of LGBTI persons disappeared as of December 2024.<sup>1347</sup>

631. As for **older persons** the State reported gains consolidating the National Care System to guarantee accessible and quality services, sufficient in quantity, for older persons through information systems, research, and support for the bill to establish the system. In addition, as reported, the Pension Program for the Well-being of Older Adults delivered economic pensions to 12,343,472 persons, of whom 1,070,549 reside in Indigenous or Afro-Mexican municipalities or localities.<sup>1348</sup>

<sup>1335</sup> IACHR, Thematic hearing "[Mexico: Situation of women deprived of liberty at CEFERESO 16](#)", 191<sup>st</sup> regular period of sessions, Washington, DC, United States, November 12, 2024.

<sup>1336</sup> El País, [Al menos tres muertos y seis heridos graves tras el motín en una cárcel de San Luis Potosí](#), March 14, 2024; La Jornada, [Motín en penal de La Pila de SLP deja tres muertos y seis heridos](#), March 14, 2024; El Diario, [Golpes en el tórax provocaron la muerte a interno del Cereso 3](#), March 25, 2024; El Heraldo de Chihuahua, [Reo del Cereso 3 localizado sin vida presentaba huellas de golpes](#), March 24, 2024; [Riña en Cereso de Juárez](#), August 4, 2024; El Heraldo de Chihuahua, [Riña en el Cereso 3 en Ciudad Juárez deja a seis internos lesionados](#), August 4, 2024; Estamos aquí, [Tras operativo, reos se amotinaron y lesionaron a director de penal de Iguala](#), May 20, 2024; 24 horas, [Se registra intento de motín en penal de Iguala; reportan agresión al director](#), May 20, 2024; Net noticias, [Chihuahua: Identifican a reo que mató a otro en Cereso 1](#), June 24, 2024; El Heraldo de Chihuahua, [Riña que dejó un muerto en el Cereso 1 fue entre La Línea y Mexicles](#), June 25, 2024.

<sup>1337</sup> IACHR, Press Release 135/24, [IACHR Welcomes Mexico's Ban on Practices Aimed At Changing Sexual Orientation and Gender Expressions](#), June 12, 2024.

<sup>1338</sup> Pulso, [Aprobación de la Ley de infancias Trans en Baja California Sur](#), June 27, 2024; Milenio, [Ley en Baja California permite modificación de actas de nacimiento para adolescentes trans](#), June 23, 2024.

<sup>1339</sup> Animal Político, [Yucatán aprueba iniciativa para reconocer la identidad de género; suman 22 estados que lo avalan](#), March 29, 2024.

<sup>1340</sup> AM, [Obligados partidos a incluir candidatos LGTB en Pachuca y La Reforma, acuerda IEE](#), January 19, 2024; Central Hidalgo Irreverente, [Partidos deben postular una fórmula LGBT+ en 12 municipios de Hidalgo](#), January 19, 2024.

<sup>1341</sup> AM, [¡Guanajuato pone el ejemplo! Aprueban Ley de la Diversidad Sexual y de Género, la primera de su tipo en el País](#), February 15, 2024, Congress of the State of Guanajuato, [Laws for Persons of Sexual and Gender Diversity of the State of Guanajuato and its municipalities](#), June 7, 2024.

<sup>1342</sup> El Financiero, [Nayarit tipifica el delito de transfeminicidio; es el primer estado en hacerlo](#), March 1, 2024; Excelsior, [Congreso de la CDMX aprobó tipificar transfeminicidios](#), July 10, 2024; El Universal, [Aprueban en comisiones dictamen para tipificar transfeminicidios en la CDMX](#), July 9, 2024.

<sup>1343</sup> El Imparcial, [SCJN determina que personas transgénero y transexuales son consideradas víctimas de feminicidio](#), March 1, 2024; Supreme Court of Justice of the Nation, [Regular Public Session of the Plenary of the Supreme Court of Justice of the Nation, held Thursday, February 29, 2024](#), March 4, 2024.

<sup>1344</sup> Zona Franca, [Sentencia obliga a Congreso a cambiar procedimiento de actas para personas trans en Guanajuato](#), June 5, 2024.

<sup>1345</sup> El Sol de México, [Aumenta 280% cifra de transfeminicidios](#), June 29, 2024.

<sup>1346</sup> Heraldo de México, [Bárbara Fox, candidata trans en Sinaloa, denuncia amenazas y pide protección](#), March 5, 2024; Agencia Presntes, [Violencia electoral en México: 48 precandidates asesinadas en 2024, 3 de ellas LGBT](#), March 5, 2024.

<sup>1347</sup> Data from the National Observatory of Hate Crimes against LGBTI+ Persons in Mexico, [Registro de casos, desapariciones 2024](#). Last visited December 4, 2024.

<sup>1348</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024.



632. Regarding the rights of **persons in the context of human mobility**, official data show that from January to August 2024, 925,085 foreigners with irregular immigration status were identified and brought before the authorities;<sup>1349</sup> 11.72% were children and adolescents.<sup>1350</sup> That figure represents an increase of 131.85% in relation to the same period in 2023.<sup>1351</sup> The Commission welcomes the decision of the Supreme Court that orders that a public registry be created of migrants in detention.<sup>1352</sup>

633. In the area of asylum and complementary protection, figures from the Mexican Commission for Refugee Aid (COMAR: Comisión Mexicana de Ayuda a Refugiados) indicate that from January to October 2024, a total of 66,179 persons applied for asylum in Mexico, which represents a diminution of 48.21% compared to the same period in 2023, when 127,796 applications were filed.<sup>1353</sup> And on top of that, official data show that by late October 2024, 3,457 visitor cards on humanitarian grounds (Tarjetas de Visitante por Razones Humanitarias, hereinafter TVRHs) had been issued,<sup>1354</sup> a steep decline of 97.32% compared to the same period in 2023, when 129,212 such cards were issued.<sup>1355</sup>

634. In response to reports from civil society that the National Migration Institute (INM: Instituto Nacional de Migración) had suspended the delivery of the TVRHs the IACHR requested information from the State pursuant to Article 41 of the ACHR.<sup>1356</sup> The State explained that the asylum system is saturated by the “inadequate use of the TVRHs,”<sup>1357</sup> and identified a high percentage of requests that were abandoned. The State indicated that the improvement in the procedures has been reflected in the increased rate of recognition. According to the data provided by the State, in 2023 the rate of recognition of refugee status was 69%, and the rate of complementary protection was 5%; whereas as of mid-year 2024 the rate of recognition of requests for asylum rose to 73%, and for complementary protection to 7%.<sup>1358</sup>

635. As regards internal displacement, data from the Internal Displacement Monitoring Centre (IDMC) indicate that Mexico recorded 11,000 displacements associated with conflicts and violence in 2023, 20% more than in 2022. Specifically, the IDMC notes that Chiapas was the state hardest hit by confrontations between the Jalisco Nueva Generación Cartel and the Sinaloa Cartel. In this regard, at its 190<sup>th</sup> period of sessions the Commission held a public hearing on the worsening situation of extreme violence and insecurity in the state of Chiapas.<sup>1359</sup> In addition, it has followed up with a request for information sent to the State.<sup>1360</sup>

636. As regards **human rights defenders**, as of August 2024, the State reported that the Mechanism of Protection for Human Rights Defenders and Journalists was working with 1,994 persons, 1,320 of whom were human rights defenders (724 women and 596 men). In addition, it noted it had tripled the investment in its budget and increased personnel from 42 to 72 staff. It also highlighted its focus on the internal

<sup>1349</sup> Migration Policy Unit, Registry and Identity, Mexico, [2024 Boletín estadístico mensual](#), III Personas en situación migratoria irregular (antes, extranjeros presentados y devueltos), 2024, Table 3.1.

<sup>1350</sup> Migration Policy Unit, Registry and Identity, *id.*, Table 3.1.4.

<sup>1351</sup> Migration Policy Unit, Registry and Identity, Mexico, [2023 Boletín estadístico mensual](#), III Personas en situación migratoria irregular (antes, extranjeros presentados y devueltos), 2023, Table 3.1.

<sup>1352</sup> Clínica Jurídica Alaide Foppa, [@CJRALaideFoppa], (2024, November 28), La Clínica Jurídica “Alaide Foppa” de la @IBERO\_mx y el @JRMex ganaron un amparo en la SCJN [Post], X, <https://x.com/CJRALaideFoppa/status/1862271843249373592>, La Jornada, [SCJN ordena al Congreso crear registro de personas migrantes detenidas](#), November 27, 2024. Milenio, [ONU-DH celebra resolución de la Corte que ordena crear registro de migrantes detenidos](#), November 28, 2024.

<sup>1353</sup> COMAR, Mexico, [La COMAR en números. October 2023](#), November 3, 2023.

<sup>1354</sup> Migration Policy Unit, Registry and Identity, Mexico, [2024 Boletín estadístico mensual](#), II Documentación y condición de estancia en México, 2024, Table 2.10.

<sup>1355</sup> Migration Policy Unit, Registry and Identity, Mexico, [2023 Boletín estadístico mensual](#), II Documentación y condición de estancia en México, 2023, Table 2.10.

<sup>1356</sup> IACHR, Article 41 (of the American Convention) letter requesting information, July 22, 2024, archive of the IACHR.

<sup>1357</sup> In its report submitted to the IACHR, the Mexican State did not specify the reasons why it considers that inadequate use has been made of the TVRH. See: State of Mexico, Note Verbale No. OEA2547 Exp. 4.2.0.2, in response to the request for information in light of Article 41 of the ACHR No. 527-24/CIDH/SE/MPCT-Art.41, August 2, 2024, p. 4, archive of the IACHR.

<sup>1358</sup> State of Mexico, *id.*

<sup>1359</sup> IACHR, 190<sup>th</sup> period of sessions, public hearing, [“Mexico: Impact of the situation of violence in Chiapas on human rights”](#), July 11, 2024.

<sup>1360</sup> State of Mexico, Note Verbale No. OEA3344 Exp. 4.2.0.2, in response to the Letter requesting information in light of Article 41 of the ACHR No. 755-24/CIDH/SE/MPCT-Art.41, September 17, 2024, para. 37, archive of the IACHR.



processes, the implementation of methodologies with a gender perspective, and the performance of analyses with a differentiated and integral approach.<sup>1361</sup>

637. Civil society organizations told the Commission that both the budget allocated and the number of staff for the mechanism are still insufficient and unsustainable in relation to the number of beneficiaries, which has also increased.<sup>1362</sup> Reports have also been received about the lack of coordination between the federal government and the state or municipal governments in charge of providing protection to beneficiaries of the mechanism.<sup>1363</sup>

638. Figures from UN Human Rights indicate that at least seven human rights defenders were assassinated from January to October 2024.<sup>1364</sup> In October 2024, the IACHR condemned the murder of priest Marcelo Pérez Pérez, a human rights defender and beneficiary of precautionary measures issued by the IACHR.<sup>1365</sup> In addition, the Commission has learned of the disappearance, in the state of Oaxaca, of human rights defender Sandra Domínguez on October 4, 2024.<sup>1366</sup> In terms of criminalization of their work, the UN Special Rapporteur on the situation of human rights defenders identified at least nine cases of indigenous human rights defenders said to have been convicted in judicial proceedings.<sup>1367</sup>

639. The Commission takes note that in February the State began to implement the national and comprehensive public policy on **human trafficking** with a human rights focus.<sup>1368</sup>

640. As for processes around **memory, truth, and justice**, the IACHR welcomes the reform to include the right to memory in the General Law on Disappearance, as the State reported.<sup>1369</sup> The State also reported on designating as a memory site the basement of the building that served as the headquarters of the now-dismantled Federal Security Directorate (Dirección Federal de Seguridad), where torture and other serious human rights violations were committed from 1960 to 1990.<sup>1370</sup> The Supreme Court determined that applying legal rules on prescription, atypicality, and non-retroactivity to the investigation of crimes against humanity committed during the “dirty war” violates the rights to truth and access to justice.<sup>1371</sup> Finally, civil society organizations delivered the final report of the Mechanism for Historical Clarification of the Commission for Access to the Truth and Promoting Justice for Serious Human Rights Violations (MEHV) in two parts: On June 25, 2024 a collection was presented entitled “*Fue el Estado (1965-1990)*” (“It was the State (1965-1990)”), and on July 11, 2024, the Mechanism distributed the report “*Verdades innegables. Por un México sin impunidad*” (“Undeniable Truths: For a Mexico without Impunity”). These reports document serious human rights violations, the factors that determined the persistence of these practices, and the barriers faced when it comes to accessing information from the Armed Forces and other security agencies. The second part of the report was presented on October 10, 2024, after the conclusion of the mandate of the MEHV. On September 25, 2024, the office of the Deputy Minister for Human Rights of the Ministry of Interior (SEGOB: Secretaría de

<sup>1361</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, pp. 12 and 13.

<sup>1362</sup> Espacio OSC, Response to questionnaire from the IACHR, received January 17, 2024, in archive of the IACHR.

<sup>1363</sup> IACHR, 189<sup>th</sup> period of sessions, public hearing, [Protecting human rights defenders and journalists](#), February 28, 2024.

<sup>1364</sup> See: UN Human Rights, [La Oficina en México del Alto Comisionado de las Naciones Unidas para los Derechos Humanos \(ONU-DH\) condena el asesinato del sacerdote Marcelo Pérez Pérez, perpetrado esta mañana en San Cristóbal de las Casas, Chiapas, e insta a las autoridades a llevar a cabo una investigación pronta, exhaustiva y eficaz](#), October 20, 2024.

<sup>1365</sup> IACHR, Press Release No. 260/24, [IACHR condemns murder of Father Marcelo Pérez Pérez, beneficiary of precautionary measures in Mexico](#), October 24, 2024.

<sup>1366</sup> X [@ONUDHmexico], [Expresamos nuestra preocupación por la desaparición de la defensora de #DDHH Sandra Estefanía Domínguez Martínez y su esposo, quienes fueron vistos por última vez el viernes 4 de octubre en la comunidad de María Lombardo, San Juan Cotzocón, #Oaxaca](#), October 9, 2024; Amnesty International, Urgent Action, [Defensora de los derechos humanos, desaparecida](#), October 22, 2024.

<sup>1367</sup> UN, Mexico: [Experta de la ONU preocupada por criminalización, detenciones arbitrarias y largas condenas a defensores indígenas](#), November 8, 2024.

<sup>1368</sup> Government of Mexico, 21<sup>st</sup> Regular Session of the Inter-ministerial Commission to Prevent, Punish and Eradicate Crimes of Trafficking of Persons and Assistance for Victims of these Crimes, February 16, 2024.

<sup>1369</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, p. 49.

<sup>1370</sup> Report of the Mexican State. Chapter IV.A., September 27, 2024, p. 58.

<sup>1371</sup> Supreme Court of Justice of the Nation, Es factible investigar y sancionar los hechos acontecidos durante la llamada guerra sucia como delitos de lesa humanidad: primera sala, Press Release No. 301/2024, September 12, 2024.

Gobernación) presented an Executive Summary of the reports in a closed session, excluding some crucial findings of the MEHV.

641. Finally, Mexico presented abundant information on its policy in respect of economic, social, and cultural rights and different social programs that have diminished unemployment and increased salaries; the increase in the number of persons affiliated with the social security system; the implementation of nutrition plans for children; and the expansion of the offer of housing subsidies, among other policies to provide direct attention in health and education. It emphasized that multidimensional poverty fell from 41.9% to 36.3%; and that unmet needs in the areas of social security, food, and access to income also diminished. Extreme poverty dropped from 18.6% to 13.5%, and poverty fell among older adults, persons with disabilities, and children, and in rural areas.<sup>1372</sup>

### XXIII. PANAMÁ

- **General considerations**

642. In terms of **progress**, the Commission highlights the approval of gender-related measures, such as the adoption of criminal law reforms to punish sexual violence in the digital sphere, the National Plan against Sexual Exploitation and protocols to prevent and address gender-based violence, including political violence and violence against women with disabilities. Also, the Commission underscores the measures undertaken by the State for the care of children, such as the expansion of the capacity of Comprehensive Early Childhood Care Centers and the implementation of a protocol for the identification and care of children and adolescents who are unaccompanied or separated from their families in contexts of human mobility.

643. As it relates to **challenges**, the Commission notes difficulties in the care of persons in the context of human mobility during their transit through the Colombian-Panamanian jungle, underscoring the lack of detailed information on this situation and highlights the need to establish regional care mechanisms. The Commission also identifies challenges related to free, prior and informed consultation processes with indigenous peoples regarding business ventures. In addition, it received reports on attacks against the LGBTI population and on stigmatizing speech targeted at this group during the electoral period.

644. On November 15, 2024, the State of Panama submitted its response to the Commission's request for information to prepare this chapter.<sup>1373</sup>

- **Specific issues**

645. With regard to **democratic institutional**ity, the Commission notes that, on May 5, 2024, general elections were held in Panama to vote for the new president of the Republic, as well as for members of the National Assembly, mayors, *corregimiento* (district) representatives and representatives to the Central American Parliament.<sup>1374</sup> In this regard, Panama reported on various measures implemented to promote dissemination, awareness-raising, transparency, access to information, citizen training, international cooperation and supervision in relation to the electoral process.<sup>1375</sup> The Commission notes that, according to the OAS Electoral Observation Mission, the elections took place without major incidents, with a high turnout that amounted to an average of 78 percent of the voter roll. It also underscores the high levels of women

<sup>1372</sup> Report of the Mexican State, Chapter IV.A., September 27, 2024, pp. 59-98.

<sup>1373</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024).

<sup>1374</sup> DW, "Abren las urnas en las elecciones generales de Panamá," May 5, 2024.

<sup>1375</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024), paras. 5-21.

participation, who made up 80 percent of the polling station staff and chaired 64 percent of the stations.<sup>1376</sup> As a result of the elections, José Raúl Mulino was elected president, taking office on July 1, 2024, for a five-year term.<sup>1377</sup>

646. As for **human rights institutions**, the Commission notes that the Office of the Ombudsperson of Panama submitted a bill to the National Assembly to amend Law No. 7 of February 5, 1997, under which the Office of the Ombudsperson was first created. The purpose of the bill is to strengthen its legal framework in line with international human rights standards and the United Nations Paris Principles.<sup>1378</sup> Among the suggested amendments, the bill seeks to promote greater participation of the civil society in the process to select the Ombudsperson, to create a Deputy Office of the Ombudsperson for Children and Adolescents, to establish that the Ombudsperson's career be based on merit and to grant them the power to intervene as *amicus curiae* in human rights proceedings of collective importance.<sup>1379</sup>

647. In terms of **citizen security**, the Commission notes that, according to figures from the Office of the Attorney General of the Republic of Panama, between January 1 and October 31, 2024, 501 homicide victims were preliminarily recorded nationwide, which constitutes an increase by 70 homicides compared to the same period in 2023.<sup>1380</sup> In October 2024, the executive branch announced the implementation of Plan Panama 3.0 with the purpose of combating gangs and organized crime in the country, which provides for the deployment of over 1,000 police agents and the purchase of 100 vehicles and 50 motorcycles for police patrols.<sup>1381</sup> According to information in the public domain, during the first 18 days of implementation of this strategy, a total of 2,907 persons were detained, having been arrested either by court orders, *in flagrante delicto* or over administrative offenses.<sup>1382</sup>

648. Regarding **access to justice and judicial independence**, Panama reported a series of training measures on access to justice for women victims of gender-based violence, with a focus on indigenous women and women in the context of human mobility; on human rights and access to justice for the Afro-descendant population; and on the prevention and prosecution of crimes of corruption.<sup>1383</sup> The State added that it is currently implementing the Certificate Program for Prosecutors and Ombudspersons to hone their technical, ethical and professional skills.<sup>1384</sup> Moreover, it indicated that the subregional agencies of the Office of the Attorney General of the Republic in Canaán, Membrillo and Bajo Chiquito, in the province of Darién, are open 24 hours a day, 7 days a week, to assist people in the context of human mobility.<sup>1385</sup>

649. With respect to **persons deprived of liberty**, the Commission takes note of the building of a new women's detention center in Las Garzas, which will have a capacity for 498 women inmates. According to official information, it will comply with international standards and will guarantee better detention conditions. The Ministry of the Interior reported that the new center will comprise several spaces, including the following: homes; a classification sector; an administrative area; sectors for general, family and intimate visits; a clinic; an auditorium; workshop areas; a roofed court; a school; guard dormitories; a kitchen; a kiosk; and a laundry.<sup>1386</sup>

<sup>1376</sup> OAS, Electoral Observation Mission of the OAS in Panama, [Preliminary Report of the OAS Electoral Observation Mission in Panama](#), May 7, 2024, p. 6.

<sup>1377</sup> *The Associated Press*, "[José Raúl Mulino asume como presidente y anuncia que Panamá 'no será más un país de tránsito ilegal'](#)," July 1, 2024.

<sup>1378</sup> Office of the Ombudsperson of Panama, "[Proponen modificar Ley que crea la Defensoría del Pueblo](#)," October 23, 2024.

<sup>1379</sup> Office of the Ombudsperson of Panama, "[Proponen modificar Ley que crea la Defensoría del Pueblo](#)," October 23, 2024.

<sup>1380</sup> *La Prensa*, "[Homicidios en aumento: la conexión entre pandillas y drogas](#)," December 8, 2024.

<sup>1381</sup> Government of Panama, "[Presidente Mulino pone en marcha plan para combatir a las pandillas](#)," October 10, 2024.

<sup>1382</sup> *La Prensa*, "[Resultados de la Operación Panamá 3.0: más de 2.900 aprehensiones](#)," October 28, 2024.

<sup>1383</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024), paras. 71–72 and 86–90.

<sup>1384</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024), paras. 80–82.

<sup>1385</sup> Republic of Panama, Note No. NV-PANA-OEA-2-472, Annex, November 15, 2024. National Report on Human Rights in Panama (January 1, 2024, to August 31, 2024), para. 76.

<sup>1386</sup> Ministry of the Interior of Panamá, "[Inicia construcción de moderno centro de rehabilitación femenino La Perla](#)," January 19, 2024.

650. In relation to the rights of **women**, the Commission welcomes the measures undertaken to improve the way in which the State prevents, addresses and punishes sexual violence. In terms of legislation, it highlights the passage of criminal law reforms to punish sexual violence in the digital sphere, including practices such as sexual extortion and grooming,<sup>1387</sup> and the draft criminal law amendments to allow early depositions through the submission of evidence of sex crimes in advance.<sup>1388</sup> At the institutional level, the Commission welcomes the inauguration of a Gesell chamber at the Protection and Care Unit for Victims and Witnesses (UPAVIT) in the province of Darién<sup>1389</sup> and the approval of the 2024–2028 National Plan against Sexual Exploitation.<sup>1390</sup> In addition, note was taken of the adoption of various protocols to prevent and address gender-based violence,<sup>1391</sup> including political violence, and to provide adequate care for women with disabilities who are survivors of violence.<sup>1392</sup>

651. Similarly, the efforts of the State of Panama to promote gender equality in different areas are also appreciated. Among these, the Commission highlights the passage of the law that institutionalizes the National Care System, thus establishing the right to receive and provide care under equal conditions;<sup>1393</sup> the updating of the 2024–2034 Public Policy on Equal Opportunities for Women;<sup>1394</sup> and the actions to promote women's political participation through campaigns,<sup>1395</sup> bulletins and training courses on women's political rights.<sup>1396</sup>

652. In the area of sexual and reproductive rights, the Commission highlights the creation of the Casa Materna (Home for mothers) in Metetí-Darién, which seeks to contribute to safe childbirth and to reduce maternal and infant mortality.<sup>1397</sup> However, the Commission also takes note of the civil society's request that free menstrual products be available in public institutions and comprehensive menstrual education be incorporated into the curricula.<sup>1398</sup> In addition, the rates of violence against women reported by the Public Prosecutor's Office are of concern to the Commission. Between January and October 2024, a total of 17 femicides, two attempted femicides, 23 violent deaths of women, 13,225 complaints of family or intimate partner violence and 5,185 cases of sexual violence were recorded.<sup>1399</sup> Also, women, girls and adolescents in a situation of human mobility are still at a high risk of suffering violence and sexual exploitation.<sup>1400</sup>

<sup>1387</sup> National Assembly of Panama, "[La nueva Asamblea se alinea en la lucha contra el mal uso de la tecnología y la violencia sexual digital](#)," October 9, 2024.

<sup>1388</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, para. 61. In IACHR files.

<sup>1389</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, para. 77. In IACHR files; Public Prosecutor's Office, "[Procurador Caraballo inaugura Cámara Gesell en la UPAVIT de la provincia de Darién](#)," June 5, 2024.

<sup>1390</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, para. 62. In IACHR files.

<sup>1391</sup> Government of the Republic of Panama, [Informe Nacional 2024](#), which reports on progress for the thirtieth anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, June 2024, p. 16.

<sup>1392</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, paras. 28–29 and 31. In IACHR files.

<sup>1393</sup> Government of the Republic of Panama, [Informe Nacional 2024](#), which reports on progress for the Thirtieth anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, June 2024, p. 33.

<sup>1394</sup> Government of the Republic of Panama, [Informe Nacional 2024](#), which reports on progress for the Thirtieth anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, June 2024, p. 71; IOM Panama, "[Panamá presenta nueva política pública para cerrar la brecha de oportunidades para mujeres](#)," July 3, 2024.

<sup>1395</sup> Government of the Republic of Panama, [Informe Nacional 2024](#), which reports on progress for the Thirtieth anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action, June 2024, p. 62.

<sup>1396</sup> Government of the Republic of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024, para. 40. In IACHR files.

<sup>1397</sup> Ministry of Health of Panama, "[Minsa y UNFPA inauguran la primera Casa Materna en Metetí-Darién](#)," January 17, 2024.

<sup>1398</sup> *La Estrella de Panamá*, "[Panamá 'necesita' una ley de gestión menstrual](#)," September 26, 2024.

<sup>1399</sup> Panamanian Observatory against Gender Violence, [Femicides, attempted femicides and violent deaths recorded nationwide](#), accessed on November 27, 2024.

<sup>1400</sup> MESECVI, "[Human Trafficking and Sexual Violence against Migrant Women: OAS/CIM/MESECVI Delegation Visits Panama to Strengthen Capacities for Action and Regional Cooperation](#)," February 9, 2024; IACHR, [2023 Annual Report. Chapter IV.Aa. Development of Human Rights in the Region](#), December 31, 2023, para. 619; Human Rights Watch, "[Neglected in the Jungle. Inadequate Protection and Assistance for Migrants and Asylum Seekers Crossing the Darién Gap](#)," April 3, 2024.

653. Regarding the rights of **LGBTI persons**, Panama faces challenges in terms of inclusion. In March, civil society organizations called for the adoption of an ethical pact to avoid hate campaigns against LGBTI persons in the context of the general elections.<sup>1401</sup> However, research led by the civil society pointed to widespread stigmatizing or offensive speech on social media against LGBTI persons during this period.<sup>1402</sup>

654. Panama also faces challenges regarding the exclusion of the gender perspective in educational programs. In 2024, several congresspersons suggested eliminating content on sexual and gender diversity from the curricula, arguing that it contradicts the traditional values of society. This initiative, which was criticized by civil society organizations, might serve as justification for acts of discrimination and violence against LGBTI persons and may limit access to inclusive education.<sup>1403</sup> At least five gay men and two trans women were murdered in 2024, crimes allegedly motivated by prejudice towards the victims' sexual orientation.<sup>1404</sup>

655. As to the rights of **indigenous peoples**, the Commission welcomes the fact that the State conducted a series of training sessions and workshops on the Protocol on Access to Justice for Women Victims of Gender-Based Violence, with a particular focus on indigenous women.<sup>1405</sup> According to reports, the State transferred Guna families from the island of Gardi Sugdub to the continent, due to the overcrowding they faced in their territory.<sup>1406</sup> Moreover, the Commission notes with concern the reports of lack of information and the absence of processes of free, prior and informed consultation on the development of business ventures that affect indigenous communities, thus causing an impact on their lives, health and the environment.<sup>1407</sup>

656. With respect to the situation of **Afro-descendants and the fight against racial discrimination**, the State of Panama reported that it has taken measures and designed public policies to promote equity and the inclusion of Afro-descendants. It also underscored the progress made by the National Development Secretariat for Afro-Panamanians (SENADAP).<sup>1408</sup> During a public hearing before the Inter-American Commission on Human Rights, Afro-descendant communities from the Casaya, Casayeta and Bolaños islands denounced violations of their rights to land, development and livelihood, as well as barriers to their access to justice, education and basic services. They also reported illegal detentions and the ungrounded criminalization of islanders.<sup>1409</sup> These communities highlighted the lack of collective titles over the territories they have historically occupied, which worsens their situation.<sup>1410</sup> Moreover, the State acknowledged the situation of poverty in the archipelago and the persistent challenges to providing basic services in the islands and explained that the land titling process was constitutionally restricted by a special regime intended to ensure the security of the Panama Canal and protect the ecosystem of the archipelago.<sup>1411</sup> In this regard, the

<sup>1401</sup> Panamá América, "Colectivo LGTBIO+ presenta un 'pacto ético electoral,'" March 7, 2024.

<sup>1402</sup> Fundación Iguales, [Monitoreo del discurso LGTBIO+ en el entorno digital en Panamá. Odio y LGTBIfobia durante las elecciones generales y el mes del orgullo](#), 2024.

<sup>1403</sup> Telemetro, "La polémica discusión entre diputados por la ideología de género," April 19, 2024.

<sup>1404</sup> El Siglo, "¿Cuál es la responsabilidad de la homofobia sistemática en Panamá en el aumento de asesinatos de homosexuales?," May 20, 2024; Crítica, "Beteta: 'En un año han sido asesinados 5 gays y 2 trans,'" May 14, 2024.

<sup>1405</sup> Government of Panama, Report in response to the request for information of the IACHR, in light of Article 41, on the situation of human rights in Panama during 2024, Note No. NV-PANA-OEA-2-472, November 15, 2024. In IACHR files.

<sup>1406</sup> Castillo Díaz, B. D., "Hacinamiento y cambio climático en Panamá: reubicación de una comunidad guna desde su isla a la tierra firme," *Debates Indígenas*, August 1, 2024.

<sup>1407</sup> IACHR, thematic hearing "Panama: Impacts of private business activities on the human rights of indigenous and peasant communities," 189<sup>th</sup> regular period of sessions, Washington D.C., United States, February 29, 2024.

<sup>1408</sup> Government of Panama, "Panamá reafirma su compromiso con las políticas de población y desarrollo en el Segundo Informe de Avances en la Implementación del Consenso de Montevideo," June 1, 2024.

<sup>1409</sup> IACHR, thematic hearing "Panama: Situation of the population of African descent on Casaya, Casayeta, and Bolaños Islands," 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 15, 2024.

<sup>1410</sup> IACHR, thematic hearing "Panama: Situation of the Population of African Descent on Casaya, Casayeta, and Bolaños Islands," 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 15, 2024.

<sup>1411</sup> IACHR, thematic hearing "Panama: Situation of the Population of African Descent on Casaya, Casayeta, and Bolaños Islands," 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 15, 2024.



State of Panama assured it is taking steps to reconcile the rights of possession of Afro-descendant communities with the legal framework.<sup>1412</sup>

657. Regarding the rights of **children and adolescents**, the Commission appreciates the efforts made by the State to expand the capacity of the Comprehensive Care Centers for Early Childhood (CAIPIs), which seek to promote the integral development of children under 4 years of age through services focused on education, health, nutrition, identity and upbringing. According to official records, the capacity of the CAIPIs went from 1,200 children in 2019 to 2,400 in 2024.<sup>1413</sup> In addition, the Commission takes note of the release of three guides on community and family practices in May, prepared by the Ministry of Social Development (MIDES) together with UNICEF and the Development Bank of Latin America and the Caribbean (CAF). The purpose of these guides is to improve care practices, foster positive upbringing and promote early learning and development in children under 47 months of age in Panama.<sup>1414</sup>

658. Furthermore, the Commission welcomes the approval, in June, of the Protocol for the Identification and Attention to Unaccompanied and/or Separated Children in the Context of Human Mobility in Panama. The protocol is intended to ensure the protection, well-being and comprehensive development of unaccompanied and/or separated children and to serve as a guide and working tool for officials and other persons involved in the care of children and adolescents to promote effective interinstitutional coordination.<sup>1415</sup> The context in which the protocol was adopted is of relevance because, as of July 2024, 46,567 children and adolescents had passed through the Darién National Park, out of which 2,400 were unaccompanied.<sup>1416</sup>

659. In connection with the rights of **persons in the context of human mobility**, the Commission notes with concern the approval of Executive Decree No. 194 on October 25, 2024, under which a fine ranging from 1,000 balboas to 5,000 balboas is imposed on anyone who enters the country bypassing state border checkpoints. To address the situation of vulnerability faced by some people in human mobility, the fine is adjusted so they can pay for it before leaving Panama. If they lack the economic resources to do so, they are deported.<sup>1417</sup> In turn, data from the National Migration Service show that, as of August 2024, a total of 238,185 migrants had crossed the Darién region, which constitutes an approximate decrease of 28 percent compared to the same period in 2023, when 333,704 crossings were recorded.<sup>1418</sup>

660. During the 191<sup>st</sup> period of sessions, at the request of the Office of the Ombudsperson of Panama, the Commission held a public hearing concerning the rights of persons in human mobility across the Colombian–Panamanian jungle, in which the States of Colombia and Panama were present. The Office of the Ombudsperson explained that the lack of accurate information about the people who go through the jungle makes it difficult to know the actual number of victims of human rights violations, especially those in an at-risk situation, and emphasized the need to create regional protection and care mechanisms for migration flows.<sup>1419</sup> The State of Panama, for its part, explained that the Darién is a transit route with a growing flow of migrants due to factors that are out of the State’s control and reaffirmed its commitment to handling the situation while

<sup>1412</sup> IACHR, thematic hearing “[Panama: Situation of the Population of African Descent on Casaya, Casayeta, and Bolaños Islands](#),” 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 15, 2024.

<sup>1413</sup> MIDES, “[Ministra María Inés Castillo presenta los avances, retos y desafíos de la niñez y la adolescencia en Panamá](#),” May 26, 2024.

<sup>1414</sup> MIDES, “[MIDES, UNICEF y CAF presentan tres 'Guías de prácticas de cuidado' que fortalecen la crianza positiva y el aprendizaje y desarrollo infantil temprano de niños y niñas en Panamá](#),” May 27, 2024.

<sup>1415</sup> MIDES, [Executive Decree No. 16 adopting the Protocol for the Identification and Attention to Unaccompanied and/or Separated Children in the Context of Human Mobility in Panama](#), June 6, 2024; UNICEF and MIDES, [Protocolo para la identificación y Atención a Niños, Niñas y Adolescentes no Acompañados/o Separados, en Contexto de Movilidad Humana en Panamá](#), June 2024.

<sup>1416</sup> UNICEF, [Situation Report: Children on the Move](#), August 31, 2024, p. 1.

<sup>1417</sup> Digital Official Gazette of Panama, [Executive Decree No. 194](#), October 25, 2024.

<sup>1418</sup> National Migration Service of Panama, [Statistics – Irregular transit through the Darién](#), undated, accessed on October 1, 2024.

<sup>1419</sup> IACHR, thematic hearing “[Regional: Rights of people in Movement in the Colombian–Panamanian Jungle](#),” 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 13, 2024.

observing human rights. The Commission thanked the State of Panama for the invitation to monitor the situation and highlighted the importance of these efforts to address human mobility in the region.<sup>1420</sup>

661. With respect to the rights of **older persons**, the Commission has identified, based on information in the public domain, situations related to the rights to social security, care, health and a life without violence. The Commission applauds the introduction of the public policy Por un Envejecimiento Saludable (Healthy ageing), under the charge of the MIDES, designed to address economic security, health and well-being for the elderly, as well as to promote adequate and healthy environments for such population.<sup>1421</sup> The Commission also appreciates the allowances granted by the MIDES to older persons under the money transfer program called “120 a los 65” (120 at 65), which involves a monthly delivery of 120 balboas to people who are 65 years of age or older and who have no retirement plan or pension and are facing a situation of social risk, vulnerability, social exclusion or poverty.<sup>1422</sup>

662. As for the right to health, the Commission values the enactment of Law No. 423, which ensures a free, public healthcare service for older persons without economic resources at the medical care centers administered by the Ministry of Health.<sup>1423</sup> In addition, the Commission commends the launch of the Electronic Portal for Older Persons (PAM) by the Ministry of Health, which is a safe, reliable tool for older persons to access relevant information and stay connected with their community.<sup>1424</sup>

663. Finally, the Commission observes that, between January and July 2024, the Public Prosecutor’s Office recorded a total of 484 complaints related to the ill-treatment of older persons.<sup>1425</sup> It also takes note of the increase in the number of complaints for crimes against the family, which rose by 35 percent, based on the figures published by the Public Prosecutor’s Office, with breach of family duties being the most prevalent crime this year (287 cases).<sup>1426</sup>

## XXIV. PARAGUAY

### • General considerations

664. In 2024, **progress** was achieved in terms of democratic institutionality with the reestablishment of the National Human Rights Institution as an “A” entity under the Principles of Paris. Furthermore, the State improved access to justice for vulnerable groups, reinforced the response to violence against women and launched a survey on the Afro-Paraguayan population.

665. Paraguay also faced **challenges**. A law that restricts freedom of association was passed, which could hinder human rights defense work. Furthermore, the Commission noted that the civic space was shrinking, which has an impact on the Rule of Law, and that narratives against gender perspectives are surfacing, which undermine the rights of LGBTI persons and women.

666. On October 15, 2024, the State submitted its response to the Commission’s request for information to prepare this chapter.<sup>1427</sup>

<sup>1420</sup> IACHR, thematic hearing “[Regional: Rights of People in Movement in the Colombian–Panamanian Jungle](#),” 191<sup>st</sup> period of sessions, Washington, D.C., United States, November 13, 2024.

<sup>1421</sup> *Prensa Latina*, “[Panamá impulsa política pública sobre envejecimiento saludable](#),” June 16, 2024.

<sup>1422</sup> *La Estrella*, “[Panamá invierte \\$900 millones en reducir la pobreza en adultos mayores](#),” November 12, 2024.

<sup>1423</sup> *Panamá América*, “[Adultos mayores recibirán atención médica gratuita](#),” February 20, 2024.

<sup>1424</sup> *Destino Panamá*, “[Minsa lanza portal electrónico para personas adultas mayores](#),” September 18, 2024.

<sup>1425</sup> *La Prensa*, “[Por día dos adultos mayores son maltratados, la Defensoría del Pueblo pide erradicar esta acción](#),” August 31, 2024.

<sup>1426</sup> *Panamá América*, “[Penas más severas por abandono de ancianos](#),” May 26, 2024.

<sup>1427</sup> Republic of Paraguay, Note Verbale MPP/OEA/No. 1107/2024, in response to the request for information made by the IACHR to prepare the Annual Report, October 15, 2024.

- **Specific issues**

667. As regards the progress achieved in terms of **democratic institutional**ity, the Superior Tribunal of Electoral Justice (TSJE) created a unit to fight election disinformation and submitted a proposal for a legal reform intended to strengthen electoral processes.<sup>1428</sup> In this context, civil society organizations called on the Congress to ensure that members of academia and broad social sectors are involved in all election reforms.<sup>1429</sup>

668. The Senate removed senator Katty González from office for alleged influence peddling.<sup>1430</sup> The removal process<sup>1431</sup> was challenged as unconstitutional<sup>1432</sup> and regarded as part of a pattern of gender-based political violence.<sup>1433</sup> Furthermore, the Law on Transparency and Accountability was enacted, targeted at nonprofit organizations,<sup>1434</sup> which, according to the civil society, shrinks the civic space, threatens the autonomy of human rights organizations<sup>1435</sup> and particularly affects feminist and LGBTI organizations, inasmuch as it restricts freedom of association.<sup>1436</sup>

669. In this context, the Congress set up a bicameral committee to investigate potential ties between political financing and human rights organizations, with a special focus on those receiving international funding.<sup>1437</sup> This has raised concerns over possible information leaks, as well as persecution and smear campaigns.<sup>1438</sup> The civil society has warned against these actions that, coupled with the Law on

<sup>1428</sup> Specifically, Law No. 635/95, which regulates Electoral Justice, and Law No. 834/96, which establishes the Paraguayan Electoral Code. See: Senate of Paraguay, "[Senado de la Nación recibió proyecto de reformas electorales](#)," August 28, 2024.

<sup>1429</sup> Gauto Bozzano, Enrique, "Propuesta de reforma electoral precisa de más amplitud," in *Derechos Humanos en Paraguay 2024*, edited by the Human Rights Coordinator of Paraguay (CODEHUPY), p. 304, Asunción, CODEHUPY, 2024.

<sup>1430</sup> Senate of Paraguay, "[La Cámara Alta dispuso la pérdida de investidura de la senadora Katty González](#)," February 14, 2024.

<sup>1431</sup> *La Nación*, "[Fiscalía recomienda la restitución de Katty González](#)," June 14, 2024; *Última Hora*, "[Fiscalía recomienda a la Corte hacer lugar a la acción de Katty González](#)," June 14, 2024; *Radio Ñanduti Digital AM*, "[El Ministerio Público dictamina como inconstitucional la pérdida de investidura de la exsenadora Katty González](#)," accessed on January 4, 2025; Leguizamón Morra, Dante Ariel, "Democracia en peligro: organizaciones de la sociedad civil, las nuevas 'enemigas'," in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 420, Asunción, CODEHUPY, 2024.

<sup>1432</sup> The case is under analysis by the Supreme Court of Justice. The former senator and civil society organizations have publicly condemned the delay in the resolution of this case. See: *ABC Color*, "[Presentan acción de inconstitucionalidad para reponer a Katty González en el Senado](#)," February 27, 2024; *Yahoo Noticias*, "[Exsenadora opositora urge a la Corte Suprema de Paraguay resolver sobre su destitución](#)," August 29, 2024.

<sup>1433</sup> In this regard, see: Follow-up Mechanism to the Belém do Pará Convention (MESECVI) [@MESECVI], (February 14, 2024), Comité de Expertas expresa su preocupación por la decisión de retirar la investidura a la Senadora @KattyGonzalez9, luego de reiterados ataques y actos de acoso en su contra por parte de correligionarios que se configuran como violencia política de género [X post], X, <https://x.com/mesecvi/status/1757894875343712504?s=48&t=YhxMmLJZhyT1fj2aW9za2Q>. See also: Mariela Cuevas, "Retos y deudas para la seguridad y protección en el entorno digital," in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 274, Asunción, CODEHUPY, 2024; *ABC*, "[Expulsión inconstitucional: reacción de Katty al dictamen de Fiscalía](#)," June 14, 2024.

<sup>1434</sup> Legal Information System of the Congress of Paraguay, [Law No. 7.363](#), Article 17(b). See also: *La Nación*, "[Peña promulgó ley de control y transparencia de ONG](#)," November 15, 2024; *Swiss Info*, "[Presidente Peña promulga ley de control a oenegés pese a las críticas de sectores sociales](#)," November 16, 2024.

<sup>1435</sup> Velásquez Moreira, Vladimir, "La política cultural del cartismo" in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 195, Asunción, CODEHUPY, 2024. These concerns were addressed by the IACHR: IACHR, Press Release No. R255/24, [SRFOE Warns of Bill Limiting Freedom of Association in Paraguay](#), October 18, 2024.

<sup>1436</sup> Among other things, on account of risks to the privacy and security of organization donors, beneficiaries and members. In addition, the law uses vague and ambiguous language and provides for severe punishment in case of breach. See: IACHR, Press Release No. R255/24, [SRFOE Warns of Bill Limiting Freedom of Association in Paraguay](#), October 18, 2024; Mandates of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on Freedom of Opinion and Expression and the Special Rapporteur on the Situation of Human Rights Defenders, Letter No. OL PRY 1/2024, July 19, 2024; *ADN Politico*, "[Red Ciudadana por la Niñez expresa respaldo a la sanción de la Ley de Transparencia de las ONG](#)," July 8, 2024.

<sup>1437</sup> The committee's name is Temporary Bicameral Committee for the Investigation of Punishable Acts of Money Laundering and Other Related Crimes. Senate of Paraguay, "[Instalan Comisión Transitoria para Investigación de Lavado de Activos y Delitos Contra el Patrimonio](#)," August 26, 2024.

<sup>1438</sup> Leguizamón Morra, Dante Ariel, "Democracia en peligro: organizaciones de la sociedad civil, las nuevas 'enemigas'," in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 421, Asunción, CODEHUPY, 2024. *Últimas Noticias*, "[Sindicato de Periodistas exige a CBI aclarar la filtración de datos](#)," September 23, 2024.

Transparency and Accountability, fuel an adverse context for human rights advocacy, the exercise of journalism and political opposition, which seriously affects freedom of association and speech.<sup>1439</sup>

670. With regard to **human rights institutions**, the Office of the Ombudsperson regained the “A” grade granted by the Global Alliance of National Human Rights Institutions (GANHRI), which recognized the progress achieved in ensuring the independence of institutions.<sup>1440</sup> For its part, the State informed that the executive branch promoted activities by the Human Rights Network, strengthened mechanisms to monitor international recommendations and moved forward with human rights training sessions for state agents.<sup>1441</sup>

671. In terms of **citizen security**, the State submitted data about the strengthening of the Directorate of Comprehensive Women Protection to improve women’s protection against gender-based violence.<sup>1442</sup> Furthermore, the State reported to the Commission that the Public Prosecutor’s Office undertook education initiatives intended to deter and prevent violence.<sup>1443</sup> Moreover, the State offered a higher reward for the safe return of Edelio Morínigo, Félix Urbieto and Óscar Denis, who were kidnapped by the self-proclaimed “Paraguayan People’s Army” and remain in captivity.<sup>1444</sup>

672. As for the challenges, the executive branch authorized the armed forces to participate in internal security tasks in Itapúa, Misiones and Ñeembucú for an indefinite period of time.<sup>1445</sup> This initiative attracted criticism from civil society organizations, which expressed their concern over the new measures that contribute to the militarization of security. These new measures add to the ones already implemented by the Joint Task Force (FTC).<sup>1446</sup> The joint action of military and police forces has been monitored by the IACHR, taking into account Inter-American standards that restrict the involvement of military forces in citizen security tasks.<sup>1447</sup>

673. In 2024, the State reported on the progress achieved in terms of **access to justice and judicial independence** with the opening of three new Victim Support Center offices, as well as mediation centers and working groups focused on violence against women.<sup>1448</sup> The State updated the Commission on the initiatives to enhance access to justice for indigenous peoples, which included at least five sessions aimed at improving access to justice in indigenous communities. These sessions were targeted also to communities with

<sup>1439</sup> CODEHUPY, “[Codehupy exige al Congreso Nacional que cesen las mentiras y la persecución a las organizaciones de la sociedad civil y sus integrantes](#),” September 24; 2024; ABC, “[Antecedentes de algunos de los convocados a la comisión ‘Garrote’](#),” September 20, 2024.

<sup>1440</sup> GANHRI, [Report and Recommendations of the Session of the Sub-Committee on Accreditation](#), 2024. See also: Última Hora, “[Defensoría del Pueblo recupera la categoría A en derechos humanos](#),” May 13, 2024.

<sup>1441</sup> Ministry of Justice of Paraguay, Note DGDDHH No. 240/2024, October 3, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1442</sup> For example: Resolution No. 667/2024, which updates the Manual on Police Action and Coordination for a Comprehensive Response to Domestic Violence, and the forms for Life Risk Assessment Based on Domestic Violence–Femicide Scale or Violence Decalogue. Ministry of Foreign Affairs of Paraguay, Report submitted in response to the request for information sent by the IACHR in light of Article 41 on the situation of human rights in Paraguay during 2024, Note MPP/OEA/No. 1107/2024, October 15, 2024, Annex IV, pp. 2–4. In IACHR files. See also: Government of Paraguay, [Protocolo de Actuación Interinstitucional para la Prevención y Atención Integral en casos de violencia](#), December 2023.

<sup>1443</sup> Public Prosecutor’s Office, Note No. DDHH No. 228/2024 of October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1444</sup> Ñanduti, “[Anuncian millonaria recompensa por información de miembros del EPP](#),” October 14, 2024.

<sup>1445</sup> Office of the President of Paraguay, Decree No. 1,767, May 28, 2024.

<sup>1446</sup> CODEHUPY and Servicio Paz y Justicia, Chapter on Paraguay (SERPAJ-PY), “[Viejas respuestas para viejos problemas: militarizar no es efectivo contra la inseguridad](#),” June 11, 2024.

<sup>1447</sup> IACHR, Annual Report 2023: Chapter IV.A. Human Rights Situation in the Region, para. 643; Annual Report 2022, Chapter IV.A, para. 623; and Annual Report 2021, para. 768.

<sup>1448</sup> Public Prosecutor’s Office, Note DDHH No. 228/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

cases filed with the inter-American system on human rights.<sup>1449</sup> The State added that the Ministry of Public Defense provided legal counsel to the LGBTI population, indigenous communities, women and persons with disabilities.<sup>1450</sup> Likewise, said ministry advised groups in situations of historical and structural vulnerability, including indigenous peoples.<sup>1451</sup>

674. Concerning the rights of **indigenous peoples**, the State informed the Commission about the creation of a working group to address land tenure and property issues. The State reported that, as of August, the Directorate on Human Rights had supported five legal proceedings for land restitution where indigenous communities had allegedly not been affected.<sup>1452</sup> The Primero de Marzo community voiced their concern over potential evictions from territories to which the community holds titles or where titles are disputed. For its part, the Hugua Po'i community, from the Mbya Guaraní people, denounced the lifting of a precautionary measure that protected a portion of land that was at the center of a dispute with a company.<sup>1453</sup>

675. Moreover, the Native Ayoreo People's Union of Paraguay (UNAP), together with Ayoreo organizations and communities, filed a constitutional remedy against deforestation and farming activities in the Tamocode territory, Estancia Faro Moro, in the department of Boquerón, as they believe these activities threaten the survival of the Ayoreo people, who are in voluntary isolation.<sup>1454</sup> This case had the support of the Public Prosecutor's Office which, as informed by the State, has been defending the rights of these peoples.<sup>1455</sup>

676. With regard to **persons deprived of liberty**, Paraguay reported on at least six actions that were carried out to monitor detention conditions at police stations.<sup>1456</sup> Within the framework of the New Prison Management Model,<sup>1457</sup> the State also opened the penitentiary of Minga Guazú, designed to promote reinsertion and reduce overcrowding, where persons are grouped and divided based on their profile.<sup>1458</sup> In addition, the Paraguayan Mechanism to Combat Torture adopted the San José Declaration aimed at institutional

<sup>1449</sup> Ministry of Justice of Paraguay, Note DGDDHH No. 240/2024, October 3, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1450</sup> The State reported that it provided legal counsel to 11 LGBTI persons between January and August, through the Protocol of Assistance to Persons from the LGBTI Community of the Ministry of Public Defense; 152 persons with disabilities; 2,865 older persons; 22,629 persons deprived of liberty; 294 indigenous persons, in this case, with the support of experts in indigenous communities; and 2,505 women victims of violence. Furthermore, the State referred to the institutions within the Public Prosecutor's Office that specialize in gender-based violence and domestic violence, children, adolescents and the rights of indigenous peoples. See Ministry of Public Defense, Note DG No. 523/2024, October 2, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1451</sup> Public Prosecutor's Office, Note DDHH No. 228/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information sent by the IACHR to prepare its annual report on October 15, 2024.

<sup>1452</sup> Ministry of the Interior of Paraguay, Note DDHMI No. 53/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information sent by the IACHR to prepare its annual report on October 15, 2024.

<sup>1453</sup> Rodríguez Olmedo, Natalia Paola, "Hambre Cero' sin agua para los pueblos indígenas del Chaco," in *Derechos Humanos en Paraguay 2024*, edited by CODEHUPY, p. 50, Asunción, CODEHUPY, 2024.

<sup>1454</sup> Ayoreo Ebetogue community, Filadelfia, Press Release, July 11, 2024, available at: <https://www.iniciativa-amotocodie.org/2024/07/13/comunicadoorganizacionesayoreoarpestadoparaguay/>.

<sup>1455</sup> Public Prosecutor's Office, Note DDHH No. 228/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1456</sup> Ministry of the Interior of Paraguay, Note DDHMI No. 53/2024, October 4, 2024. This document is part of the documentation attached to Note Verbale MPP/OEA/No. 1107/2024 submitted by the Republic of Paraguay in response to the request for information by the IACHR to prepare its Annual Report, sent on October 15, 2024.

<sup>1457</sup> Ministry of Public Works and Communications of Paraguay, "[Se habilitó el nuevo centro penitenciario de Minga Guazú con enfoque en la reinserción social](#)," May 17, 2024; Paraguay Information Agency, "[Nuevo modelo penitenciario ya está generando impacto y resultados, afirma ministro](#)," August 24, 2024.

<sup>1458</sup> Ministry of Justice of Paraguay, "[Ministerio de Justicia cumple con deuda histórica al separar a personas condenadas de procesadas](#)," June 1, 2024.



strengthening and networking and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>1459</sup>

677. However, in 2024, the Paraguayan penitentiary system featured an overcrowding rate of 391 percent, a very high figure pursuant to human rights standards.<sup>1460</sup> Such a rate resulted from an excessive use of pretrial detention, which affects 57 percent of the prison population, and has made Paraguay the third country in the region with the highest percentage of people under pretrial detention.<sup>1461</sup> Furthermore, 36 workers at the Social Reinsertion Center have been accused of torture, who are currently under investigation.<sup>1462</sup>

678. With respect to the human rights of **women**, the State underscored the campaigns to prevent violence launched by the Ministry of Women.<sup>1463</sup> In addition, it expanded the use of electronic devices to monitor compliance with injunctions in cases of domestic violence, opened the Regional Women's Center of San Pedro and set up two safe houses in Boquerón and Concepción.<sup>1464</sup>

679. Notwithstanding the foregoing, available data shows that most of the complaints related to violence against women that enter the judicial system at the national level are cases of family, domestic or intimate partner violence. These crimes also prevail in indigenous communities.<sup>1465</sup> As of October 2024, there had been 27 victims of femicide and 40 victims of attempted femicide, most of them committed by the victim's partner or former partner, or by people close to the victim.<sup>1466</sup> Despite its efforts, the State's response proves to be insufficient considering that, according to official data, the police only deals with 16 out of the 95 complaints for violence against women that are recorded on a daily basis.<sup>1467</sup>

680. As for the challenges faced by **LGBTI persons**, a top state official publicly declared his dislike for students who had what he called "homosexual tendencies" in agrarian schools.<sup>1468</sup> This adds up to the refusal by public officials to allow LGBTI organizations to participate in the Children Council and in debates on comprehensive sex education.<sup>1469</sup> In this context, the Chamber of Deputies passed a bill to remove the word "gender" from the name of the Social Equity and Gender Commission.<sup>1470</sup>

<sup>1459</sup> CPT of Chile, *Declaración de San José para el fortalecimiento institucional y el trabajo en red y Acción global por los derechos de las personas con discapacidad en privación de libertad*, May 10, 2024.

<sup>1460</sup> National Mechanism for the Prevention of Torture (MNP), 2024, *Anuario estadístico de personas afectadas de libertad en la República del Paraguay 2024*, Asunción, MNP, p. 20.

<sup>1461</sup> MNP, 2024, *Anuario estadístico de personas afectadas de libertad en la República del Paraguay 2024*, Asunción, MNP, p. 33.

<sup>1462</sup> Ministry of Justice of Paraguay, "Director del Cereso solicitó iniciar investigación de supuestos casos de torturas," August 31, 2024.

<sup>1463</sup> Ministry of Foreign Affairs of Paraguay, Report submitted in response to the request for information sent by the IACHR in light of Article 41 on the situation of human rights in Paraguay during 2024, Note MPP/OEA/No. 1107/2024, October 15, 2024, paras. 18–19, and Annex IV, p. 3. In IACHR files. The campaigns launched include *Todos los Meses son Noviembre* (Every month is November), *Noviazgo sin Violencia* (Partners without violence), *Lentes Lilas* (Violet lenses), *Hay Excusas que Matan* (Some excuses kill), among others.

<sup>1464</sup> Ministry of Foreign Affairs of Paraguay, Report submitted in response to the request for information sent by the IACHR in light of Article 41 on the situation of human rights in Paraguay during 2024, Note MPP/OEA/No. 1107/2024, October 15, 2024, para. 22, and Annex IV, p. 3. In IACHR files.

<sup>1465</sup> As of August 2024, 21,300 complaints for violence against women had been filed with peace courts across the country. See: ABC, "Corte Suprema reporta más de 21 mil denuncias por violencia contra las mujeres," October 2, 2024; Senate of Paraguay, "Abogan por la aprobación del proyecto de Ley para atender casos de violencia contra las mujeres," October 15, 2024; Public Prosecutor's Office of Paraguay, "Observatorio de Ministerio Público: principales hechos punibles registrados en las comunidades indígenas a nivel país," September 2, 2024.

<sup>1466</sup> Attorney General's Office of Paraguay [@MinPublicoPy], (November 7, 2024), Femicidio: 27 mujeres víctimas, 58 hijos quedaron huérfanos. También se registra 40 casos de Tentativa de Femicidio [X post], X, <https://x.com/MinPublicoPy/status/1854606217219391527>.

<sup>1467</sup> Última Hora, "Violencia contra la mujer: De 95 denuncias diarias, solo en 16 interviene la Policía Nacional," October 29, 2024.

<sup>1468</sup> ABC, "Tras polémica declaración de homofobia ministro de mag habla de supuesta mala interpretación," February 27, 2024.

<sup>1469</sup> RND, "Lizarella denuncia que amenazaron con 'homosexualizar' a sus hijos," July 9, 2024; Radio Ñandutí [@nanduti], (July 9, 2024), Aprueban proyecto para controlar a las ONG (...), [X post], X, [https://x.com/nanduti/status/1810656138179789242?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1810656138179789242%7Ctwgr%5E4e0b33f3e1d060aa4c8bfbf36209e407a73c85a9%7Ctwcon%5Es1&ref\\_url=https%3A%2F%2Fwww.rdn.co.m.py%2F2024%2F07%2F09%2FliZarella-denuncia-que-amenazaron-con-homosexualizar-a-sus-hijos%2F](https://x.com/nanduti/status/1810656138179789242?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1810656138179789242%7Ctwgr%5E4e0b33f3e1d060aa4c8bfbf36209e407a73c85a9%7Ctwcon%5Es1&ref_url=https%3A%2F%2Fwww.rdn.co.m.py%2F2024%2F07%2F09%2FliZarella-denuncia-que-amenazaron-con-homosexualizar-a-sus-hijos%2F).

<sup>1470</sup> ADN Digital, "Diputados eliminan la palabra 'género' de la Comisión de Equidad," March 6, 2024.

681. Concerning the rights of **Afro-descendant persons and policies against racial discrimination**, the State undertook an initiative to calculate the number of Afro-descendants and learn about the characteristics of this population to generate key data on their socioeconomic situation.<sup>1471</sup> Moreover, Afro-Paraguayan organizations demanded the government issue the regulations to the Law on the Prevention and Punishment of Racist and Discriminatory Acts, which remains unregulated two years after its passage.<sup>1472</sup>

682. With respect to the rights of **children and adolescents**, Paraguay launched a program to support and protect children and adolescents deprived of family care.<sup>1473</sup> The State also introduced an initiative to raise awareness among children and adolescents of the risks of drug use, the social and legal consequences of microtrafficking and how to safely use social media.<sup>1474</sup> The country also deployed an operation to control the transit of children and adolescents over the De la Amistad International Bridge with the purpose of identifying and preventing crimes such as human trafficking, especially involving migrants.<sup>1475</sup>

683. Furthermore, the Senate approved a proposal to declare a state of national emergency to act on the alarming figures of abuse and violence against children and adolescents.<sup>1476</sup> According to official records, as of July 2024, the Public Prosecutor's Office had handled 11,482 offenses against children and adolescents, which translates into approximately 54 victims a day.<sup>1477</sup>

684. With regard to processes of **memory, truth and justice**, the Criminal Court of Appeals convicted a former chief of the Paraguayan police for torture during the military dictatorship.<sup>1478</sup> In addition to this judgment, the executive branch issued regulations providing for the compensation of armed forces agents who participated in the events of February 2 and 3, 1989, to fight against the dictatorship.<sup>1479</sup>

685. Finally, with respect to **human trafficking**, Paraguayan and Bolivian authorities held a meeting to pinpoint challenges and best practices on this matter and on migration.<sup>1480</sup>

## XXV. PERU

- **General considerations**

686. Peru **has taken steps forward** in connection with the rights of groups in a situation of vulnerability and human rights institutions with the approval of a National Multisectoral Human Rights Policy

<sup>1471</sup> National Council of Science and Technology of Paraguay, "[Proyecto busca visibilizar a la población afrodescendiente paraguaya](#)," September 13, 2024.

<sup>1472</sup> ABC Color, "[Afrodescendientes em Paraguay: exigen a Santi Peña reglamentar ley contra el racismo](#)," June 25, 2024.

<sup>1473</sup> This is the National Program of Alternative Care and Adoption called Familias de la Guarda (Foster families). See: Office of the President of Paraguay, "[Gobierno del Paraguay lanza 'Familias de la Guarda' Programa Nacional de Cuidados Alternativos y Adopciones](#)," October 8, 2024.

<sup>1474</sup> This initiative is called Healthy Coexistence among Peers at Education Centers. See: Paraguay Information Agency, "[Iniciativa apunta a consolidar herramientas para una convivencia sana entre estudiantes](#)," March 19, 2024.

<sup>1475</sup> In this context, as a result of the first control operation, carried out in October, 161 children and adolescents were prevented from leaving the country because they lacked the necessary travel documents. See: National Directorate of Migration of Paraguay, "[Despliegan operativo de seguridad migratoria orientado a la protección de niños, niñas y adolescentes en el Puente Internacional de la Amistad](#)," September 25, 2024.

<sup>1476</sup> Senate of Paraguay, "[Ante el aumento de casos de abuso. Comisión del Senado abordó problemática en mesa de trabajo](#)," September 3, 2024.

<sup>1477</sup> Public Prosecutor's Office of Paraguay, "[Hasta abril de 2024, el Ministerio Público atendió a 8 víctimas por día de Abuso Sexual en Niños, el 75% son niñas y el 55% son menores de 13 años](#)," May 31, 2024.

<sup>1478</sup> The judgment was ratified by the Criminal Court of Appeals. See: Última Hora, "[Tribunal confirma pena de 30 años para comisario stronista que torturó a opositores](#)," October 25, 2024; Radio Francia Internacional, "[Condena histórica de 30 años a un torturador de la dictadura de Paraguay](#)," February 21, 2024.

<sup>1479</sup> Última Hora, "[Ejecutivo reglamenta ley para la indemnización para veteranos del golpe de 1989](#)," September 9, 2024.

<sup>1480</sup> Government of Paraguay, "[Paraguay y Bolivia celebran II Reunión del Comité de Frontera Infante Rivarol-Cañada Oruro](#)," July 19, 2024.

Towards 2040 (PNMD). It also strengthened intercultural legal services, providing support to indigenous communities and women through working groups with a focus on care, femicides and the rights of sex workers.

687. However, significant **challenges** persist, such as the deterioration of democracy due to congressional interference with institutions that are key to the Rule of Law, including the National Board of Justice (JNJ), the National Election Jury (JNE) and anticorruption prosecutors. In addition, the Congress passed controversial laws on crimes against humanity and war crimes.

688. On November 9, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>1481</sup>

- **Specific issues**

689. With regard to **democratic institutional**ity, the Congress moved forward with a bill to guarantee the right to vote of Peruvian citizens living abroad.<sup>1482</sup> The State also informed about the approval of a technical instrument to expand citizen participation in accountability hearings related to regional and local governments.<sup>1483</sup> In addition, the Office of the Ombudsperson acknowledged that such instrument represents a step forward and demanded that it be mandatory so as to strengthen social audit mechanisms.<sup>1484</sup>

690. However, the Commission notes the persistence of undue congressional interference with the operation of the other branches of government and public institutions by means of the initiation of disciplinary proceedings against authorities whose positions are essential to preserve democracy, such as the JNJ, the JNE and anticorruption prosecutors.<sup>1485</sup> In this regard, the legislative branch filed at least 14 disciplinary proceedings against the JNJ, which led to the suspension and subsequent removal of two JNJ members, Inés Tello and Aldo Vásquez.<sup>1486</sup>

691. Under these circumstances, the Commission resorted to its several mechanisms, including a request for information on the situation of the JNJ, a request for information on investigations against reporters and prosecutors, and a press release where the Commission expressed its concern about a series of actions to tamper with the system of checks and balances that might weaken the Rule of Law in Peru. In this context, the Commission underscored the need for the State to preserve democracy and human rights and urged the State to guarantee the respect for the independence of the judiciary and the electoral system, as well as for human rights, all of which strengthen democracy.<sup>1487</sup>

692. As for **human rights institutions**, the State reported that the executive branch approved the PNMD which, among other aspects, seeks to address inequality and structural discrimination as a public matter, following a decentralized participatory process to learn about the needs of the communities.<sup>1488</sup> The State also

<sup>1481</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1482</sup> National Office of Electoral Processes, "[ONPE implementaría voto digital para peruanos en el extranjero](#)," December 10, 2024.

<sup>1483</sup> Among other measures, the document requests authorities to publish a summary of their accountability report some days before each hearing to facilitate citizen interaction, <https://www.defensoria.gob.pe/defensoria-del-pueblo-destaca-aprobacion-de-nuevas-medidas-para-desarrollo-de-audiencias-publicas-de-rendicion-de-cuentas-pero-pide-que-sean-obligatorias/>, July 9, 2024.

<sup>1484</sup> Office of the Ombudsperson, "[Defensoría del Pueblo destaca aprobación de nuevas medidas para desarrollo de audiencias públicas de rendición de cuentas pero pide que sean obligatorias](#)," July 9, 2024.

<sup>1485</sup> The IACHR expressed its concern in this regard: IACHR, Press Release No. 130/24, [IACHR Is Concerned About Congressional Interference With Other Branches of Government in Peru](#), June 7, 2024.

<sup>1486</sup> *Ojo Público*, "[Congreso quiebra a la JNJ con la inhabilitación de Inés Tello y Aldo Vásquez](#)," March 8, 2024; Instituto de Defensa Legal (IDL), "[Pronunciamiento del IDL frente a la destitución de los miembros de la Junta Nacional de Justicia Inés Tello y Aldo Vásquez](#)," March 8, 2024.

<sup>1487</sup> IACHR, Press Release No. 130/24, [IACHR Is Concerned About Congressional Interference With Other Branches of Government in Peru](#), June 7, 2024.

<sup>1488</sup> Thirty-one public entities and several civil society organizations participated in the planning process. Government of Peru, "[Ministro Arana destacó el enfoque inclusivo y participativo de la Política Nacional Multisectorial de Derechos Humanos al 2040](#)," December 10, 2024; Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

held a series of sessions to strengthen the capacities of the public administration in terms of gender equality.<sup>1489</sup> In parallel, the Office of the Ombudsperson created the Functional Unit on Prevention, Alert, Mediation and Management of Conflicts and the Functional Unit on Agreement Performance Management, within the Department for the Prevention of Social Conflicts and Governance, to ensure timely intervention in social conflicts.<sup>1490</sup>

693. Despite this progress, the Congress also considered a bill to allow the government to denounce the American Convention on Human Rights and withdraw from the jurisdiction of the Inter-American Court, amidst a growing political trend that is contrary to the inter-American human rights system.<sup>1491</sup> Paradoxically, the Executive nominated a candidate for the Inter-American Court, who was ultimately elected during the OAS General Assembly. Moreover, the Congress introduced reforms to the Constitutional Procedural Code, which, in the opinion of social organizations, will weaken courts' power to exercise the conventionality control, as such reforms establish that only judgments rendered by international courts against Peru can be considered by constitutional courts.<sup>1492</sup> In addition to this reform, the Congress is studying a bill to restrict diffuse control of conventionality.<sup>1493</sup>

694. Concerning **access to justice and judicial independence**, the State informed that the Ministry of Justice and Human Rights, through the Public Criminal Defense Unit, held 280,725 consultations and provided legal representation in 171,306 cases, including the provision of intercultural assistance with a differentiated approach to specific groups.<sup>1494</sup> The executive branch launched information campaigns and training sessions on the support provided by the Free Legal Assistance Centers (ALEGRA) with an intercultural approach to ensure access to justice in areas where indigenous peoples live.<sup>1495</sup> Moreover, the JNJ dismissed national prosecutor Liz Patricia Benavides Vargas from office for serious disciplinary wrongdoing after having used her position to remove prosecutor Bersabeth Revilla, who was investigating Ms. Benavides Vargas's sister.<sup>1496</sup> The Commission held a public hearing where organizations reported that personnel from the Public Prosecutor's Office were being subjected to administrative and criminal proceedings, as well as to dismissal without grounds. They also denounced threats of legal reforms that might affect institutionality, the dismantling of teams in charge of investigating high-impact cases and interferences that jeopardize the independence of the Public Prosecutor's Office.<sup>1497</sup>

695. Furthermore, Congress representatives submitted at least two proposals to reform the Peruvian Constitution: one to replace the JNJ with a national school of magistrates and another one to reorganize the JNJ and the Public Prosecutor's Office, which would result in the removal of those responsible for such entities and might weaken the country's institutionality.<sup>1498</sup>

696. At the same time, the State appointed the new members of the JNJ after a process that was described as nontransparent by civil society organizations, which underscored the lack of assessment of basic

<sup>1489</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1490</sup> Office of the Ombudsperson of Peru, Information prepared by the departments of the Office of the Ombudsperson for the 2024 IACHR Annual Report, December 2, 2024.

<sup>1491</sup> LP, "[Proyecto de ley plantea retiro del Perú de la Convención Interamericana de Derechos Humanos](#)", December 13, 2024.

<sup>1492</sup> Republic of Peru, Law No. 32,153 of November 5, 2024. See also: IDL, "[¿Por qué es inconstitucional la Ley 32153, que restringe el uso de la jurisprudencia de la Corte IDH?](#)", January 13, 2025.

<sup>1493</sup> Congress of the Republic of Peru, Bill No. 9,171/2024, which seeks to eliminate judges' power to enforce "diffuse control," available at: <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/search>.

<sup>1494</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1495</sup> Along these lines, a center was opened at Pasaje San Pablo 174 in La Merced, province of Chanchamayo, to guarantee free legal services with an intercultural approach in the central jungle of Peru. Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1496</sup> JNJ, "[JNJ destituyó a Patricia Benavides del cargo de fiscal suprema y de fiscal de la Nación](#)," May 22, 2024.

<sup>1497</sup> IACHR, Press Release No. 51/24, [IACHR Ends 189th Period of Sessions with 29 Public Hearings on Human Rights](#), March 11, 2024.

<sup>1498</sup> Congress of the Republic of Peru, "[Presentan propuesta para reorganizar la Junta Nacional de Justicia y el Ministerio Público](#)," June 4, 2024.

information about the candidates to detect potential conflicts of interest.<sup>1499</sup> The Commission held a public hearing about this issue where it highlighted that the selection process of justice officials is the cornerstone of the Rule of Law to ensure that the judiciary is impartial, transparent and competent. The Commission recalled that it has been monitoring the democratic and justice system in Peru and emphasized the importance of the justice system in protecting democratic institutionalality.<sup>1500</sup>

697. In addition, an amendment to the Criminal Code of Procedure was approved, under which investigation powers traditionally held by the Attorney General's Office were transferred to the National Police of Peru (PNP). This transfer of powers, in the opinion of social organizations and the Board of Supreme Prosecutors, threatens prosecutors' independence and the objectivity of investigations.<sup>1501</sup> Moreover, a series of initiatives were introduced, which have been a cause for concern among civil society organizations given their impact on the justice system and access to it.

698. Organizations, families and victims of human rights violations perpetrated between December 7, 2022, and January 23, 2023, continued expressing their concern over the challenges to access to justice and the failure to comply with the recommendations made by the Commission in its report *Situation of Human Rights in Peru in the Context of Social Protests*. The Commission visited Peru on August 12 and 13 to follow up on the aforementioned recommendations. During that visit, authorities, human rights defenders and the civil society shared information about the situation and the challenges faced in the implementation of such recommendations, including information from the Attorney General's Office of Peru related to investigations into human rights violations and data from different authorities and the civil society on matters related to democratic institutionalality.<sup>1502</sup>

699. In terms of **citizen security**, as of August, the Secretariat of Social Management and Dialogue had been involved in 117 cases to prevent social conflict. It also held 1,338 meetings with civil society organizations and local authorities to manage conflicts, promoted training sessions on conflict dialogue, prevention and management, and took steps to update the executive branch's guidelines and protocols governing social management, dialogue and the participation of women in dialogues to address conflicts.<sup>1503</sup> All of this took place in the context of at least 40 states of emergency ordered by the government across the country, mainly rooted in the fight against organized crime.<sup>1504</sup>

700. Conversely, the Congress passed a law on organized crime that narrowed down the concept of organized crime so that it would only apply to organizations that commit crimes punishable with six years of imprisonment and above, which leaves out crimes such as extortion.<sup>1505</sup> Social organizations and transport workers unions affected by extortion took to the streets to protest against such law as it would potentially weaken the fight against organized crime.<sup>1506</sup> As a result, the government submitted a bill to introduce a new

<sup>1499</sup> In sum, they denounced lack of transparency, publicity, citizen surveillance, a welcoming attitude towards monitoring, technical criteria in the preparation of knowledge tests and trust and equal conditions for candidates. This information was shared during the IACHR's public hearing "Democratic rule and the effects of the selection process for the National Board of Justice," 191<sup>st</sup> period of sessions, November 15, 2024; International Observation Mission (MIO), [La situación de la Junta Nacional de Justicia de Perú y el proceso de elección de sus miembros](#), October 2024.

<sup>1500</sup> IACHR, public hearing "[Peru: Democratic rule and the effects of the selection process for the National Board of Justice](#)," 191<sup>st</sup> period of sessions, November 15, 2024.

<sup>1501</sup> *El Peruano*, "[Junta de Fiscales Supremos advierte que ley que faculta a la PNP a investigar delitos es inconstitucional](#)," August 29, 2024.

<sup>1502</sup> IACHR, Press Release No. 192/24, [IACHR Concludes Follow-Up Visit to Peru](#), August 26, 2024.

<sup>1503</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, sent on November 9, 2024.

<sup>1504</sup> OAS, Recent Suspensions of Guarantees Regarding Multilateral Treaties, available at: <https://www.oas.org/en/sla/dil/inter-american-treaties-suspension-guarantees.asp>.

<sup>1505</sup> Congress of the Republic of Peru, Law No. 32,108, August 9, 2024.

<sup>1506</sup> Dávila Lynch, Eduardo, "[Ley 32,108 sobre crimen organizado: 'El Congreso ha generado incentivos para que las organizaciones delictivas crezcan'](#)," October 1, 2024; *El País*, "[Los transportistas y los comerciantes se echan a la calle en Perú para acabar con la ola de extorsiones](#)," October 10, 2024.



crime called “urban terrorism” and impose harsher sentences for contract killing and extortion.<sup>1507</sup> Congress also passed Law No. 32,181, which prevents courts from ordering pretrial detention for PNP agents who use their firearm while in service.<sup>1508</sup>

701. As for the progress made in connection with **Afro-descendant persons and policies against racial discrimination**, the Congress approved a reform that includes the Afro-Peruvian population in the Constitution, which was reported by the State as a milestone in the recognition and guarantee of their fundamental rights. The State also took steps forward in the implementation of the 2030 National Policy for Afro-Peruvian People (PNPA).<sup>1509</sup>

702. Despite these positive measures, according to available information in the public domain, methodological limitations were observed in the follow-up and assessment of indicators associated with the objectives of said policy, which hinders its implementation and the possibility of setting clear perspectives to eliminate racial discrimination and ensure the full exercise of rights.<sup>1510</sup> This is reflected in the barriers faced by Afro-Peruvian women and girls in accessing sexual and reproductive health services due to deficiencies in rural infrastructure, a lack of adequate information and the criminalization of abortion.<sup>1511</sup> Civil society organizations warned against the different impacts that adverse weather events have on Afro-descendant communities such as the Yapatera people, located in Piura, where pre-existing inequalities are worsened by recurrent environmental challenges.<sup>1512</sup>

703. With regard to **human rights defenders**, the Intersectoral Mechanism for the Protection of Human Rights Defenders (MINJUSDH) monitored risks in connection with 192 defenders to coordinate risk response measures. Furthermore, it created regional working groups to coordinate work and take action to protect defenders.<sup>1513</sup>

704. Moreover, the Foreign Affairs Committee of the Congress approved a report that grouped six bills intended to amend the Law on the Peruvian Agency for International Cooperation (APCI), with a potential negative impact on the defense of human rights and the work of civil society organizations.<sup>1514</sup> According to this report, the use of resources from international technical cooperation and donations by organizations to conduct activities declared by the State as contrary to public interest and internal order constitutes a serious violation, which could lead to the potential cancellation of such organizations.<sup>1515</sup> This initiative was described by the civil society as a strategy to shrink the civic space and prevent the defense of human rights. In addition, the human rights coalition National Human Rights Coordinator (CNDDHH) reported intimidation and

<sup>1507</sup> Government of Peru, “[Poder Ejecutivo remitió al Congreso el proyecto de ley que incorpora el delito de terrorismo urbano al Código Penal](#),” October 3, 2024.

<sup>1508</sup> Government of Peru, “[Policías que usen sus armas de forma reglamentaria no podrán ser objeto de detención preliminar ni de prisión preventiva](#),” December 11, 2024.

<sup>1509</sup> Congress of the Republic of Peru, “[Congreso ratifica, en segunda votación, reforma constitucional que reconoce al pueblo afroperuano](#),” November 20, 2024.

<sup>1510</sup> Ministry of Culture of Perú, [Informe de Evaluación de la Política Nacional del Pueblo Afroperuano al 2030](#), June 2024, p. 3.

<sup>1511</sup> Ashanti Perú, Red Peruana de Jóvenes Afrodescendientes, [Estudio sobre derechos sexuales y reproductivos de juventudes afroperuanas](#), June 2024, pp. 83–85.

<sup>1512</sup> Ashanti Perú, Red Peruana de Jóvenes Afrodescendientes, [Estudio sobre derechos sexuales y reproductivos de juventudes afroperuanas](#), June 2024, pp. 85–88; UNFPA, “[‘Always a fighter’: Afrodescendent Activist Lilian León Offers Solidarity and Support to Survivors of Gender-based Violence in Northern Perú](#),” March 25, 2024.

<sup>1513</sup> As of this date, there are eight regional working groups in operation in the regions of Madre de Dios, Ucayali, San Martín, Loreto, Amazonas, Junín, Piura and Huánuco.

<sup>1514</sup> IDL, “[Críticas al dictamen aprobado por la Comisión de Relaciones Exteriores del Congreso contra el trabajo de las ONG](#),” June 8, 2024.

<sup>1515</sup> Congress of the Republic of Peru, [Preliminary report on Bills No. 6,162/2023-CR, 6,252/2023-CR, 7,140/2023-CR, 7,354/2023-CR, 7,367/2023-CR and 7,505/2023-CR, which propose amendments to Law No. 27,692 —Law Creating the Peruvian Agency on International Cooperation \(APCI\)— to reinforce the work of said entity and contribute to the transparency and supervision of the application of resources received by entities that manage nonreimbursable international technical cooperation funds](#), June 2024.

defamation practices that misinform its human rights advocacy work and accuse the coalition of promoting violence during protests.<sup>1516</sup>

705. All of this takes place in a context of violence against indigenous and union leaders. On April 19, 2024, Victorio Dariquebe Gerewa, a park ranger and protector of the Amarakaeri Communal Reserve from the Keros Native Community, was murdered.<sup>1517</sup> In Ica, on May 28, Julio Alejandro Siancas Chati, a union leader, was killed.<sup>1518</sup> On July 2, Ronald Caisahuana Flores, a construction union leader in Jujín, Satipo, was murdered.<sup>1519</sup> On July 14, Mariano Mucama Isacama Feliciano, a Kakataibo Indigenous leader in Aguaytía, Padre Abad district, Ucayali, was found dead after being missing for 22 days.<sup>1520</sup> Later that month, on July 28, Juan José Mota Silvestre, Secretary-General of the Casma Construction Union, was murdered.<sup>1521</sup> On August 15, Arturo Cárdenas, Secretary-General of the Lima and Bañeros Construction Union, was assassinated in Lima.<sup>1522</sup> On October 7, 2024, in the Amarakaeri Communal Reserve, Manu district, Madre de Dios region, Gerardo Keimari Enrique, an Indigenous leader of the Matsigenka people, was found dead.<sup>1523</sup>

706. Additionally, the Board of Directors of the Lima Bar Association was reported to the institution's Ethics Council by the Ministry of Justice and Human Rights after holding a meeting with the Inter-American Commission on Human Rights.<sup>1524</sup>

707. As to the rights of **women**, the National Specialized Criminal Court of Appeals sentenced 13 military officers who had been accused of sexual violence against peasant women in the Huancavelica region during the internal armed conflict.<sup>1525</sup> The State created the Working Group for Strengthening the Assistance Provided by the Emergency Centers for Women (CEM) in Cases of Femicide and Attempted Femicide, composed of public officials and civil society representatives, to monitor the cases handled by these centers.<sup>1526</sup> Additionally, the State established a working group and a pilot plan to coordinate interventions focused on care, aiming to improve conditions for both paid and unpaid caregivers,<sup>1527</sup> as well as the Working Group for the Promotion and Protection of the Rights of Women who Perform Sexual Work.<sup>1528</sup>

<sup>1516</sup> International Federation for Human Rights (FIDH), "[Perú: Intimidación y difamación contra la Coordinadora Nacional de Derechos Humanos \(CNDDHH\) y Jennie Dado](#)," August 1, 2024; OMCT, "[Perú: Actos de intimidación y difamación contra la CNDDHH y Jennie Dado](#)," August 1, 2024.

<sup>1517</sup> *Ojo Público*, "[Minería ilegal y narcotráfico detrás del asesinato del guardaparque Victorio Dariquebe](#)," April 23, 2024; *SPDA Actualidad ambiental*, "[Asesinan a Victorio Dariquebe, guardaparque de la Reserva Comunal Amarakaeri](#)," April 21, 2024.

<sup>1518</sup> Federation of Workers from the Construction, Timber and Construction Supplies Industries for Latin America and the Caribbean (FLEMACON), "[Asesinato del sindicalista en Perú: ¡No a la impunidad!](#)," May 29, 2024; *El Perfil*, "[Con Siancas ya son 22 los dirigentes de sindicatos afiliados asesinados y exigimos justicia](#)," May 29, 2024.

<sup>1519</sup> *Diario Correo*, "[Satipo: Asesinan a balazos a dirigente de construcción civil](#)," July 3, 2024; *América TV*, "[Satipo: Asesinan a dirigente de construcción civil delante de su familia](#)," July 4, 2024.

<sup>1520</sup> Peruvian Society of Environmental Law (SPDA), "[Urgente: Hallan muerto a líder kakataibo Mariano Isacama desaparecido hace 22 días](#)," July 14, 2024; *Caretas*, "[Ucayali: Hallan muerto a líder kakataibo cerca del río Yurac](#)," July 15, 2024.

<sup>1521</sup> *Caretas*, "[Sujetos armados dieron muerte a Juan Mota Silvestre, dirigente de Construcción Civil en Casma](#)," July 30, 2024; *Radio Santo Domingo*, "[Ancash: asesinaron a balazos a dirigente de construcción civil en Casma](#)," July 29, 2024.

<sup>1522</sup> *Infobae*, "[Asesinan a secretario del sindicato de Construcción Civil en La Victoria: imágenes muestran los movimientos del sicario](#)," August 16, 2024; Public Prosecutor's Office of Peru, "[Fiscalía inicia investigación preliminar por la muerte de dirigente de construcción civil ocurrido en La Victoria](#)," August 16, 2024.

<sup>1523</sup> *Amazon Watch*, "[Murder of Peruvian Indigenous Earth Defender Underscores the Importance of Protecting Indigenous Land Rights Ahead of UNTOC COP12 and CBD COP16](#)," October 11, 2024; CIVICUS, "[Asesinan a un segundo activista que protegía una reserva comunal](#)," November 7, 2024; *Mongabay*, "[Perú: segundo defensor ambiental asesinado en el área de influencia de la Reserva Comunal Amarakaeri en Madre de Dios](#)," October 14, 2024.

<sup>1524</sup> Lima Bar Association, "[Gobierno Amenaza al Decano y Directivos del CAL por Reunión con Miembros de la CIDH](#)," January 8, 2025.

<sup>1525</sup> DEMUS [@DemusPeru], (June 19, 2024), #SentenciaManta | ¡Históricas! Corte Superior Nacional condena a los 13 militares denunciados por violaciones sexuales durante el conflicto armado interno [X post], X, <https://x.com/demusperu/status/1803553614792626507?s=48&t=YhxMmLjZhyT1f2aW9za2Q>.

<sup>1526</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, p. 16. In IACHR files.

<sup>1527</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, p. 15. In IACHR files.

<sup>1528</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, p. 17. In IACHR files.

708. However, high rates of gender-based violence against women, girls and adolescents persisted in the country, particularly including femicide, psychological and sexual violence, as well as disappearances.<sup>1529</sup> Between January and October 2024, the authorities received 5,518 alerts on disappeared women, including 603 cases in October alone, out of which 413 (68 percent) involved girls and adolescents.<sup>1530</sup> For its part, the Ministry of Women and Vulnerable Populations (MIMP) reported that, as of November 11, the death of 135 women under circumstances potentially linked to femicide had been recorded. Most of these crimes were committed by the victim's partner in her home.<sup>1531</sup> Additionally, as of October, 189 attempted femicides had been reported,<sup>1532</sup> and the CEMs had assisted women in 25,067 cases involving sexual violence, including 10,804 cases of rape and 868 instances of violence against pregnant women.<sup>1533</sup> Moreover, 6,489 cases of rape against girls and adolescents had been documented as of October 2024.<sup>1534</sup>

709. Between January and May 2024, more than 300 cases of sexual assault committed by teachers in educational institutions were recorded nationwide.<sup>1535</sup> Reports of 524 incidents of sexual violence perpetrated by teachers against indigenous students from the Wampís and Awajún communities between 2010 and May 2024 were monitored.<sup>1536</sup> These reports included cases involving HIV transmission and pregnancies resulting from rape.<sup>1537</sup> Executive branch authorities referred to sexual violence as a “cultural practice,” a statement condemned by the civil society and the Office of the Ombudsperson.<sup>1538</sup> The Commission submitted a request for information to the State to monitor this situation.<sup>1539</sup>

710. In this context of violence, regressive initiatives emerged concerning equality and the fight against gender discrimination. These included proposals to rename the Ministry of Women as the Ministry of the Family or merge it with the Ministry of Development and Social Inclusion, which would undermine the specific focus of actions against gender-based violence,<sup>1540</sup> and the repeal of decrees requiring the appointment of gender equality officers in public institutions and the delivery of training on gender to public officials.<sup>1541</sup> In addition, a bill was introduced to allow parents to exempt their children from courses that include comprehensive sex education components.<sup>1542</sup>

<sup>1529</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 677; Ministry of Women and Vulnerable Populations, [Cases handled by national CEMs – Year 2024](#), October 31, 2024.

<sup>1530</sup> Office of the Ombudsperson of Peru, [“Defensoría del Pueblo: de enero a octubre del 2024 se han reportado 5518 alertas de mujeres reportadas como desaparecidas,”](#) November 24, 2024.

<sup>1531</sup> *Perú 21*, [“Alarmantes cifras de FEMINICIDIO: 135 mujeres fueron asesinadas en lo que va de 2024,”](#) November 19, 2024.

<sup>1532</sup> Ministry of Women and Vulnerable Populations, [Aurora National Program Statistics Portal](#), October 31, 2024.

<sup>1533</sup> Ministry of Women and Vulnerable Populations, [Casos de violencia sexual enero-octubre](#), October 2024.

<sup>1534</sup> Ministry of Women and Vulnerable Populations, [Casos de violencia sexual enero-octubre](#), October 2024.

<sup>1535</sup> *Infobae*, [“Violencia sexual en las escuelas: Denuncias superan las 900 en reporte del portal ‘SíseVe’ del Minedu,”](#) June 24, 2024.

<sup>1536</sup> *Infobae*, [“Denuncian que 423 docentes acusados de violencia sexual contra escolares awajún en Amazonas siguen dictando clases,”](#) June 11, 2024.

<sup>1537</sup> Office of the Ombudsperson, [Balance de las Recomendaciones Formuladas por la Defensoría del Pueblo y Agenda pendiente para restituir los derechos fundamentales de la niñez Awajún](#), August 2024, p. 15; Pontifical Catholic University of Peru, Democracy and Human Rights Institute (IDEHUPC), [“Las violaciones de niñas wampís y awajún: Injusticia comunitaria y ordinaria e impunidad,”](#) June 25, 2024.

<sup>1538</sup> Office of the Ombudsperson, [Balance de las Recomendaciones Formuladas por la Defensoría del Pueblo y Agenda pendiente para restituir los derechos fundamentales de la niñez Awajún](#), August 2024, p. 15; *Infobae*, [“Ministro de Educación desata ola de repudio al sugerir que agresiones sexuales contra niñas awajún pueden ser una ‘práctica cultural’,”](#) June 13, 2024; *Infobae*, [“Wampis responden al ministro de Educación sobre agresiones sexuales contra niñas awajún: ‘No es una práctica cultural, es un delito’,”](#) June 16, 2024.

<sup>1539</sup> IACHR, Request for information pursuant to Article 41 of the American Convention, August 21, 2024. In IACHR files.

<sup>1540</sup> *Infobae*, [“Congreso insiste en desaparecer el Ministerio de la Mujer: Waldemar Cerrón presenta PL para cambiarle el nombre,”](#) July 20, 2024; Congress of the Republic of Peru, [“Proponen cambio de nombre del ‘Ministerio de la Mujer’ por el ‘Ministerio de Familia, Infancia, Adulto Mayor y Personas con Discapacidad’,”](#) December 6, 2023; *Infobae*, [“Fusión del MIMP y el Midis: el impacto de un atentado contra los derechos de la mujer y la falta de transparencia desde el Gobierno,”](#) September 1, 2024; IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 676.

<sup>1541</sup> Milagros Jáuregui de Aguayo [@MJaguayo63], (April 5, 2024), ARCHIVADO | ; Defendiendo la libertad de todos los peruanos! Hoy, en la @commujeryfam la cual presido, se aprobó derogar los decretos [X post], X, <https://x.com/mjaguayo63/status/1776331367816548789?s=48&t=YhxMmLIZhyT1f2aW9za2Q>.

<sup>1542</sup> Congress of the Republic of Peru, [“Propuesta de ley para el reconocimiento del derecho de los padres en la educación sexual de sus hijos,”](#) April 16, 2024.

711. Furthermore, the executive branch enacted the Law for the Protection of Pregnancy for the Expectant Mother, the Unborn Child and their Family Environment. In this regard, the civil society highlighted contradictions between this law and the legal framework for therapeutic abortion, the only circumstance under which abortion is permitted.<sup>1543</sup> The enactment of the aforementioned law also followed the introduction of a bill seeking to decriminalize abortion in cases of rape committed by a victim's relative.<sup>1544</sup> In addition, the State has yet to implement a reparations policy for victims of forced sterilization, which has been recognized as a form of gender-based violence and intersectional discrimination.<sup>1545</sup> Moreover, according to public information, up to six maternal deaths reportedly caused by inadequate medical care were recorded in the Pasco region.<sup>1546</sup>

712. As regards the rights of **LGBTI persons**, the State took steps towards the enactment of a gender identity law and the prohibition of attempts to change a person's sexual orientation or gender identity.<sup>1547</sup> Peru also implemented public policies including the Technical Health Standard for Combined HIV Prevention and the Protocol for the Legal Assistance of Women Sexual Workers.<sup>1548</sup> The Constitutional Court ordered the correction of the sex marker of an intersex person.<sup>1549</sup> Furthermore, the Committee on Justice and Human Rights of the Congress of the Republic of Peru passed a same-sex civil union bill,<sup>1550</sup> which was criticized by LGBTI organizations for failing to guarantee equal rights.<sup>1551</sup> In turn, religious sectors opposed the initiative arguing that it undermines traditional values.<sup>1552</sup>

713. However, the government issued Decree No.009-2024-SA, in which diverse sexual orientations and gender identities, particularly trans persons, are treated as diseases.<sup>1553</sup> Following complaints, the government removed pathologizing diagnoses from the health system.<sup>1554</sup> The civil society denounced the barriers that trans persons face in accessing healthcare services.<sup>1555</sup> Additionally, reports highlighted the specific obstacles encountered by trans men, including the denial of sexual and reproductive healthcare services due to their gender identity.<sup>1556</sup>

714. In this regard, the Commission held a public hearing on the rights of trans, nonbinary and gender-diverse persons, where organizations reported persistent violence and discrimination against trans

<sup>1543</sup> Infobae, "[Publican ley que protege embarazo de la madre gestante, criticada por su posible afectación al acceso al aborto terapéutico](#)," April 13, 2024.

<sup>1544</sup> LP, "[Plantean despenalizar el aborto por violación cuando el abuso se haya producido por el padre, el tío, el abuelo o el hermano de la víctima](#)," October 21, 2024.

<sup>1545</sup> IACHR, thematic hearing "[Peru: Human rights of victims of forced sterilization](#)," 189<sup>th</sup> regular period of sessions, Washington D.C., United States of America, March 1, 2024; Asociación de Mujeres Víctimas de Esterilización Forzada de Chumbivilcas, Additional information to the thematic hearing "Peru: Human rights of victims of forced sterilization," March 2024, p. 3. In IACHR files; United Nations OHCHR, "[Peru: Fujimori government's forced sterilisation policy violated women's rights. UN committee says in landmark ruling](#)," October 30, 2024.

<sup>1546</sup> Infobae, "[Muerte materna en el Perú: una mujer fallece cada 36 horas por complicaciones en el embarazo o durante el parto](#)," July 10, 2024.

<sup>1547</sup> Permanent Mission of Peru to the OAS, Diplomatic Note No. 7-5-M-198, October 15, 2024. In IACHR files.

<sup>1548</sup> Permanent Mission of Peru to the OAS, Diplomatic Note No. 7-5-M-198, October 15, 2024. In IACHR files.

<sup>1549</sup> Constitutional Court, [Judgment No. 228/2024. File No. 02563-2021-PA/TC](#), Lima, September 23, 2024; *Pasión por el derecho*, "[TC: Persona a la que se asignó sexo femenino al nacer, a pesar que presentaba cromosomas masculinos, logra que se le reconozca como varón \[Exp. 02563-2021-PA/TC\]](#)," November 16, 2024; *Agencia Presentes*, "[Perú: una persona intersex exige reconocimiento legal de su identidad ante el Tribunal Constitucional](#)," September 24, 2024; Promsex [@promsex], (July 24, 2024), #JusticiaParaEidan Inicia la audiencia pública ante el @TC\_Peru sobre el caso de Eidan [X post], X, <https://x.com/promsex/status/1816166209944957113>.

<sup>1550</sup> Infobae, "[Ley de unión civil avanza en Congreso de Perú: qué derechos se ganarían y lo que falta para su oficialización](#)," November 21, 2024; *Associated Press (AP)*, "[Comisión Legislativa abre puertas para debate de unión civil de personas del mismo sexo en Perú](#)," November 21, 2024.

<sup>1551</sup> *La Mula*, "[Unión civil: una propuesta limitada que perpetúa la desigualdad de derechos para parejas del mismo sexo](#)," November 20, 2024; Promsex [@promsex], (November 21, 2024), #PRONUNCIAMIENTO | La aprobación del dictamen de Unión Civil es un hecho tardío y limitado en el reconocimiento de los derechos LGBTIQ+ [X post], X, <https://x.com/promsex/status/1859694183231127593>.

<sup>1552</sup> *Expresso*, "[Marcha por la vida y la familia: Más de 50 mil personas se manifiestan en Lima contra la unión civil LGBT](#)," December 7, 2024.

<sup>1553</sup> HRW, "[Peru Chooses Bigotry in Medical Services](#)," May 15, 2024.

<sup>1554</sup> Permanent Mission of Peru to the OAS, Diplomatic Note No. 7-5-M-198, October 15, 2024. In IACHR files.

<sup>1555</sup> IACHR, "[Peru: Human rights of trans persons](#)," 190<sup>th</sup> regular period of sessions, July 10, 2024.

<sup>1556</sup> IACHR, "[Regional: Transmasculinity and access to the right to health](#)," 191<sup>st</sup> regular period of sessions, November 12, 2024.



women and sexual workers in education, healthcare and access to justice in Peru. They urged the State to pass a gender identity law that allows trans persons to rectify their names and gender in identity documents, provide training on equality and nondiscrimination to judges and judicial assistants, and compile statistics on violence against LGBTI persons, among other measures. In turn, the State referred to existing laws, regulations, workshops and roundtables aimed at promoting LGBTI rights and affirmed its commitment to improving LGBTI persons' access to rights in the country.<sup>1557</sup>

715. This takes place in a context in which, according to official figures, between 2012 and June 2024, violence has claimed the lives of 157 LGBTI persons<sup>1558</sup> and the Public Defender's Office has provided assistance to 231 LGBTI individuals.<sup>1559</sup>

716. Regarding **persons in the context of human mobility**, the State enacted legislation extending temporary healthcare coverage through the Comprehensive Health Insurance (SIS) to migrants and refugees diagnosed with HIV and tuberculosis, regardless of their migration status.<sup>1560</sup>

717. Notwithstanding the foregoing, the State issued Supreme Decree No. 011-2024-IN, which provides for the identification of migrants to "ensure security and public order," restricts the entry and transit of foreigners for security reasons and requires lodging businesses to verify the migration status of their guests, imposing penalties for noncompliance.<sup>1561</sup> This decree transfers immigration control duties to private individuals<sup>1562</sup> and was issued in a context where migrants have been blamed for rising crime rates, a narrative that may lead to more stigmatization.<sup>1563</sup>

718. With regard to the progress achieved in processes of **memory, truth and justice**, the Commission highlights the adoption of the consolidated amended text of Legislative Decree No. 1,428 and its regulations to strengthen the system for the search of disappeared persons, address cases involving the disappearance of persons in vulnerable situations and establish a standardized framework of action for the authorities in charge.<sup>1564</sup> In addition, the Office of the Second Supraprovincial Public Prosecutor Specialized in Human Rights and Interculturalism of Ayacucho recovered the skeletal remains of 11 possible victims of the 1984 Putis massacre.<sup>1565</sup> Moreover, the judiciary convicted 10 military officers for crimes against humanity — specifically, sexual violence— committed against nine peasant women between 1984 and 1985, during the internal armed conflict.<sup>1566</sup>

719. However, during 2024, the Commission received complaints relating to setbacks in memory, truth, justice and reparation policies in Peru. The Commission is particularly concerned over official statements

<sup>1557</sup> IACHR, "[Peru: Human rights of trans persons](#)," 190<sup>th</sup> regular period of sessions, July 10, 2024.

<sup>1558</sup> Permanent Mission of Peru to the OAS, Diplomatic Note No. 7-5-M-198, October 15, 2024, p. 10. In IACHR files.

<sup>1559</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, p. 21. In IACHR files.

<sup>1560</sup> Joint United Nations Programme on HIV/AIDS (UNAIDS), "[Peru approves groundbreaking law to extend health coverage for migrants with HIV and TB](#)," October 21, 2024; PAHO, "[Perú da importantes pasos para mejorar la cobertura de salud de migrantes no residentes con VIH y tuberculosis](#)," November 6, 2024.

<sup>1561</sup> *El Peruano*, Official Gazette of the Bicentenary, [Supreme Decree No. 011-2024-IN](#), October 22, 2024.

<sup>1562</sup> IDEHPUCP, "[El Decreto Supremo N° 011-2024-IN y las nuevas restricciones en la política migratoria](#)," October 29, 2024. See also: IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), December 31, 2023, para. 682.

<sup>1563</sup> *Infobae*, "[Dina Boluarte acusa a migrantes venezolanos por el incremento de la inseguridad en el Perú: 'Los vamos a botar'](#)," October 22, 2024; *Ahora*, "[Dina Boluarte responsabiliza a migrantes venezolanos por el aumento de la inseguridad en Perú](#)," October 22, 2024; *Prensa Mercosur*, "[Dina Boluarte acusa a migrantes venezolanos por el incremento de la inseguridad en el Perú: 'Los vamos a botar'](#)," October 23, 2024.

<sup>1564</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024, para. 47. In IACHR files.

<sup>1565</sup> IACHR [@CIDH], (July 9, 2024), #Perú: #CIDH reconoce la recuperación de restos óseos de 11 posibles víctimas de la masacre de Putis (1984), resultado del trabajo liderado por la Segunda Fiscalía Penal Supraprovincial Especializada en Derechos Humanos e Interculturalidad de Ayacucho. La Comisión alienta al Estado a continuar las acciones interinstitucionales para la búsqueda e identificación de las víctimas de la masacre de Putis, y la restitución digna de sus restos a familiares; así como para el juzgamiento a los responsables [X post], X, <https://x.com/CIDH/status/1810795355430142286>.

<sup>1566</sup> *France 24*, "[Perú: condenan a 10 exmilitares a hasta 12 años de cárcel por violaciones en el conflicto con Sendero Luminoso](#)," June 20, 2024; *El País*, "[Condenados en Perú 10 militares por violar a mujeres campesinas hace 40 años](#)," June 20, 2024.



denying the existence of an internal armed conflict in the country.<sup>1567</sup> Furthermore, the State enacted the Law Establishing the Application and Scope of Crimes Against Humanity and War Crimes in Peruvian Legislation, which prevents the investigation and punishment of crimes committed before July 1, 2002.<sup>1568</sup> The IACHR urged the repeal of the initiative and its non-application, recalling that the imprescriptibility of these crimes is a principle of international law and that Peru has an obligation to ensure access to justice in cases of this gravity.<sup>1569</sup> This took place despite the order of the Inter-American Court of Human Rights that the State should take the necessary actions to ensure that the bill was not adopted; this generated condemnation from civil society organizations and victims' organizations<sup>1570</sup>.

720. For its part, the Commission held a thematic hearing, which had been requested by organizations to report on the consequences of Law No. 32,107 of 2024. Civil society organizations informed that, under said law, no person shall be prosecuted, convicted or punished for crimes against humanity committed before July 1, 2022, and called for its repeal. According to these organizations, this law represents a setback in access to justice for the victims of the cases included in the joint press release and affects more than 550 individuals and their families. The State underscored its commitment and the steps taken to monitor the cases, which included periodic meetings with the Commission and the petitioners to address justice and investigation issues. As for the impact of Law No. 32,107, the State argued that courts, as independent bodies, had decided to refrain from enforcing the law, based on the principle of diffuse control of conventionality, and added that, as of the reporting date, no sanctions had been imposed on justice operators who refused to enforce the law, although administrative investigations were ongoing. In parallel, the State emphasized that there were constitutional remedies against the law pending before the Constitutional Court.<sup>1571</sup>

721. Additionally, the Commission received reports concerning reprisals and the misuse of criminal law against justice operators who declined to enforce Law No. 32,107 during 2024.<sup>1572</sup> Furthermore, the Congress moved forward with the passage of Bill No. 7,549/2023-CR, which would grant amnesty to agents of the National Police, the armed forces, self-defense groups and state officials under investigation in cases where a judgment has not become final, as well as to those convicted of crimes committed between 1980 and 2000 who are over 80 years of age.<sup>1573</sup>

722. Moreover, civil society organizations denounced that the Peruvian State has failed to comply with a judgment ordering the development of a comprehensive reparations policy for victims of forced

<sup>1567</sup> According to the statement by Peru in a public hearing before the Commission during its 190<sup>th</sup> regular period of sessions. IACHR, thematic hearing "Peru: Impact of the law on crimes against humanity in joint press release cases," 191<sup>st</sup> regular period of sessions, Washington D.C., United States of America, November 15, 2024; IACHR, thematic hearing "Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict," 190<sup>th</sup> regular period of sessions, online, July 10, 2024.

<sup>1568</sup> Congress of the Republic of Peru, Law 32,017, "Law Defining the Application and Scope of the Crime of Crimes Against Humanity and War Crimes in Peruvian Legislation," August 9, 2024.

<sup>1569</sup> IACHR, Press Release No. 206/24, [IACHR warns of impacts on access to justice following approval of Peru's law on crimes against humanity](#), September 3, 2024; IACHR, thematic hearing "Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict," 190<sup>th</sup> regular period of sessions, online, July 10, 2024; IACHR [CIDH], (June 10, 2024), #Perú: #CIDH manifiesta preocupación por la aprobación en primera votación del Pleno del @congresoperu del Proyecto de Ley 6951/2023-CR, que establece la prescripción de todos los delitos de lesa humanidad y de guerra cometidos antes de 1 de julio de 2002, fecha de la entrada en vigor del Estatuto de Roma en el país. La iniciativa es contraria al derecho internacional y desobedece abiertamente sentencias emitidas por la @CorteIDH y otros instrumentos internacionales, incluido el Estatuto de Roma; por lo que se insta a las personas congresistas a detener el avance del mencionado Proyecto de Ley [X post], X, <https://x.com/CIDH/status/1800266985055440981>.

<sup>1570</sup> I/A Court H.R., Case of Barrios Altos and La Cantuta v. Peru. Provisional Measures and Supervision of Compliance with Judgments. Resolution of the Inter-American Court of Human Rights of July 1, 2024; CEJIL, [Organizaciones de derechos humanos de América Latina condenan aprobación de ley de prescripción en Perú en abierto desacato a lo dispuesto por la Corte IDH | CEJIL](#), July 11, 2024.

<sup>1571</sup> IACHR, thematic hearing "Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict," 190<sup>th</sup> regular period of sessions, online, July 10, 2024.

<sup>1572</sup> IACHR, thematic hearing "Peru: Impact of the law on crimes against humanity in joint press release cases," 191<sup>st</sup> regular period of sessions, Washington D.C., United States of America, November 15, 2024.

<sup>1573</sup> IACHR, thematic hearing "Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict," 190<sup>th</sup> regular period of sessions, online, July 10, 2024; IDEHPUCP, [¿Amnistía o impunidad?: análisis de la incompatibilidad del Proyecto de Ley N° 7549/2023 con las obligaciones internacionales del Perú en materia de Derecho Internacional de los Derechos Humanos y Derecho Internacional Humanitario](#), April 30, 2024. The IACHR Court has already ruled on similar provisions. See: IACHR Court, Barrios Altos v. Peru, Merits, Judgment of March 14, 2001, Series C No. 75, para. 41.

sterilizations that guarantees their effective participation,<sup>1574</sup> as well as the lack of progress in implementing the Comprehensive Reparations Plan for victims of serious human rights violations in the context of the armed conflict.<sup>1575</sup> The Commission convened thematic hearings to address both issues.<sup>1576</sup> In parallel, threats were recorded against the remembrance site “El Ojo que Lloro,” which included the possible cancellation of its National Cultural Heritage status and a demolition request by the government of the city of Lima.<sup>1577</sup>

723. With regard to the rights of **children and adolescents**, the National Specialized Protection Program for Children and Adolescents was launched in November, and its implementation is scheduled for 2025. This program aims to provide care for children and adolescents at risk or facing family abandonment.<sup>1578</sup> The State provided care to 3,064 children and adolescents in rural communities through the Plataformas Itinerantes de Acción Social (Itinerant Social Action Platforms) program.<sup>1579</sup>

724. Members of Congress submitted bills aimed at amending the Criminal Code and the Code of Criminal Liability for Adolescents so that adolescents aged 16 and 17 may be criminally charged as adults. Under this proposal, they could face penalties such as life imprisonment in serious cases, including contract killings, extortion, drug trafficking, kidnapping, femicide and rape.<sup>1580</sup>

725. The Office of the Ombudsperson voiced its concern over the low vaccination rates among children under five, particularly in remote areas, including indigenous communities. It also noted that, as of April 2024, the Ministry of Health had recorded 158 cases of girls and adolescents aged 11 to 14 who had given birth, as well as 9,224 pregnancies of adolescents aged 15 to 19. The Ministry of Education reported that, as of March 2024, 398 cases of violence among students had been recorded, including 63 instances of sexual violence. In the same period, 394 cases involving violence by staff against students were documented, including 71 instances of sexual violence.<sup>1581</sup> Furthermore, according to estimates from UNICEF, severe droughts in the country have impacted 344,000 children and adolescents.<sup>1582</sup> Additionally, the wildfires in September 2024 are estimated to have affected over 160,000 children and adolescents.<sup>1583</sup>

726. Regarding the rights of **older persons**, the State created the Working Group for the Coordination of Sector Interventions Focused on Care, aimed at coordinating sector interventions for various groups, including older persons.<sup>1584</sup> Peru approved the regulations for Law No. 31,781, which strengthens care for older persons with disabilities facing family abandonment or at risk of social exclusion. Said law provides

<sup>1574</sup> IACHR, thematic hearing “Peru: Human rights of victims of forced sterilization,” 189<sup>th</sup> regular period of sessions, Washington D.C., United States of America, March 1, 2024.

<sup>1575</sup> IACHR, thematic hearing “Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict,” 190<sup>th</sup> regular period of sessions, online, July 10, 2024.

<sup>1576</sup> IACHR, thematic hearing “Peru: Human rights of victims of forced sterilization,” 189<sup>th</sup> regular period of sessions, Washington D.C., United States of America, March 1, 2024; IACHR, thematic hearing “Peru: Impunity for serious human rights violations during the 1980–2000 armed conflict,” 190<sup>th</sup> regular period of sessions, online, July 10, 2024.

<sup>1577</sup> *La República*, “[Municipalidad de Lima quiere demoler ‘El ojo que llora’](#),” March 23, 2024; IACHR, thematic hearing “Regional: Impact of Attacks on Remembrance Sites on the Right to Memory, Truth and Justice,” 190<sup>th</sup> period of sessions, online, July 11, 2024.

<sup>1578</sup> The plan is expected to benefit more than 87,000 children and adolescents.

<sup>1579</sup> Designed to bring state services closer to rural communities and those facing poverty or social exclusion. Republic of Peru, [Itinerant Social Action Platforms \(PIAS\) – Mobile platforms](#), undated; Ministry of Women and Vulnerable Populations, “[Ministra Hernández Cajo presenta nuevos programas para proteger a 87 mil niños, niñas y adolescentes en situación de riesgo o desprotección](#),” April 19, 2024.

<sup>1580</sup> Congress of the Republic of Peru, “[Sicarios menores de edad serán sentenciados como adultos](#),” October 17, 2024. See also: UNICEF Peru (@UNICEFpru), (November 8, 2024), Ante la reducción de la edad penal a 16 años, desde UNICEF recordamos que los y las adolescentes deben ser juzgados en un sistema penal juvenil especializado, que priorice su reinserción social [X post], X, <https://x.com/UNICEFperu/status/1854892991262884325>.

<sup>1581</sup> Office of the Ombudsperson of Peru, “[Defensoría del Pueblo: brechas de vacunación y casos de anemia, embarazo adolescente y violencia continúan impactando en el desarrollo de la niñez y adolescencia](#),” April 14, 2024.

<sup>1582</sup> As these events hindered maritime transport, food and fuel supplies and access to drinking water.

<sup>1583</sup> UNICEF, “[UNICEF estima que más de 160 mil niños, niñas y adolescentes residen en las zonas de mayor concentración de incendios forestales](#),” September 27, 2024.

<sup>1584</sup> Republic of Peru, Note Verbale No. 7-5-m/216 in response to the request for information sent by the IACHR to prepare its Annual Report, November 9, 2024. In IACHR files.

for measures to ensure their health, safety, education, work and participation, among other rights, from a perspective of equality and nondiscrimination.<sup>1585</sup>

727. Furthermore, the Ministry of Social Development and Inclusion increased the pension amount received by older persons as part of the Pensión 65 (Pension 65) program.<sup>1586</sup> The Gracitela (Gratitude) national specialized services program was created to provide support and care to older persons in high-risk situations, with the purpose of reducing abandonment and abuse.<sup>1587</sup> Moreover, a congressional committee approved a report to advance a bill amending the Law of Older Persons, which would grant senior citizens a 50 percent discount on urban and interurban public transportation.<sup>1588</sup>

728. As to the rights of **indigenous peoples**, the Court with Jurisdiction over Multiple Matters of Nauta, in the Loreto region, recognized the Marañón river, which is affected by oil spills, as holder of rights in a lawsuit filed by the Kukama Huaynakana Kamatahuara Kana Federation of Indigenous Women, who claimed that their communities were threatened by contamination.<sup>1589</sup>

729. However, cross-border indigenous peoples in Peru, Colombia and Ecuador warned that illegal activities, the presence of armed groups and the development of extractive industries threatened their survival.<sup>1590</sup> The Mashco Piro people, who live in voluntary isolation, faced risks in their territory due to the advancement of forest exploitation.<sup>1591</sup> Additionally, representatives of the Wampís people denounced an increase in extractive operations and reported that no free, prior and informed consultation processes had been carried out to obtain their consent on the expansion of mining activities by a foreign company.<sup>1592</sup>

730. In 2024, Peru promoted the rights of **persons deprived of liberty** by adopting the Declaration of San José and the Global Action for the Rights of Persons with Disabilities Deprived of Liberty.<sup>1593</sup> Agreements were also signed between the National Penitentiary Institute (INPE), the Superintendency of Public Records and the Notary Associations to guarantee notary and registry services.<sup>1594</sup> In addition, an agreement with an academic institution facilitated that detainees—including persons with disabilities, older persons, persons under 20 years of age and LGBTI persons—could access higher education.<sup>1595</sup> Moreover, the Office of the Ombudsperson implemented the Rompiendo Cadenas (Breaking Chains) program to protect the rights of children and adolescents with detained parents or caregivers.<sup>1596</sup>

731. The Commission notes Supreme Decree No. 014-2024-JUS of November 26, 2024, under which a state of emergency concerning the penitentiary system was established to ensure security conditions

<sup>1585</sup> Republic of Peru, "[Reglamentan norma que fortalece atención integral de adultos mayores con discapacidad](#)," June 26, 2024.

<sup>1586</sup> *La República*, "[Gobierno de Perú aumentará pago de Pensión 65 para adultos mayores: ¿desde cuándo aplicará?](#)," November 15, 2024.

<sup>1587</sup> *Infobae*, "[Programa Gracitela para adultos mayores: conoce cuáles son los servicios que brindará esta iniciativa](#)," April 25, 2024.

<sup>1588</sup> *Infobae*, "[Medio pasaje para adultos mayores de 70 años: Comisión del Congreso aprobó dictamen](#)," April 11, 2024.

<sup>1589</sup> Pontifical Catholic University of Peru, "[Sentencia emblemática: el río Marañón es declarado titular de derecho](#)," May 1, 2024.

<sup>1590</sup> IACHR, thematic hearing "[Regional: Situation of the A'í Cofán, Andwas, Shuar, Siekopai, Siona, and Wampis Indigenous peoples](#)," 191<sup>st</sup> regular period of sessions, Washington D.C., United States of America, November 15, 2024.

<sup>1591</sup> This endangers their health and livelihoods by directly affecting the animals, fish and forests in the lands where they live. *Debates Indígenas*, "[Mashco Piro: territorialidad, extractivismo e iniciativas para su protección](#)," September 1, 2024.

<sup>1592</sup> Autonomous Territorial Government of the Wampís Nation, "[Carta pública: Gobierno Wampís rechaza destrucción minera por empresa estatal china](#)," August 21, 2024.

<sup>1593</sup> CPT of Chile, "[Declaración de San José, adoptada por los Mecanismos Nacionales y Locales de Prevención de la Tortura \(MNLs y MLPs\) de América Latina para el fortalecimiento institucional y el trabajo en red and Acción global por los derechos de las personas con discapacidad en privación de libertad](#)," May 10, 2024.

<sup>1594</sup> Government of Peru, "[Suscriben convenio para acercar servicios notariales y registrales a personas privadas de la libertad](#)," January 23, 2024.

<sup>1595</sup> *Infobae*, "[Una nueva oportunidad: Convenio del INPE permitirá que internos accedan a una carrera universitaria](#)," February 19, 2024. See also: National Penitentiary Institute (INPE), "[Estudian más de 16 mil internos](#)," March 19, 2024.

<sup>1596</sup> It focuses on providing differentiated and specialized care in terms of health, education, recreation, violence-free environments and comprehensive wellbeing, among other related areas. Office of the Ombudsperson of Peru, "[Defensoría del Pueblo crea Programa 'Rompiendo Cadenas' dirigido a defender los derechos de la niñez y adolescencia con madres, padres o cuidadores en establecimientos penitenciarios](#)," July 11, 2024.

in prisons, as well as the implementation of the 2030 National Penitentiary Policy. Furthermore, this regulation imposed a 45-working-day deadline for the Ministry of Justice to approve the Sectoral Strategy for the Penitentiary Emergency.<sup>1597</sup>

732. It was reported that, in 2024, a fire in a prison facility in Huancayo caused the death of five people,<sup>1598</sup> thus evidencing the crisis of the Peruvian penitentiary system, which has an overcrowding rate of 134 percent according to the INPE.<sup>1599</sup> In this regard, the Office of the Ombudsperson reported a high prevalence of chronic diseases in prisons,<sup>1600</sup> a lack of policies to care for LGBTI persons and persons with disabilities, and an insufficient number of study and workshop areas to meet the demand of the prison population.<sup>1601</sup>

733. In relation to **human trafficking**, the judiciary provided training to judges on how to deal with modern forms of slavery.<sup>1602</sup> In the first quarter of 2024, more than 20 criminal organizations linked to human trafficking were dismantled.<sup>1603</sup>

734. However, as of October, 153 cases of women victims of human trafficking for sexual exploitation had been recorded, out of which 109 were girls and adolescents and 29.2 percent were foreign nationals.<sup>1604</sup>

## XXVI. SAINT KITTS AND NEVIS

### • General considerations

735. In relation to **progress**, the IACHR highlights the legislative reforms to address the current backlog of criminal cases and to deter the smuggling of migrants into the State.

736. As it relates to **challenges**, the Commission notes with concern a law which seeks to criminalize children loitering.

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

### • Specific issues

738. Concerning **human rights institutions**, the Commission notes the amendment in February of the Freedom of Information Act<sup>1605</sup> that permits either the Ombudsman or the Special Prosecutor to serve as the Information Commissioner, in an effort to enhance transparency and improve operational and budgetary

<sup>1597</sup> Ministry of Justice and Human Rights of Peru, "[Gobierno emite Decreto Supremo que declara en emergencia el sistema penitenciario para combatir la criminalidad](#)," November 26, 2024.

<sup>1598</sup> *SWI swissinfo.ch*, "[Al menos cinco reclusos mueren en el incendio de una prisión en el centro de Perú](#)," October 16, 2024; *Voz de América*, "[Incendio en cárcel en los Andes de Perú deja cinco muertos y 20 heridos](#)," October 16, 2024; *La República*, "[Cinco reclusos mueren y otros 35 quedan heridos por incendio en penal](#)," October 17, 2024.

<sup>1599</sup> INPE, Prison Statistics Information System (SIEP), [Prison Population – Prison Capacity and Overcrowding](#), May 2024.

<sup>1600</sup> Such as diabetes, tuberculosis, hypertension and HIV/AIDS.

<sup>1601</sup> This creates difficulties in accessing basic services, adequate facilities and specialized medical care within the prison system. See: Office of the Ombudsperson of Peru, [Informe Defensorial N.º 216 - Derechos humanos de los internos e internas de los 68 establecimientos penitenciarios del país](#), June 2024, pp. 85–86.

<sup>1602</sup> ILO, "[Judges improve their knowledge of criminal justice to address complex cases of modern slavery](#)," May 15, 2024.

<sup>1603</sup> Government of Peru, "[Presidenta Dina Boluarte: 'Para este Gobierno la seguridad de todos los peruanos es una prioridad'](#)," May 24, 2024.

<sup>1604</sup> Ministry of Women and Vulnerable Populations, [Aurora National Program Statistics Portal](#), accessed on October 31, 2024.

<sup>1605</sup> St. Christopher and Nevis, [Freedom of Information \(Amendment\) Bill, 2024](#), February 29, 2024; St. Christopher and Nevis, [Ombudsman \(Amendment\) Bill, 2024](#), February 29, 2024.

efficiencies.<sup>1606</sup> In addition, in February the Ombudsman Act was amended to revise the remuneration and increases the tenure of the Office of the Ombudsman to five years with eligibility for re-appointment.<sup>1607</sup>

739. With respect to **citizen security**, in August the State announced plans to establish a new Citizen Security Department which will advance the State's public health approach to addressing crime. This public health approach focuses on the root causes of crime such as poverty, lack of education and mental health.<sup>1608</sup> Further, following the passage of the amendment to the Firearms Act, a 15-day gun amnesty was implemented from May 10 to May 25, aimed at addressing the proliferation of illegal firearms and ammunition in the State.<sup>1609</sup> In addition, the amendment to the Offences Against the Person Act, increased the penalties for offences involving firearms, including shooting with intent to murder and shooting with intent to cause grievous bodily harm.<sup>1610</sup>

740. Regarding **access to justice**, the Commission notes the passage in September of the Judge Alone Trials Bill. According to the State, this law which introduces judge-alone trials in the High Court for certain criminal matters, is expected assist with the current backlog of criminal cases by allowing appropriate matters to be heard before a judge without a jury.<sup>1611</sup>

741. In relation to the rights of **children**, in August, the State announced its intention to strictly enforce the Criminal Law Amendment Act which, in order to maintain public order and protect the youth, prescribes that any child or adolescent under 16 found wandering or loitering after 10 p.m. without a valid reason may be subject to police intervention. Officers are authorized to stop these children and, if necessary, escort them to the nearest police station.<sup>1612</sup>

742. With regard to the rights of **women**, note is taken of the launch in August of the "Menstrual Wellness Project" which seeks to eliminate menstrual poverty and promote menstrual health education through educational workshops and community outreach programs.<sup>1613</sup>

743. With respect to the rights of **persons in the context of human mobility**, the Commission notes the passage of the amendment to the Immigration Act and the Anti-Smuggling of Migrants Bill in February.<sup>1614</sup> Both laws seek to deter the smuggling of migrants into the State. The amendment to the Immigration Act increases the penalties for offences, such as smuggling, concealing, harboring or shielding migrants. The Anti-Smuggling of Migrants Bill penalizes those involved in such activities and addresses broader networks of illegal activities, including by establishing an Agency for the Prevention and Countering of the Smuggling of Migrants within the State.<sup>1615</sup>

<sup>1606</sup> St. Kitts & Nevis Observer, [St. Kitts And Nevis Enhances Transparency With Passage Of Freedom Of Information \(Amendment\) Bill, 2024](#), July 8, 2024.

<sup>1607</sup> St. Christopher and Nevis, [Ombudsman \(Amendment\) Bill, 2024](#), February 29, 2024; St. Christopher and Nevis, [Ombudsman Act, Cap. 3:22](#).

<sup>1608</sup> The St. Kitts and Nevis Observer, [Government of St. Kitts and Nevis To Establish New Department For Citizenship Security](#), August 23, 2024.

<sup>1609</sup> Loop News, [Gun amnesty declared in St. Kitts and Nevis](#), May 10, 2024.

<sup>1610</sup> St. Kitts and Nevis, [The Firearms \(Amendment\) Bill, 2024](#), May 8, 2024; St. Kitts and Nevis, [Offences Against the Person \(Amendment\) Bill, 2024](#), May 8, 2024; The St. Kitts and Nevis Observer, [St. Kitts and Nevis' Parliament Increases Penalties For Offences Against the Person](#), May 10, 2024.

<sup>1611</sup> St. Kitts and Nevis Information Service, [National Assembly Approves Judge Alone Trials Bill, 2024, To Modernise Criminal Justice System](#), September 18, 2024.

<sup>1612</sup> Saint Kitts and Nevis Information Center, [Law on children loitering on streets to be strictly enforced](#), August 26, 2024.

<sup>1613</sup> SKN News, [Diani Prince-Drew launches Menstrual Wellness Project, promotes menstrual health education](#), August 19, 2024.

<sup>1614</sup> St. Kitts and Nevis Information Service, [Immigration \(Amendment\) Bill 2024](#), February 29, 2024; St. Kitts and Nevis Information Service, [Anti-Smuggling of Migrants Bill, 2024](#), February 29, 2024.

<sup>1615</sup> St. Kitts and Nevis Information Service, [Federal Parliament of St. Kitts and Nevis passes Immigration \(Amendment\) Bill, 2024](#), June 14, 2024; St. Kitts and Nevis Information Service, [Anti-Smuggling of Migrants Bill, 2024, successfully passed in Federal Parliament](#), June 14, 2024.



744. Regarding the rights of **people of African descent and against racial discrimination**, the Commission notes that the State initiated discussions in February with the owner of a foreign business to pursue reparations for the enslavement of African and Afro-descendant people.<sup>1616</sup>

745. Regarding the **death penalty**, the IACHR notes that no executions have been carried out since 2008. In addition, there is no person currently awaiting execution, and no new death sentences have been imposed.<sup>1617</sup>

## XXVII. SAINT VINCENT AND THE GRENADINES

- **General considerations**

746. In relation to **progress**, the Commission takes note of the efforts undertaken by the State to address the crime situation. Further, the Commission welcomes the creation of a working group on gender-based violence and that the State received the World Health Organization's certification for eliminating the mother-to-child transmission of HIV and syphilis.

747. As it relates to **challenges**, the IACHR highlights the high homicide rate within the State, the dismissal of a case challenging the constitutionality of laws which criminalize consensual sexual relations between adults of the same sex, and the security inside State prisons.

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

- **Specific issues**

749. In relation to **democratic institutional**ity, the Commission notes that the State ranked 7<sup>th</sup> out of 32 countries in the Americas, and 42<sup>nd</sup> out of 142 countries globally, in terms of adherence to the rule of law according to the Rule of Law Index issued by the World Justice Project (WJP).<sup>1618</sup> There has been no change since the State's previous rankings.<sup>1619</sup>

750. Regarding **citizen security**, to address the crime situation, a National Firearm Amnesty was implemented from March to May which allowed persons to surrender illegal firearms without prosecution. According to public information, approximately 18 firearms and 327 rounds of ammunition were surrendered by individuals during the amnesty.<sup>1620</sup> Further, the Firearms Act was amended in order to raise the penalties for firearm-related offences and to introduce two new offences, namely trafficking in firearms and the 3D printing of firearms.<sup>1621</sup>

751. In relation to the homicide rate, according to public information, the State recorded a total of 54 homicides for 2024, compared to 55 homicides recorded for 2023, which represents an approximate 1.82% decrease.<sup>1622</sup> This indicates that the State's homicide rate was 52,07 per 100,000 inhabitants.<sup>1623</sup>

<sup>1616</sup> The Voice, [St Kitts and Nevis to discuss slavery reparations with British pub over slavery links](#), February 12, 2024.

<sup>1617</sup> World Coalition Against the Death Penalty, [Saint Kitts and Nevis](#), May 23, 2023. Last visited: October 2024.

<sup>1618</sup> World Justice Project, [WJP Rule of Law Index – Saint Vincent and the Grenadines](#), 2023.

<sup>1619</sup> World Justice Project, [WJP Rule of Law Index – Saint Vincent and the Grenadines](#), 2023; IACHR 2023 Annual Report, [Chapter IV.A – Saint Vincent and The Grenadines](#), para 738.

<sup>1620</sup> One News St. Vincent and the Grenadines, [Here is a List of Guns & Ammunition Surrendered during 2024 Gun Amnesty](#), June 7, 2024.

<sup>1621</sup> St. Vincent and the Grenadines Parliament, [Firearms \(Amendment\) Act 2023](#).

<sup>1622</sup> St. Vincent Times, [Gangs and Gun Culture: The escalating crime crisis in SVG](#), January 1, 2025; St. Vincent Times, [UK detective to assist SVG police after record-murders in 2023](#), January 3, 2024.

<sup>1623</sup> The IACHR calculated the homicide rate based on the State's population of 103,698 according to data from The World Bank, [Population total – Saint Vincent and the Grenadines](#), 2023.

752. With regard to the rights of **children**, the IACHR commends the State on receiving certification from the World Health Organization (WHO) for eliminating the mother-to-child transmission of HIV and syphilis (EMTCT).<sup>1624</sup>

753. With regard to the rights of **women**, the Commission values the creation in November of a working group on gender-based violence, composed of experts in the field, whose objective is to support coordination between providers of essential services for dealing with cases of gender-based violence and the main stakeholders in the routes of attention to such cases.<sup>1625</sup>

754. In relation to **human trafficking**, the Commission takes note of the efforts made by the police through public demonstrations against human trafficking, which highlight the importance of education, prevention, and prosecution in the fight against this crime; as well as community participation for the protection of children.<sup>1626</sup>

755. In relation to the **rights of LGBTI persons**, the Commission regrets the dismissal in February by the Supreme Court of Saint Vincent and the Grenadines of a case challenging the constitutionality of the State's laws which criminalize consensual sexual relations between adults of the same sex.<sup>1627</sup>

756. Concerning **persons deprived of liberty**, according to public data, in July, the Acting Superintendent of Prisons informed that acts of violence between inmates continue to exist within the facilities, where, despite security protocols, detainees introduce weapons, drugs and other prohibited objects. In addition, it was noted that the increase in the number of inmates with psychosocial disabilities is a particular concern because prison officers do not have the necessary training to support them.<sup>1628</sup>

757. In relation to the **death penalty**, IACHR notes the *de facto* moratorium in effect and that no executions have taken place since 1995, and no new death sentences have been imposed in recent years. However, one individual still remains under a sentence of death at least since 2021.<sup>1629</sup>

## XXVIII. SAINT LUCIA

- **General considerations**

758. As it relates to **progress**, the Commission welcomes the implementation of the Community Re-entry Program aimed at the rehabilitation and reintegration of adult offenders into society, the State's decision to amend the Citizenship of Saint Lucia Act and efforts to establish a new facility for the Boys Training Centre.

<sup>1624</sup> UNICEF, Press Release, "[Belize, Jamaica and St. Vincent and the Grenadines eliminate mother-to-child transmission of HIV and syphilis](#)", May 7, 2024.

<sup>1625</sup> Government of Saint Vincent and the Grenadines, [Launch of GBV Task Force](#), November 7, 2024; API - The Agency For Public Information; St. Vincent and the Grenadines, [16 days of Activism - Preventing violence against Women and Girls. Minister of National Mobilisation Hon. Keisal Peters has this message](#), November 25, 2024.

<sup>1626</sup> iWitness News, [Human Trafficking is second most profitable organized crime](#), August 4, 2024.

<sup>1627</sup> The Eastern Caribbean Supreme Court in the High Court of Justice of Saint Vincent and the Grenadines, [Claim No. SVGHCV2019/0110](#), February 16, 2024; ANN, "[International Human Rights lawyer says that SVG's buggery laws encourage discrimination](#)", February 20, 2024; Edge Media Network, "[St. Vincent Upholds Laws Criminalizing Gay Sex in Caribbean Island Nation in Setback for Activists](#)", February 20, 2024.

<sup>1628</sup> The Vincentian, [Gangs, Violence, Mental Issues Plague Prisons](#), August 9, 2024.

<sup>1629</sup> World Coalition Against the Death Penalty, [Saint Vincent and the Grenadines](#), May 23, 2023. Last visited: October 2024; IACHR, [Annual Report, Chapter IV.A "Saint Vincent and the Grenadines", 2022](#), para. 270.

759. With respect to **challenges**, the IACHR notes the State's high level of homicides, an increase in cases of sexual violence against women and the lack of establishment of a national human rights institution for the promotion and protection of human rights.

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

- **Specific issues**

761. Concerning **human rights institutions**, the Commission recalls the establishment of a National Coordinating Committee for Human Rights but notes that the State is yet to establish a National Human Rights Institution (NHRI).<sup>1630</sup> In this regard, the Commission notes calls from civil society in December for the establishment of an NHRI.<sup>1631</sup> The IACHR emphasizes the necessity of establishing an independent body at the national level for the promotion and protection of human rights in accordance with the Paris Principles.

762. With regard to **citizen security**, the Commission takes note of the State's efforts to reduce crime.<sup>1632</sup> According to public information, between January and October, 72 illegal firearms and 1,318 rounds of ammunition were confiscated.<sup>1633</sup> However, as of December 11, there were 74 homicides recorded, compared to 75 homicides in 2023 which represents an approximate 1.33% decrease.<sup>1634</sup> This indicates that the State's homicide rate was approximately 41.05 per 100,000 inhabitants as of December.<sup>1635</sup>

763. With respect to the rights of **children**, the Commission welcomes the State's decision in June to amend the Citizenship of Saint Lucia Act to allow the children and grandchildren of Saint Lucians who migrated and started families in foreign countries the opportunity to become naturalized Saint Lucian citizens.<sup>1636</sup>

764. On the other hand, in terms of juvenile justice, the IACHR takes note of the Ministry for Equity and Social Justice's plans to repurpose and renovate the former George Charles Secondary School into a state-of-the-art Youth Services Centre for children, adolescents, and young people in need of care and protection. This facility aims to incorporate education, counseling, and vocational training into the juvenile justice system.<sup>1637</sup>

765. With regard to the rights of **women**, the Commission takes note of the measures to facilitate the access of 751 women to training programs that promote employability as a tool to eradicate poverty.<sup>1638</sup> Additionally, in May the State provided training aimed at paramedics, the Royal Police Force, firefighters and the health sector to raise awareness of intersectionality factors such as gender, ethnic-racial origin and age in order to offer an appropriate response to their needs.<sup>1639</sup>

<sup>1630</sup> IACHR, [Annual Report, Chapter IV.A "Saint Lucia"](#), 2022, para 725.

<sup>1631</sup> St. Lucia Times, [Marcy Francis Renews Call for A National Human Rights Commission](#), December 6, 2024.

<sup>1632</sup> Saint Lucia Times, [Prime Minister Pierre Addresses Crime Concerns](#), February 7, 2024.

<sup>1633</sup> St. Lucia Times, [K-9 Proves Effective In Police Anti-Crime Operations](#), November 14, 2024.

<sup>1634</sup> St. Lucia Times, [Homicide Victim Was Planning A Grand Birthday Celebration](#), December 11, 2024; The Voice, ["70 Murders out of 75 Homicides in 2023" - RSLPE](#), January 6, 2024.

<sup>1635</sup> The IACHR calculated the homicide rate based on the State's population of 180,251 according to data from The World Bank, [Population total - St. Lucia](#), 2023.

<sup>1636</sup> Government of Saint Lucia, Press Release, ["The Citizenship of Saint Lucia Act is Amended"](#), June 27, 2024.

<sup>1637</sup> The Voice, [New Multi-Faceted Juvenile Center to cater for Boys and Girls](#), June 22, 2024; St. Lucia Times, [State-Of-The-Art Juvenile Detention Centre For Saint Lucia](#), March 22, 2024; St. Lucia Loop News, [Plans unveiled for rehabilitation and education at new juvenile center](#), March 20, 2024. Saint Lucia Times, [Saint Lucia Advances Plans For Youth Services Center](#), October 8, 2024.

<sup>1638</sup> Government of Saint Lucia [Saint Lucia's National Report on the Implementation of the Beijing Platform for Action](#), Report for the period 2022 - 2024, p. 17.

<sup>1639</sup> St. Lucia Times, [Saint Lucia Fire Service Holding First Ever Gender Equity Training](#), May 29, 2024.

766. On the other hand, the Commission notes with concern publicly available data which indicate that between January to June, there were 77 sexual offence cases reported.<sup>1640</sup> According to public information, by November, sexual offences had increased by 19% as compared to 2023.<sup>1641</sup>

767. Regarding **persons deprived of liberty**, the Commission welcomes the implementation in June of the Community Re-entry Program (C-REP) directed at the rehabilitation and reintegration of adult offenders into society. C-REP offers inmates educational and vocational training, career counselling, psychosocial support and other services.<sup>1642</sup> In addition, the State implemented inter-ministerial collaboration efforts to improve the access to health services at the Bordelais Correctional Facility, where, as of March, medical supplies had been provided by the Ministry of Health and a full-time doctor was available to attend to the needs of inmates.<sup>1643</sup>

768. In relation to the **death penalty**, the IACHR notes the ongoing *de facto* moratorium in effect in Saint Lucia, where no executions have been carried out since 1995 and nobody is currently under the sentence of death.<sup>1644</sup>

## XXIX. SURINAME

### • General considerations

769. As it relates to **progress**, the Commission notes the amendment to the Electoral Regulation Act aimed at facilitating more efficient elections. In addition, the establishment of the National Education Policy aimed at guiding the State's education system is noted. Moreover, the IACHR notes the landmark judicial decision regarding the obligation of prior, free, and informed consultation with indigenous and tribal peoples concerning their lands.

770. As it relates to **challenges**, the IACHR notes the delay in approving the Collective Rights of Indigenous and Tribal Peoples Act. Additionally, the Commission notes the lack of establishment of a National Human Rights Institute (NHRI) in accordance with the Paris Principles. Moreover, the IACHR notes with concern reports of inhumane conditions faced by persons deprived of their liberty at the Santo Boma Prison.

771. On September 30, 2024, the State submitted its response to the request for information sent for the preparation of this chapter.<sup>1645</sup>

### • Specific issues

772. In relation to **democratic institutional**ity, the Commission notes the passage of the amendment to the Electoral Regulation Act, the Constitutional Court's ruling regarding security deposits for political parties and anti-corruption measures adopted by the State. Regarding the Electoral Regulation Act, according to official information, the amendments provide rules on voting, counting votes and fulfilling the tasks of the Central Polling Station. Moreover, these amendments aim to facilitate more efficient elections, ensure effective implementation of electoral regulations, and guarantee that voters can fully exercise their right to vote.<sup>1646</sup>

<sup>1640</sup> Loop News, [Homicides decrease: Police reveal 6,758 crimes in 2024](#), August 29, 2024.

<sup>1641</sup> St. Lucia Times, [Police Solve Over 20 Murders In 2024](#), November 12, 2024.

<sup>1642</sup> St. Lucia Loop News, [Ministry of Equity & C-REP help rehabilitate adult offenders](#), July 3, 2024.

<sup>1643</sup> St. Lucia Loop News, [Improving inmate and visitor health: Full-time doctor installed at BCF](#), March 7, 2024.

<sup>1644</sup> World Coalition Against the Death Penalty, [Saint Lucia](#), May 23, 2023. Last visited: October 2024.

<sup>1645</sup> Republic of Suriname, Inputs for the 2024 Annual Report of the IACHR, September 30, 2024, IACHR Archive.

<sup>1646</sup> National Assembly of Suriname, [Wijziging Kiesregeling goedgekeurd door parlement](#), May 21, 2024.

773. With the State's next general election set for May 2025,<sup>1647</sup> the Constitutional Court ruled that the increase in security deposit for political parties, which was adopted in October 2023, was contrary to the Suriname's Constitution and its obligations under the Inter-American Human Rights System. In assessing the aim, proportionality and necessity of the measure, the Court found that the 1,000% increase was disproportionately high and could not be justified. Furthermore, it was held that the increase had a discriminatory impact as it excluded smaller and less established political parties as a result of their limited financial capacity. Ultimately, referencing decisions of the Inter-American Court, the Constitutional Court concluded that the increase in the deposit was contrary to the right to vote and therefore incompatible with the fundamental rights and freedoms essential to a democratic State.<sup>1648</sup>

774. Regarding the State's fight against corruption, the Commission took note of the establishment of an Anti-Corruption Commission and issuance of an anti-corruption decree in 2023.<sup>1649</sup> The UN Human Rights Committee (UNHRC), within the context of the review of the State's fourth periodic report, recommended accelerating the implementation of the 2017 Anti-Corruption Act, ensuring the enforcement of the Decree on Declaration of Income and Assets, and fully operationalizing the Anti-Corruption Commission. The UNHRC also emphasized the importance of promptly investigating all allegations of corruption, prosecuting those responsible, and applying appropriate sanctions when found guilty.<sup>1650</sup>

775. Regarding **human rights institutional**ity, the Commission notes that after the Bill to establish the National Human Rights Institute (NHRI) was presented to the President in 2022, there have been consultations and awareness campaigns aimed at gathering input from stakeholders, including civil society and international organizations. In its fourth periodic report to the UNHRC, the State noted that the Bill had been revised in response to feedback. It also reaffirmed its commitment to engaging national stakeholders, including government agencies and civil society, in creating the necessary frameworks for establishing the NHRI. The IACHR takes note of the recommendation of the UN Human Rights to Committee which called for an acceleration of the establishment of an NHRI in accordance with the Paris Principles via an open and transparent consultation process.<sup>1651</sup>

776. Regarding the rights of **children**, the IACHR celebrates the adoption of a National Education Policy and the establishment of multidisciplinary working groups. The Commission values the adoption of the National Education Policy 2030 in September 2024. This policy seeks to guide the country's efforts toward achieving inclusive and high-quality education for all children.<sup>1652</sup> The IACHR also acknowledges the formation of seven multidisciplinary working groups for a national approach to youth issues. These groups are dedicated to addressing key areas such as education, employment, health, safety, and welfare, with the goal of developing a comprehensive, effective, and efficient national policy for youth.<sup>1653</sup>

777. Regarding the rights of **women**, the Commission notes that there is currently only one State operated shelter for women victims of domestic violence. According to the State, the shelter provides practical and emotional assistance through conversations with the court, prosecution office or the Bureau for Family Law Affairs. The shelter also provides assistance regarding interacting with the police, family doctor,

<sup>1647</sup> Government of Suriname, [Dag der verkiezingen vastgesteld op 25 mei 2025](#), October 2, 2024.

<sup>1648</sup> United News, [Constitutioneel Hof Vernietigt Verhoogde Waarborgsom Voor Politieke Partijen](#), August 5, 2024; De West, [Constitutioneel Hof verwerpt verhoging waarborgsom voor verkiezingsdeelname](#), August 5, 2024; Waterkant, [Constitutioneel Hof verwerpt verhoging waarborgsom voor politieke partijen](#), August 2, 2024; StarNieuws, [CHof: Verhoging waarborgsom 1.000% niet meer geldig](#), August 2, 2024.

<sup>1649</sup> IACHR, Annual Report, [Chapter IV.A "Suriname"](#), 2023, paras. 765.

<sup>1650</sup> UN Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 8.

<sup>1651</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 paras. 5 - 6; [Replies of Suriname to the list of issues in relation to its fourth periodic report](#), CCPR/C/SUR/RQ/4, July 5, 2024, paras. 4 - 6.

<sup>1652</sup> UNICEF, Press Release, ["Suriname's National Education Policy 2024- 2031 adopted"](#), September 10, 2024.

<sup>1653</sup> Government of Suriname, [Ministerie van Arbeid, Werkgelegenheid en Jeugdzaken](#), October 16, 2024.



emergency room if necessary and making appointments with employers and transportation of the children to school.<sup>1654</sup>

778. With regards to **memory, truth and justice**, following the upholding of the conviction of ex-President Desi Bouterse for the homicides of political opponents during the military regime,<sup>1655</sup> the IACHR takes note of the ruling by the Court of Justice in March 2024 which declared inadmissible the request to suspend the sentences of the former President and four co-convicts.<sup>1656</sup> However, this sentence has yet to be enforced as those convicted of the homicides have absconded. In December, the Commission learnt of the passing of former President<sup>1657</sup> On this particular matter, the UNHRC stressed the necessity of ensuring accountability for serious human rights violations during the de facto military regime, including investigating and prosecuting alleged crimes, enforcing sentences related to the “December murders” trial and ensuring that victims and their families receive full reparation.<sup>1658</sup>

779. In relation to the rights of **indigenous peoples**, the IACHR notes the landmark judicial decision regarding territorial lands of indigenous peoples and the obstacles this community still faces in accessing justice. The Commission welcomes the judicial decision regarding the obligation of prior, free, and informed consultation with indigenous and tribal peoples by the State before allowing economic activities in their territories. Regarding this decision, the IACHR notes that the court recognized the territorial rights of twelve Indigenous and Maroon groups and held that once there is a direct impact on the territories, their consent must also be obtained before the State adopts a decision.<sup>1659</sup>

780. On the other hand, the Commission notes with concern the obstacles in access to justice for indigenous and tribal peoples, including the lack of recognition of collective legal personality and collective rights, as well as the geographic, economic, linguistic and educational barriers that exist.<sup>1660</sup>

781. Regarding the rights of **people of African descent and against racial discrimination**, the Commission notes the delay of the approval of the Collective Rights of Indigenous and Tribal Peoples Act, intended to protect these communities’ collective rights over their lands.<sup>1661</sup> This delay has enabled the ongoing sale and lease of public lands to private entities, raising concerns that lands claimed by Indigenous and tribal Afro-descendant peoples may be compromised.<sup>1662</sup> Furthermore, the Association of Saramaka Communities has urged the government to halt deforestation activities in their territories, to require prior consultation for any development project, and to ensure the protection and enjoyment of their collective rights.<sup>1663</sup> In this context, according to civil society organizations, 77% of the negative impacts on Saramaka territories occurred after the Inter-American Court ruling in 2007.<sup>1664</sup>

782. In relation to the **rights of the elderly**, the Commission welcomes the creation of the “Royalties for All” (RVI) program by the State to distribute profits of the country’s energy sector to the public.

<sup>1654</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname\\*](#), CCPR/C/SUR/CO/4, August 28, 2024, para. 68.

<sup>1655</sup> IACHR, Annual Report, [Chapter IV.A “Suriname”](#), 2023, paras. 771.

<sup>1656</sup> Suriname Herald, [Hof wijst verzoekschrift opschorting vonnissen 8-decemberstrafproces af](#), March 20, 2024.

<sup>1657</sup> Government of Suriname, [Statement President Santokhi Inzake Heengaan Oud-President Bouterse](#), December 25, 2025.

<sup>1658</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname\\*](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 12.

<sup>1659</sup> The First Canton Court, *Stichting Gi Jesi Na Lellie and others v. The State of Suriname and others*, Civar No. 2024-00786, Paramaribo, Suriname, May 16, 2024.

<sup>1660</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024.

<sup>1661</sup> UN, Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 47.

<sup>1662</sup> UN, Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 47.

<sup>1663</sup> Business and Human Rights, [Suriname: Saamaka communities ask the government to stop granting land concessions and to officially demarcate their territory](#), July 4, 2024; Mogabay, [As logging booms in Suriname, forest communities race to win land rights](#), July 4, 2024.

<sup>1664</sup> UN, Human Rights Committee, [Concluding observations on the fourth periodic report of Suriname](#), CCPR/C/SUR/CO/4, August 28, 2024 para. 47.

The IACHR values that the State proposes to prioritize people over 60 years of age and those with disabilities to receive this economic support before 2028.<sup>1665</sup>

783. On the matter of **persons deprived of liberty**, the Commission values the ‘My story counts!’ training programme implemented in 2024 at the Duisburg Penitentiary Institution and the House of Detention, where detainees had an opportunity to share their personal stories and inspire others.<sup>1666</sup> On the other hand, the Commission expresses its concerns about the situation of the Santo Boma Prison. According to public information, cells are overcrowded as they have been designed for six persons and are occupied by more than double the number of individuals.<sup>1667</sup>

### XXX. TRINIDAD AND TOBAGO

- **General considerations**

784. As it relates to **progress**, the Commission takes note of the passage of the Whistleblower Protection Act in the State’s pursuit to combat corruption. Moreover, the IACHR welcomes the decision to admit migrant children from Venezuela into the State’s public school system. In addition, the Commission welcomes the landmark decision regarding the duty to protect domestic violence victims and the launch of the National Strategic Action Plan on Gender-Based Violence.

785. As it relates to **challenges**, the IACHR notes with concern an increase in homicides and high levels of violence recorded against women. Additionally, the Commission notes the lack of progress in the implementation of public policies to protect the rights of LGBTI persons.

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

- **Specific issues**

787. With regards to **democratic institutional**ity, the IACHR takes note of the efforts of the State to reform its constitution and to combat corruption. In particular, the Commission notes the publication, in August, of the Report of the National Advisory Committee on Constitutional Reform. In its report, the Committee recommended several reforms, including the removal of savings law clauses to allow legal challenges to colonial-era laws that infringe on fundamental rights and freedoms; the explicit constitutional recognition of the rights of the First Peoples; and clear protections for women’s rights to gender equality, children’s rights, and the right to nondiscrimination based on sexual orientation.<sup>1668</sup>

788. Moreover, in its pursuit to combat corruption, the State passed the Whistleblower Protection Act 2024 which aims to fight corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sectors. The Act also seeks to protect persons making disclosures from retaliation and regulate the receipt and investigation of reports of improper conduct.<sup>1669</sup>

789. Regarding **human rights institutions**, the Commission notes the recommendation of the National Advisory Committee on Constitutional Reform for reform of the Office of the Ombudsman. According to the Report, the Committee recommended that the Office be reformed into a Commissioner for Public Justice in order to better reflect its constitutional mandate which includes the power to investigate administrative injustice.<sup>1670</sup> However, the Commission notes that while the establishment of a Human Rights Commission was

<sup>1665</sup> Antena 3, [Suriname will pay each citizen \\$750 from the country’s energy sector profits](#), November 26, 2024.

<sup>1666</sup> GFC Nieuws, [Storytelling als krachtige tool voor misdaadpreventie in Surinaamse gevangenissen](#), June 12, 2024.

<sup>1667</sup> GFC Nieuws, [Schokkende beelden van Surinaamse gevangenis Santo Boma verspreid op sociale media](#), April 21, 2024.

<sup>1668</sup> National Advisory Committee on Constitutional Reform, [Report](#), July 2024, pgs. 53-62.

<sup>1669</sup> Republic of Trinidad and Tobago, [Whistleblower Protection Act](#), 2024.

<sup>1670</sup> National Advisory Committee on Constitutional Reform, [Report](#), July 2024, pg. 93.

considered, the Committee ultimately concluded that its establishment is unlikely to make a significant difference in the cases concerning alleged infringements of human rights as there are currently other public bodies with very similar mandates. In this regard, the Committee recommended that the Equal Opportunity Commission and the Equal Opportunity Tribunal be recognized under the Constitution.<sup>1671</sup>

790. In relation to **citizen security**, according to public information there were 624 homicides reported in 2024, the highest recorded annual homicide toll in the country.<sup>1672</sup> As compared to 577 homicides recorded in 2023, this represents an approximately 8% increase.<sup>1673</sup> This represents a homicide rate of 40 per 100,000 inhabitants as for 2024.<sup>1674</sup> In response to threats of heightened criminal activity, the State declared a State of Emergency (SOE) in December.<sup>1675</sup> Once approved by the Parliament, the SOE can last for three months, with a possibility of extension.<sup>1676</sup> Under the SOE, bail provisions are suspended and members of the police service have the authority to arrest persons on suspicion of involvement in illegal activities.<sup>1677</sup>

791. With respect to **access to justice**, the Commission notes the proclamation of the amended Administration of Justice Act and the amended Bail Act 2024. The amended Act seeks to reform the judicial process for indictable offence cases by removing preliminary enquiries at the District Courts. As such, indictable offence cases will now proceed directly to the High Court which will aid in reducing the backlog of cases presently before the High Court by reducing delays and providing opportunities for stronger case management by the Court.<sup>1678</sup>

792. In addition, the State amended the Bail Act in order to give effect to the July 2022 decision of the Privy Council which declared that persons on remand charged with murder could access bail pending trial.<sup>1679</sup> In addition to the removal of bail restrictions for persons accused of murder, the Act imposes conditions on the Court's discretion in granting bail for serious offenses, requires a higher burden of proof for persons accused of murder who seek bail, and mandates a review of the Act by the Office of the Attorney General every five years.<sup>1680</sup>

793. In relation to the rights of **children**, the Commission commends the State's decision to admit migrant children from Venezuela into the State's public school system in compliance with the Immigration (Amendment) (No.2) Regulations 2024.<sup>1681</sup> As of August 2024, according to public information, 23 migrant children out of the 111 who applied, were eligible to start the September 2024 school term.<sup>1682</sup>

794. Regarding the rights of **women**, the Commission notes the landmark decision on domestic violence, the launch of the National Strategic Action Plan on Gender-Based Violence and reported high levels of gender-based violence in the State. Regarding the judicial decision on domestic violence, the IACHR welcomed the High Court ruling which determined that the State has a positive obligation to act with due diligence to protect all victims of domestic violence and their families from the actions of non-State actors.<sup>1683</sup>

<sup>1671</sup> National Advisory Committee on Constitutional Reform, [Report](#), July 2024, pg. 61.

<sup>1672</sup> Trinidad and Tobago Guardian, [CoP Erla says TTPS made significant progress in 2024](#), January 2, 2025

<sup>1673</sup> Trinidad and Tobago Police Service, [Totals Crime by Month Report - Murders](#), 2023.

<sup>1674</sup> The IACHR calculated the homicide rate based on the State's population of 1,534,937 according to data from The World Bank. The World Bank, [Population total - Trinidad and Tobago](#), 2023.

<sup>1675</sup> Office of the Prime Minister – Communications, [State of Emergency Declared in Trinidad and Tobago](#), December 30, 2024.

<sup>1676</sup> Office of the Prime Minister – Communications, [Timelines of the State of Emergency](#), December 30, 2024.

<sup>1677</sup> Office of the Prime Minister – Communications, [State of Emergency \(SOE\) Regulations](#), December 30, 2024.

<sup>1678</sup> Judiciary of Trinidad and Tobago, [Proclamation of the Administration of Justice \(Indictable Proceedings\) Act, 2011 \(as amended\) \(AIIJPA\)](#), December 12, 2023.

<sup>1679</sup> IACHR, [Annual Report, Chapter IV.A "Trinidad and Tobago"](#), 2022, para 762.

<sup>1680</sup> Parliament of the Republic of Trinidad and Tobago, [Bail \(Amendment\) Act](#), 2024.

<sup>1681</sup> Government of the Republic of Trinidad and Tobago, [Admission of Migrant Children of the Bolivarian Republic of Venezuela into Schools in Trinidad and Tobago](#), June 21, 2024.

<sup>1682</sup> Trinidad and Tobago Newsday, [Education Minister: Migrant children will be given books, lunches](#), August 21, 2024.

<sup>1683</sup> CIDH - IACHR [@CIDH]. (May 21, 2024). [#TrinidadAndTobago: The #IACHR welcomes the High Court of Justice's ruling in the Tot Lampkin v. AG case, which found that the State has a positive obligation to act with due diligence to protect victims of domestic violence and their families from the actions of non-state actors. \[Tweet\]. Twitter. <https://x.com/CIDH/status/1793008949483929650>; High Court of Trinidad and Tobago, \[Tot Lampkin v Attorney General of Trinidad and Tobago\]\(#\), Claim No. CV2021-03178, May 16, 2024, para. 298.](#)

795. Moreover, the Inter-American Commission takes note of the launch of the National Strategic Action Plan on Gender-Based Violence and Sexual Violence 2023-2027,<sup>1684</sup> which establishes a comprehensive framework for the prevention and response to gender-based violence in all its manifestations, as well as the Survivor Transformation and Training Programme, which aims to provide essential life skills, educational opportunities and business training for women who have suffered gender-based violence.<sup>1685</sup>

796. On the other hand, it notes with concern the situation of violence against women, girls and adolescents, especially family or intimate partner violence and femicide. According to official data, between January and August, 1,227 cases of domestic violence in the form of physical violence and 117 cases in the form of sexual abuse were reported.<sup>1686</sup> Publicly available information indicates that, between January and September, 34 violent deaths of women were registered, of which 28 would be linked to femicides preceded by domestic violence.<sup>1687</sup> In this regard, the IACHR called on the State to adopt urgent measures to prevent and eradicate gender-based violence against women, including the incorporation of a gender and intersectional approach, ensuring the effective protection of survivors and the eradication of socio-cultural patterns that normalize gender-based violence against women.<sup>1688</sup>

797. With respect to the rights of **persons in the context of human mobility**, the IACHR welcomes the State's decision to extend of the Work Permit Exemption for Venezuelan nationals in Trinidad and Tobago, but continues to note with concern the treatment of migrants and refugees, notably in State custody.<sup>1689</sup> According to official information, the State extended the duration of its Work Permit Exemption, with the most recent extension running until December 31, 2025. However, the extension is only granted to Venezuelan nationals in Trinidad and Tobago with renewal documents dated between June 20, 2023 and August 11, 2023.<sup>1690</sup> Further, the Commission notes that members of the Trinidad and Tobago Coast Guard are facing disciplinary procedures over an allegation of sexual exploitation by a detained Venezuelan female.<sup>1691</sup> At the time of writing this report, the outcome of the disciplinary procedure was still pending.

798. Regarding **human trafficking**, the Commission highlights that, through collaboration between the Anti-Trafficking Unit of the Ministry of National Security and the Trinidad and Tobago Police Service, the State has conducted successful operations which has led to the identification of possible trafficking victims and of suspected traffickers. These joint operations led to the rescue of several alleged victims of human trafficking who are now under State protection.<sup>1692</sup>

799. Regarding the rights of **LGBTI persons**, the Commission notes the lack of progress in the implementation of public policies to protect the rights of this population within the State.<sup>1693</sup> In this context, the IACHR takes note of the homicide of a known LGBTI activist on November 15, 2024, which highlights that acts of violence against persons with diverse sexual orientations, gender identities and/or expressions and sexual characteristics continue in the State.<sup>1694</sup>

<sup>1684</sup> Loop, [Gov't launches National Strategic Action Plan against GBV](#), March 24, 2024.

<sup>1685</sup> Trinidad and Tobago Guardian, [STEP launched by Gender & Child Affairs Division](#), March 8, 2024.

<sup>1686</sup> Government of the Republic of Trinidad and Tobago, Attorney General's Office and Ministry of Legal Affairs, [Public Consultation on Domestic Violence](#), September 25, 2024, p. 7.

<sup>1687</sup> Trinidad and Tobago Guardian, [28 domestic violence murders in 2024--The limitations of protection orders](#), October 14, 2024.

<sup>1688</sup> IACHR, [Press Release No. 279/24](#), "Trinidad and Tobago Must Adopt Urgent Measures to Prevent Gender-Based Violence Against Women", November 7, 2024.

<sup>1689</sup> IACHR, [Annual Report, Chapter IV.A "Trinidad and Tobago"](#), 2023, para 791-792; [Annual Report, Chapter IV.A "Trinidad and Tobago"](#), 2022, para 768-770.

<sup>1690</sup> Ministry of National Security Trinidad and Tobago, [Media Release: Work Permit Exemption Extended](#), January 11, 2024.

<sup>1691</sup> Joint Select Committee on Human Rights, Equality and Diversity, [Sixth Report, Fourth Session \(2023/2024\) of the Twelfth Parliament](#), 2024; Trinidad and Tobago Newsday, [Report: Coast Guard officers facing disciplinary procedures over claims of sexual exploitation of migrants](#), March 2, 2024.

<sup>1692</sup> Trinidad and Tobago Guardian, [11 migrant women rescued from Cunupia spa](#), October 10, 2024; Trinidad and Tobago Newsday, [Police rescue 11 human trafficking victims in Mt Lambert](#), October 24, 2024.

<sup>1693</sup> CAISO, [CAISO head unhappy LGBTQ rights reform ignored again](#), August 23, 2024.

<sup>1694</sup> Loop, [Ste. Madeleine man gunned down outside private house party](#), November 17, 2024; Trinidad and Tobago Newsday, [Pride TT wants justice for slain activist](#), November 17, 2024.

800. In relation to **persons deprived of liberty**, the IACHR values the Writers Class 2024 initiative contributing to rehabilitation through storytelling in female prisons, where detainees received educational information from a renowned author on writing, editing, and publishing.<sup>1695</sup> Moreover, the Commission once again welcomes the “Link Up” initiative by the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT), which in August 2024, partnered with Regency Recruitment and Resources Limited.<sup>1696</sup> This partnership is intended to further support prisoners’ transitions into society and the workforce, as private firms have pledged to support prisoners by offering them on-the-job training.<sup>1697</sup>

801. Regarding the **death penalty**, the Commission welcomes the release, in November 2023, of Mr. Wenceslaus James, who was the longest-serving death row inmate, who had been detained for over 30 years, of which 24 were under the sentence of death. The High Court of Trinidad and Tobago resented Mr. James to a term that he had already served and subsequently ordered his release.<sup>1698</sup> On the other hand, the IACHR notes that, while the last known execution took place in 1999, 48 individuals remain under the sentence of death.<sup>1699</sup>

## XXXI. UNITED STATES

### • General considerations

802. In terms of **progress**, the IACHR acknowledges measures such as California's reparations fund for African American communities and efforts to improve access to justice for survivors of gender-based violence. It also highlights federal actions to combat gun violence, including the Emerging Firearms Threats Task Force and the implementation of red flag laws, as well as initiatives to protect children from online exploitation. Additionally, the Commission observed efforts to enhance electoral integrity, ensure public safety during elections, and combat digital disinformation.

803. Regarding **challenges**, the IACHR emphasizes ongoing concerns about persistent patterns of racism, institutional and structural inequalities, the continued application of the death penalty, the frequency of mass shootings, gun-related violence, and excessive use of force by law enforcement in the United States. The Commission also expresses concern regarding restrictive migration and asylum policies, legislative restrictions on reproductive rights and transgender protections.

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

### • Specific issues

805. In terms of **democratic institutions**, the IACHR closely followed the development of the national elections on November 5, 2024, in which citizens elected a President and a Vice President, 33 seats in the Senate, and 435 seats in the House of Representatives. Despite some delays, technical issues, and long queues due to a high voter turnout, elections took place in an organized and peaceful manner.<sup>1700</sup> In this context, the IACHR takes note of the efforts of the State to ensure the safety of the population. In particular,

<sup>1695</sup> Daily Express, [Writers Class Empowers Inmates of women’s prison](#), August 10, 2024.

<sup>1696</sup> IACHR, [Annual Report, Chapter IV.A “Trinidad and Tobago”](#), 2023, para. 797.

<sup>1697</sup> Trinidad and Tobago Guardian, [COSTAATT links up with Regency Recruitment to help ex-prisoners](#), August 21, 2024.

<sup>1698</sup> The Death Penalty Project, [Longest serving death row prisoner in Trinidad & Tobago released by High Court](#), November 13, 2023.

<sup>1699</sup> World Coalition Against the Death Penalty, [Trinidad and Tobago](#), May 23, 2023. Last visited: October 2024.

<sup>1700</sup> The New York Times, [“Despite Bomb Threats and Disinformation, a Fairly Smooth Election”](#), November 5, 2024; CNN, [“Voting nationwide has been mostly orderly, despite non-credible bomb threats from Russian origin”](#), November 5, 2024; PBS, [“Election Day unfolds relatively smoothly after massive turnout by early voters”](#), November 5, 2024; The Guardian, [“Voting on US election day ‘by and large normal’ despite some glitches, experts say”](#), November 5, 2024.



several polling stations in different States received bomb threats which were quickly deemed non-credible and false by authorities, who assured voting could resume safely.<sup>1701</sup> Moreover, authorities detected the spreading of disinformation online in the form of videos fabricated to mislead and attempt to keep the population from going to vote in person. In response, the population was swiftly made aware of the inauthenticity of this content.<sup>1702</sup>

806. In relation to the outcome of the elections, the Commission takes note of the victory of the Presidential candidate from the Republican Party, former President Donald Trump, as well as the subsequent recognition of this victory by the opponent candidate from the Democratic Party and their commitment on a peaceful transfer of power.<sup>1703</sup>

807. Nevertheless, the IACHR noted with concern that a political campaign for the Presidency included discriminatory and false remarks, often targeting persons in human mobility. In this scenario, the Commission condemned these remarks and reminded that such rhetoric fosters xenophobia, fuels discrimination, and undermines the dignity and rights of migrants.<sup>1704</sup>

808. In addition, the IACHR takes note of the ruling issued in July by the U.S. Supreme Court on the extent of presidential immunity concerning actions taken within constitutional authority, which could have a potential impact on the rule of law, accountability, and checks on executive power.<sup>1705</sup>

809. With respect to **human rights institutions**, the IACHR once again notes that the United States does not yet have a national institution exclusively mandated to the promotion and protection of human rights.<sup>1706</sup> The Commission reiterates that national human rights institutions play an important role as autonomous, independent and pluralistic bodies for the promotion and protection of human rights.<sup>1707</sup>

810. Regarding **citizen security**, the IACHR welcomes the announcement of new measures to reduce gun violence and enhance public safety. In September, the President of the United States signed an Executive Order, which establishes the Emerging Firearms Threats Task Force, and instructs federal agencies to develop and publish information on school safety protocols.<sup>1708</sup> In addition, the Department of Justice released model legislation and guidelines for States to conduct more thorough background checks on individuals who aspire to obtain firearms. The State also allocated funding to various programs in intervention, prevention, outreach, therapy, support training and technical assistance.<sup>1709</sup>

811. Moreover, according to information provided by the State, the recent establishment of the National Extreme Risk Protection Order (ERPO) Resource Center aims to offer technical assistance and resources to different stakeholders in the optimization of red flag laws, which allow for law enforcement officers or family members of firearm holders, who may be a danger to themselves or others, to seek judicial

<sup>1701</sup> Federal Bureau of Investigation (FBI), [“FBI Statement on Bomb Threats to Polling Locations”](#), November 5, 2024; The New York Times, [“Bomb Threats Hit Several States, but None Are Found Credible”](#), November 5, 2024; Reuters, [“Hoax bomb threats linked to Russia target polling places in battleground states, FBI says”](#), November 5, 2024.

<sup>1702</sup> FBI, [“FBI Statement on Inauthentic Use of Bureau Name, Insignia in Promoting False Election-Related Narratives”](#), November 5, 2024; [“FBI Statement on Additional Inauthentic Uses of Bureau Name, Insignia in Promoting False Election-Related Narratives”](#), November 5, 2024.

<sup>1703</sup> Harris, K. [@KamalaHarris], (November 6, 2024), “We must accept the results of this election. Earlier today, I spoke with President Trump and congratulated him on his victory. I told him that we will help him and his team with that transition, and we will engage in a peaceful transfer of power.” [X] <https://x.com/KamalaHarris/status/1854276029772451896>; AP, [“Harris says nation must accept election results while urging supporters to keep fighting”](#), November 7, 2024.

<sup>1704</sup> IACHR [@CIDH], (September 20, 2024), The #IACHR condemns the false and offensive remarks made about migrants, particularly Haitians, during the presidential electoral campaign [X], <https://x.com/cidh/status/1837128120400289818?s=46>

<sup>1705</sup> Supreme Court of the United States, [Trump v. United States, No. 23–939](#), July 1, 2024.

<sup>1706</sup> IACHR, [Annual Report, IV.A. “United States of America”](#), 2023, para. 391.

<sup>1707</sup> IACHR, [Compendium on Democratic Institutions, Rule of Law, and Human Rights](#), November 30, 2023, OEA/Ser.L/V/II.Doc. 318/23, para. 136.

<sup>1708</sup> The White House, [President Biden and Vice President Harris Announce Additional Actions to Reduce Gun Violence and Save Lives](#), September 26, 2024.

<sup>1709</sup> United States Department of Justice, [“Justice Department Announces New Resources to Improve Firearm Background Checks and Reduce Gun Violence”](#), September 26, 2024.

authorization to take away their access to the firearm. The State reported that 21 states have passed red flag laws, 6 of which have been using the Bipartisan Safer Communities Act funding to implement these laws. The State also communicated that it continues to urge states to pass and effectively implement red flag laws.<sup>1710</sup> The Commission welcomed these measures build on previous efforts such as the establishment of the White House Office of Gun Violence Prevention.<sup>1711</sup>

812. Nevertheless, the Commission received information on the persistence of endemic gun violence in the United States. From January to November 2024, there were 465 mass shootings and 14,904 homicides and unintentional killings, which resulted in the death of more than 2,592 persons, including 1,247 children.<sup>1712</sup> The total number of deaths and injuries caused by firearms stood at 43,457,<sup>1713</sup> over 15% more than in the same period in the previous year.<sup>1714</sup> Moreover, there were 210 victims in 300 incidents involving firearms in educational institutions until November 2024.<sup>1715</sup> The IACHR observes that the U.S. Surgeon General Advisory Report in 2024 declared firearm violence to be a public health crisis in the United States, as it is the leading cause of death for children.<sup>1716</sup>

813. In November, during the 191st period of sessions, the IACHR held a public hearing on the impact of gun violence on human rights in the United States. During the hearing, the requesting civil society and academic organizations informed the Commission about the impact of firearm violence on children, which affects Afro-descendant children disproportionately. They referred to the current legal framework, which they consider entails minimal regulation and represents a danger to populations in situations of vulnerability. They also requested the Commission to prepare a report about gun violence in the United States, including considerations on due diligence, immunity, and the lack of remedies for victims.<sup>1717</sup> In response, the State reaffirmed its commitment to address the gun violence issue with concrete actions, some of which have already been implemented. Such actions include the offering of mental health services to those affected by gun violence, increasing restrictions on access to firearms, and measures to address unsecured firearms in the home.<sup>1718</sup>

814. Furthermore, the IACHR continues to observe the excessive use of force by law enforcement that is often accompanied by impunity. As of October 2024, civil society reported that 1,151 individuals were killed in instances of police violence.<sup>1719</sup> In August, the IACHR issued a statement in particular about the case of Sonya Massey, an African American woman killed by a police officer in her home.<sup>1720</sup> In addition, the Commission takes note of the occurrence of these acts against people with psychosocial disabilities, especially those of African descent and other racial-ethnic backgrounds. This trend can be illustrated by the cases of the

<sup>1710</sup> IACHR, Letter from the United States Department of State to the IACHR regarding 'November 15, 2024 Hearing on Gun Violence'. IACHR Archive, November 14, 2024, pp. 5-6.

<sup>1711</sup> IACHR [@CIDH], (October 4, 2024), #IACHR welcomes the announcement of new measures to prevent gun violence and enhance public safety... [X], <https://x.com/cidh/status/1842217840817959410?s=48>

<sup>1712</sup> Gun Violence Archive, [Gun Violence Archive 2024](#), Updated November 17, 2024.

<sup>1713</sup> Gun Violence Archive, [Gun Violence Archive 2024](#), Updated November 17, 2024.

<sup>1714</sup> See IACHR, [Annual Report, IV.A. "United States of America"](#), 2023, para. 393.

<sup>1715</sup> K-12 School Shooting Database, ["All Shootings at Schools From 1966-Present"](#), 2024.

<sup>1716</sup> United States Department of Health and Human Services, [The U.S. Surgeon General's Advisory on Firearm Violence: A Public Health Crisis in America](#), June 25, 2024.

<sup>1717</sup> IACHR, Thematic hearing "[United States: Impact of gun violence on human rights](#)", 191 period of sessions, Washington, DC, United States of America, 15 November 2024. See also: IACHR [@CIDH], (November 15, 2024), #UnitedStates: Impact of gun violence on #HumanRights ... Organizations informed about what they describe as irresponsible gun practices and the impact they have on the lives of people in the country... [X], <https://x.com/CIDH/status/1857558756923498765>.

<sup>1718</sup> IACHR, Thematic hearing "[United States: Impact of gun violence on human rights](#)", 191 period of sessions, Washington, DC, United States of America, 15 November 2024. See also: IACHR [@CIDH], (November 15, 2024), #UnitedStates: Impact of gun violence on #HumanRights ... Organizations informed about what they describe as irresponsible gun practices and the impact they have on the lives of people in the country... [X], <https://x.com/CIDH/status/1857558756923498765>.

<sup>1719</sup> Campaign Zero, [Mapping Police Violence](#), Updated November 2, 2024.

<sup>1720</sup> IACHR [@CIDH], (August 1, 2024), #IACHR strongly condemns the killing of Sonya Massey, an African American woman, by an Illinois police officer at her home on #July6. [X], <https://x.com/cidh/status/1818772557375394009?s=48>

police shootings of Ryan Gainer, Win Rozario, and Yong Yang, who were all killed during mental health crises despite family calls for assistance.<sup>1721</sup>

815. On the other hand, 47 law enforcement officers were killed in the line of duty in the first eight months of 2024, representing a 6.8% increase compared the same period in 2023. Firearms were used in 76.6% of the cases. The leading circumstances surrounding the officers' deaths were related to investigative/enforcement (16), unprovoked attacks (8), and ambushes (entrapment/premeditation) (6).<sup>1722</sup>

816. Regarding **access to justice**, the IACHR welcomes the Department of Justice's publication, in May, of the "Framework for Prosecutors to Strengthen Our National Response to Sexual Assault and Domestic Violence Involving Adult Victims", which seeks to reduce the re-traumatization of victims and ensure greater accountability for perpetrators of sexual assault and domestic violence. The framework is based on five main principles: i) reliance on the evidentiary value of the victim's testimony; ii) the importance of a victim centered multidisciplinary action; iii) the effective use of the law and evidence regulations; iv) thoughtful and conscious actions based on what justice and accountability represent; and v) a redefinition of success built on a productive, healthy and committed workforce.<sup>1723</sup>

817. Moreover, the Commission takes note of the implementation of 'Access DOJ', a human-centered initiative aimed at improving people's access to the Department's services, programs, and resources. With this initiative, the Office for Access to Justice collaborates with the Office of the Pardon Attorney in removing obstacles for individuals who seek a Presidential Pardon. It also collaborates with the U.S. Trustee Program to increase access to bankruptcy meetings, especially for individuals who do not count with legal representation.<sup>1724</sup>

818. In relation to the rights of **children**, the IACHR welcomes the signing into law of the Bill to Protect Children from Online Exploitation which will require websites and social media platforms to report crimes involving Federal trafficking and enticement of children to the National Center for Missing and Exploited Children (NCMEC).<sup>1725</sup>

819. On the other hand, the Commission notes that, according to civil society organizations, as of December 2024, there have been 39 reported school shootings nationwide, resulting in 18 fatalities and 59 injuries.<sup>1726</sup> During a hearing on the impact of gun violence on human rights in the United States, the Commission expressed its concern about the impact of armed violence on children and adolescents, especially those of African American decent. It also recognized the efforts made by the State, stressing the importance of these measures being sustainable in the long term.<sup>1727</sup> Additionally, the IACHR has been informed that the US Supreme Court will analyze the legality of the ban on gender-affirming medical care for transgender children and adolescents.<sup>1728</sup>

820. With respect to the rights of **women**, the IACHR values the measures announced in September at the federal level to improve care and protection for victims of gender-based violence, through the allocation of new funds to assist survivors; the approach to violence in the digital sphere and artificial

<sup>1721</sup> IACHR, Press Release No. 203/24, [IACHR: United States must address ethno-racially motivated police violence against persons with psychosocial disabilities](#), September 3, 2024.

<sup>1722</sup> Federal Bureau of Investigation, [Statistics on Law Enforcement Officer Deaths in the Line of Duty from January through August 2024](#), accessed on December 23, 2024.

<sup>1723</sup> U.S. Department of Justice, ["Justice Department Announces Framework for Prosecutors to Strengthen National Response to Sexual Assault and Domestic Violence"](#), May 20, 2024.

<sup>1724</sup> U.S. Department of Justice, ["Justice Department Launches Access DOJ"](#), June 7, 2024. See also: U.S. Department of Justice, [Access DOJ](#).

<sup>1725</sup> Jon Ossoff U.S Senator for Georgia, Press Release, ["Sen. Ossoff's Bipartisan Bill to Protect Children from Online Exploitation Signed into Law"](#), May 7, 2024.

<sup>1726</sup> Education Week, [School Shootings This Year: How Many and Where](#), December 17, 2024.

<sup>1727</sup> CIDH. Public hearing, ["United States: Impact of gun violence on human rights"](#). 191 Period of Sessions, Washington, DC, United States, November 15, 2024.

<sup>1728</sup> Human Rights Campaign, Press Release, ["How the First Supreme Court Case on Transgender Medical Care Could Impact the State of Healthcare and LGBTQ+ Rights Across the Country"](#), December 2, 2024.

intelligence; limitations on access to weapons by aggressors; the issuance of protection orders for the elderly; the issuance of protection orders for the victims; and the issuance of protection orders for women electronically, among other measures.<sup>1729</sup> It also notes the launch, in July, of the Department of Homeland Security's Combating Gender-Based Violence website, which contains information on immigration options available to survivors of human trafficking, domestic violence, and other crimes<sup>1730</sup>. However, the persistent situation of violence in the family or couple environment<sup>1731</sup> and sexual violence, in particular, that which occurs in educational institutions<sup>1732</sup>, is worrying.

821. In terms of **sexual and reproductive rights**, progress has been made at the federal level, such as the granting of leaves<sup>1733</sup> and the prohibition of disclosing protected health information<sup>1734</sup>. At the state level, seven states approved incorporating reproductive health guarantees into their constitutions during the November 2024 elections.<sup>1735</sup> However, as of November 2024, abortion was illegal in 13 states<sup>1736</sup> and severely restricted in 12.<sup>1737</sup> In addition, various initiatives and lawsuits that seek to expand or block access to abortion services<sup>1738</sup>, contraceptive methods<sup>1739</sup>, abortion pills,<sup>1740</sup> and emergency medical care are pending approval or resolution.<sup>1741</sup>

822. This has generated legal uncertainty regarding the legality of the provision of reproductive health goods and services, which has resulted in a lack of access to them, particularly affecting women of African descent, women with disabilities, migrants, indigenous women, Latinas, and those living in rural areas.<sup>1742</sup> Thus, the fear of possible sanctions has caused health personnel to stop or delay medical care<sup>1743</sup>, even in cases of emergency and high-risk pregnancies.<sup>1744</sup> There have been reports of suspension of family planning

<sup>1729</sup> The White House, [FACT SHEET: Biden-Harris Administration Commemorates the 30th Anniversary of the Violence Against Women Act and Strengthens Commitment to Ending Gender-Based Violence](#), 12 de septiembre de 2024.

<sup>1730</sup> Department of Homeland Security, [DHS Announces New Resources to Combat Gender-Based Violence](#), 2 de julio de 2024.

<sup>1731</sup> CIDH, informe anual 2022, [Capítulo IVa](#), 1 de abril de 2023 párr. 419; The White House, [A Proclamation on National Domestic Violence Awareness and Prevention Month](#), 2024, 30 de septiembre de 2024; Break the Cycle, [Domestic Violence Statistics 2024](#), 28 de octubre de 2024.

<sup>1732</sup> Human Rights Committee, [Concluding observations on the fifth periodic report of the United States of America](#), December 7, 2023, para. 20; National Sexual Violence Resource Center, [What do you need to know about sexual assault on college campuses?](#), August 1, 2024; RAINN, [Campus sexual violence: statistics](#), accessed November 20, 2024.

<sup>1733</sup> Equal Employment Opportunity Commission, [Implementation of the Pregnant Workers Fairness Act](#), April 19, 2024.

<sup>1734</sup> Federal Register, [HIPAA Privacy Rule To Support Reproductive Health Care Privacy](#), April 26, 2024.

<sup>1735</sup> Arizona, Colorado, Maryland, Missouri, Montana, Nevada y Nueva York. CNN, [7 states vote to protect abortion rights, while efforts to expand access in Florida, Nebraska and South Dakota fail](#), November 6, 2024.

<sup>1736</sup> Alabama, Arkansas, Idaho, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Dakota del Sur, Tennessee, Texas, Virginia Occidental. Ver CRR, "[After Roe Fell: Abortion Laws by State](#)", accessed November 15, 2024.

<sup>1737</sup> Arizona, North Carolina, South Carolina, North Dakota, Florida, Georgia, Iowa, Nebraska, Pennsylvania, Utah, Wisconsin, and Wyoming. See CRR, "[After Roe Fell: Abortion Laws by State](#)," accessed November 15, 2024.

<sup>1738</sup> Supreme Court of Georgia, [Stay Order in State of Georgia v. SisterSong Women Of Color Reproductive Justice Collective et. al](#), October 7, 2024. AP [Supreme Court declines Biden's appeal in Texas emergency abortion case](#), October 7, 2024; NPR [Kentucky judge throws out Jewish mothers' lawsuit challenging the state's abortion ban](#), June 29, 2024; The rule on abortion licenses has been suspended for people who work for Catholic employers and in the states of Louisiana and Mississippi. AP [Judge lets over 8,000 Catholic employers deny worker protections for abortion and fertility care](#), September 24, 2024. AP, [Judge rules that federal agency can't enforce abortion rule in Louisiana and Mississippi](#), July 3, 2024.

<sup>1739</sup> AP, [Louisiana governor signs bill making two abortion drugs controlled dangerous substances](#), 24 de mayo de 2024; AP, [Republicans block bill to protect contraception access as Democrats make election-year push](#), 5 de junio de 2024.

<sup>1740</sup> The Hill, [3 states renew efforts to limit abortion pill access](#), 17 de octubre de 2024; Carmen Purl, M.D., vs. United States Department of Health and Human Services, [Civil Action n°2:24-cv-228-Z](#), octubre 2024; Reuters, [US Supreme Court preserves access to abortion pill mifepristone](#), junio 13 de 2024.

<sup>1741</sup> American Hospital Association, [Supreme Court dismisses EMTALA case](#), 27 de junio de 2024.

<sup>1742</sup> National Partnership for Women and Families, [State Abortion Bans Threaten Nearly 7 Million Black Women, Exacerbate the Existing Black Maternal Mortality Crisis](#), 15 de mayo de 2024; National Partnership for Women and Families, [State Abortion Bans Harm More Than Three Million Disabled Women](#), mayo 2024; Center for Law and Social Policy, [Deepening the Divide: Abortion Bans Further Harm Immigrant Communities \(2024\)](#), 17 de septiembre de 2024; Amnistía Internacional, [Abortion in the USA. The human rights crisis in the aftermath of Dobbs](#), 5 de Agosto de 2024, págs. 110 y 120.

<sup>1743</sup> Propublica, [Abortion Bans Have Delayed Emergency Medical Care. In Georgia, Experts Say This Mother's Death Was Preventable](#), September 16, 2024. IACHR, [Annual Report 2023. Chapter IV.a. Human Rights Development in the Region](#), December 31, 2023, para. 399.

<sup>1744</sup> CNN, [Women suing over Idaho's abortion ban describe dangerous pregnancies, becoming 'medical refugees'](#), 13 de noviembre de 2024.



services<sup>1745</sup> and threats to those who facilitate travel out of the states to obtain an abortion.<sup>1746</sup> There have also been acts of violence against health personnel, including physical attacks on people and facilities, as well as harassment and threats of legal, economic and professional sanctions.<sup>1747</sup>

823. On the rights of **persons in the context of human mobility**, the IACHR continues to monitor the impact that the State's policies have had on their human rights. In particular, the Commission has observed the restriction of the right of individuals to seek international protection, the continuing detention of migrants, and the inadequate monitoring of unaccompanied children.

824. In relation to the right of individuals to seek international protection, the Commission expresses its concern over the prospective implementation of the Presidential Proclamation on "Border Security" by the United States government, which aims to strengthen security at the State's Southern border. According to the State, the measures would restrict individuals who enter the territory of the State "unlawfully" from seeking asylum.<sup>1748</sup> In addition, the IACHR takes note of the end of the parole processes for certain nationals of Cuba, Haiti, Nicaragua, and Venezuela. According to public information, approximately half a million people will be directly impacted by this decision and possibly face deportation.<sup>1749</sup> The Commission also further notes that, according to official information, 525,610 repatriations took place between January and August 2024.<sup>1750</sup>

825. Moreover, the IACHR observes the increased use of detention of migrants. According to the Transactional Records Access Clearinghouse, by November 2024, there were a total of 38,863 migrants held in detention by Immigration and Customs Enforcement (ICE). Out of this number, 23,588 (or 60.7%) of detainees have no criminal record, and many have minor offenses such as traffic violations.<sup>1751</sup> In relation to the detention of migrants, the Commission completed a visit in October 2024 to monitor the implementation of the precautionary measures in favor of persons detained at the Northwest ICE Processing Center (NWIPC) in Tacoma, state of Washington. During its visit, the Commission toured the NWIPC, held meetings with civil society organizations and local authorities, and conducted interviews with beneficiaries from the Commission's precautionary measures. It also observed the conditions of detention and received complaints about poor hygiene, food quality, and deficient medical response to mental health issues.<sup>1752</sup> Regrettably, the Commission learned about the death of an individual detained at the NWIPC merely a few days after its visit, marking the second death in 2024 in these facilities.<sup>1753</sup>

826. The Commission also takes note of the State's international cooperation agreements with other countries from the region centered around repatriation efforts. Specifically, it observes that the United States has signed a Memorandum of Understanding on Assistance and Cooperation in Migration Matters with Panama, aiming to implement measures, such as repatriation flights, to address the situation in the Darien

<sup>1745</sup> BBC News, [The controversial court decision in the US that considers frozen embryos to be children \(and the effects it is having\)](#), February 22, 2024.

<sup>1746</sup> NPR, [It's harder to pay and travel for abortion care, and support funds are struggling](#), 3 de octubre de 2024.

<sup>1747</sup> IACHR, Supplementary Information from the Requesting Organizations Regarding the Thematic Hearing in the Context of the 188th Regular Period of Sessions on "Healthcare Denied: The Status of sexual and reproductive health and rights in the United States in the wake of the *Dobbs* decision," IACHR archive, March 1, 2024, p. 3; Southern Poverty Law Center, [Abortion Clinics Face Increased Harassment Post-Roe](#), June 13, 2024.

<sup>1748</sup> The White House, [President Biden Announces New Actions to Secure the Border](#), June 4, 2024.

<sup>1749</sup> ABC News, ["Parole program CHNV recipients will need to find alternative benefits, or leave the country: DHS"](#), October 4, 2024; El País, ["Biden acaba con el 'parole' humanitario para medio millón de venezolanos, haitianos, cubanos y nicaragüenses"](#), October 5, 2024; Boundless Immigration, ["Biden Administration Will Not Renew Legal Status for Hundreds of Thousands of Migrants from Four Countries"](#), October 8, 2024.

<sup>1750</sup> United States Department of Homeland Security, [Immigration Enforcement and Legal Processes Monthly Tables](#), Updated October 29, 2024.

<sup>1751</sup> Transactional Records Access Clearinghouse, [Immigration Detention Quick Facts](#), Updated November 3, 2024.

<sup>1752</sup> IACHR, Press Release No. 266/24, [IACHR completes visit to Tacoma, United States, to monitor compliance with precautionary measures](#), October 29, 2024.

<sup>1753</sup> The Seattle Times, ["Second person this year dies at WA immigrant detention center"](#), October 29, 2024; The News Tribune, ["Person was declared dead at Tacoma immigration detention center on Sunday, officials say"](#), October 29, 2024; KNKX, ["ICE releases identity of latest death at Tacoma detention center"](#), October 30, 2024.



National Park.<sup>1754</sup> In relation to unaccompanied children, the Commission expresses its concerns about ICE's reports concerning its inability to monitor the location and status of more than 291,000 unaccompanied migrant children. According to the State, this is partly due to the lack of an automated process for sharing information between domestic authorities.<sup>1755</sup>

827. Regarding **human trafficking**, the House of Representatives approved H.R. 443, the Human Trafficking Detection Improvement Act, which will ensure that the Department of Labor personnel have the tools and resources to identify cases of exploitation, their prevention and prosecution.<sup>1756</sup>

828. In relation to the **rights of indigenous peoples**, the IACHR takes note of the President Joe Biden's apology, during a visit to the Gila River Indian Reservation in Arizona in October, for the federal government-run boarding school system that separated Indigenous children from their families for decades, acknowledging this as a "stain on American history".<sup>1757</sup>

829. On the other hand, in February, in a hearing held during the 189<sup>th</sup> period of sessions, the IACHR expressed its concern on the environmental exploitation of uranium contaminating groundwater and generating radioactive emissions, its impact on the health of Indigenous peoples increasing the rate of people with cancer, and the lack of prior, free, and informed consent regarding the potential impacts.<sup>1758</sup>

830. Regarding rights of **people of African descent**, the state of California has allocated a 12 million dollars budget for reparations to address historic "harms and atrocities" against the state's Black population. This decision marks a significant milestone in acknowledging and atoning for the legacy of systemic racism. The funds will support initiatives such as community programs and direct assistance to individuals, aiming to address the lasting impacts of discriminatory policies and practices.<sup>1759</sup> Moreover, some states and localities have made progress in addressing racially discriminatory policing and impunity.<sup>1760</sup>

831. Nevertheless, there have been continued challenges experienced by those people. African descent population and other historically marginalized racial and ethnic groups kept experiencing systemic racism in policing across the country, which included racial profiling, and extrajudicial executions, excessive use of force and increased surveillance. Police in California killed Ryan Gainer, a 15-year-old Black boy with autism, on March 9.<sup>1761</sup> Police in New York killed Win Rozario, a 19-year-old Bangladeshi-American who sought help for a mental health crisis, on March 27.<sup>1762</sup> Police in Illinois killed Sonya Massey, a Black woman, on July 6 after she called for assistance with a suspected break-in at her home.<sup>1763</sup>

832. This occurred while several police jurisdictions in the United States used racially biased artificial intelligence technologies<sup>1764</sup>, and gunfire locator services provided by ShotSpotter devices<sup>1765</sup> were

<sup>1754</sup> United States Department of State, [United States Signs Arrangement with Panama to Implement Removal Flight Program](#), July 1, 2024; The White House, [Statement from NSC Spokesperson Adrienne Watson Welcoming the Agreement with Panama to Address Irregular Migration Jointly](#), July 1, 2024.

<sup>1755</sup> United States Department of Homeland Security, OIG-24-46 [Management Alert - ICE Cannot Monitor All Unaccompanied Migrant Children Released from DHS and U.S. Department of Health and Human Services' Custody](#), August 19, 2024.

<sup>1756</sup> Government of the United States, [House Passes Bill to Combat Human Trafficking](#), February 5, 2024.

<sup>1757</sup> El País, [La histórica disculpa de Biden por el "pecado" de los internados para niños nativos](#), October 25, 2024.

<sup>1758</sup> IACHR, Thematic hearing, ["United States: Impacts of uranium exploitation on Indigenous Peoples' rights"](#), 189<sup>th</sup> period of sessions, Washington D.C., United States, February 28, 2024.

<sup>1759</sup> AP News, [California budgets up to \\$12 million for reparations bills, a milestone in atoning for racist legacy](#), June 3, 2024.

<sup>1760</sup> Mississippi Today, ["New law gives state board power to probe misconduct"](#), May 16, 2024; The Guardian, ["Detroit changes rules for police use of facial recognition after wrongful arrest of Black man"](#), July 1, 2024.

<sup>1761</sup> The Guardian, ["A talented, goofy kid": family of Ryan Gainer, autistic teen killed by police, speak out](#), March 21, 2024.

<sup>1762</sup> CBS News, ["Family of man fatally shot by NYPD officers speaks out after release of body cam video. They say they want justice"](#), May 9, 2024.

<sup>1763</sup> AP News, [Illinois sheriff, whose deputy killed Sonya Massey apologizes: 'I offer up no excuses'](#), July 30, 2024.

<sup>1764</sup> UN, Human Rights Council, [Contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#), A/HRC/56/68, June 3, 2024.

<sup>1765</sup> ShotSpotter is an AI gunshot detection device that is proven to be unreliable, lead to the unnecessary dispatch of police officers, and illegally surveil communities. See WIRED, ["Here Are the Secret Locations of ShotSpotter Gunfire Sensors"](#), February 22, 2024; ACLU Winsconsin, [ShotSpotter Leak Shows that Surveillance Tech is Used to Overpolice Black and Brown Communities](#), March 6, 2024.

disproportionately concentrated in neighborhoods inhabited by African and Latin American communities.<sup>1766</sup> Despite some specific advances at the federal level, national legislative initiatives aimed at increasing police accountability, such as the George Floyd Justice in Policing Act, continued to face delays in Congress.<sup>1767</sup> Reports also highlighted a rise in hate crimes, with 52.5% driven by biases related to race, ethnicity, or ancestry.<sup>1768</sup>

833. In addition, on May 23 the U.S. Supreme Court reversed a lower court ruling and allowed racially discriminatory practices in drawing voting maps in South Carolina, diminishing Black voters' political representation. The Congressional District 1 map removed over 60% of Black residents from the district, leaving Black South Carolinians likely to elect only one of seven U.S. representatives, despite being over a quarter of the state's population.<sup>1769</sup>

834. In relation to the rights of **LGBTI persons**, progress was made through the publication in May of the revised Title IX policy, which aims to combat discrimination based on sex stereotypes, sex characteristics, pregnancy, sexual orientation, and gender identity in state-funded school programs.<sup>1770</sup> However, according to recent public information, the implementation of these policies has not been consistent across the entire territory of the United States, as various have filed injunctions to block the implementation of the policy.<sup>1771</sup>

835. By November 2024, civil society organizations reported at least 36 violent deaths of transgender individuals in the United States, the majority of whom were trans women of color.<sup>1772</sup> These incidents occur within a broader context of legislative activity in 2024, during which more than 600 bills were introduced across 43 states, aiming to limit or negatively impact the human rights of transgender persons. Of these initiatives, 48 were approved, 482 were dismissed or archived, and 139 remain active or pending legislative procedures.<sup>1773</sup> Studies indicate that such legislative measures disproportionately target and affect transgender children and youth.<sup>1774</sup>

836. In December 2024, the U.S. Supreme Court heard oral arguments in the case *United States v. Skrmetti*, a case that examines whether Tennessee's law prohibiting gender-affirming care—specifically hormone therapies for trans children and adolescents—violates the Equal Protection Clause of the U.S. Constitution.<sup>1775</sup> Notably, the American Psychological Association and other leading mental health organizations have submitted *amicus curiae* briefs supporting the petitioner, highlighting the potential long-term negative mental health consequences of legislation that bans gender-affirming treatments and the

<sup>1766</sup> WIRED, "[Here Are the Secret Locations of ShotSpotter Gunfire Sensors](#)", February 22, 2024; ACLU Winsconsin, "[ShotSpotter Leak Shows that Surveillance Tech is Used to Overpolice Black and Brown Communities](#)", March 6, 2024.

<sup>1767</sup> The Hill, [Sheila Jackson Lee reintroduces George Floyd Justice in Policing Act](#), May 23, 2024.

<sup>1768</sup> U.S. Department of Justice, [FBI Releases 2023 Hate Crime Statistics](#), September 23, 2024.

<sup>1769</sup> Human Rights Watch, [US Supreme Court Allows Racial Discrimination in Electoral Maps](#), May 24, 2024; American Civil Liberties Union, [U.S. Supreme Court Rejects Unanimous Post-Trial Decision and Long-Settled Precedent, Allows South Carolina's Racially Discriminatory Congressional Map to Stand](#), May 23, 2024.

<sup>1770</sup> IACHR [CIDH] [#USA: #IACHR welcomes the revised Title IX policy](#) (...), May 9<sup>th</sup>, 2024.

<sup>1771</sup> CBS News, [Supreme Court maintains block on entirety of Biden administration's new Title IX rule](#), August 17<sup>th</sup>, 2024; The Hill, [Supreme Court refuses DOJ request to partially reinstate new Title IX rule](#), August 16<sup>th</sup>, 2024.

<sup>1772</sup> The Human Rights Campaign, [HRCF's 2024 Epidemic of Violence Report: Fatal Violence Against Transgender and Gender Non-Conforming People Continues, with Black Trans Women Comprising Nearly Half of the Deaths](#), November 19<sup>th</sup>, 2024, HRCF, [The Epidemic of Violence Against the Transgender & Gender-Expansive Community in the U.S.](#), November 2024.

<sup>1773</sup> Trans Legislation Tracker, [2024 anti-trans bills tracker](#). Last visited November 29<sup>th</sup>, 2024; ACLU, [Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024](#). Last visited November 28<sup>th</sup>, 2024.

<sup>1774</sup> Redfield, E., Conron, K. J., & Mallory, C. (2024). The Impact of 2024 Anti-Transgender Legislation on Youth. The Williams Institute, UCLA School of Law; Lee, W. Y., Hobbs, J. N., Hobaica, S., DeChants, J. P., Price, M. N., & Nath, R. (2024). [State-level anti-transgender laws increase past-year suicide attempts among transgender and non-binary young people in the USA](#). Nature Human Behaviour. 2024, <https://doi.org/10.1038/s41562-024-01979-5>; NPR, [More trans teens attempted suicide after states passed anti-trans laws, a study shows](#), September 26, 2024.

<sup>1775</sup> ACLU, [The Supreme Court Case on Trans Health Care, Explained](#), September 5<sup>th</sup>, 2024; The Advocate, [What is U.S. v. Skrmetti, the Supreme Court case that could change gender-affirming care forever?](#), November 22<sup>nd</sup>, 2024.

challenges such laws pose to mental health professionals striving to provide personalized care to their patients.<sup>1776</sup>

837. Regarding **persons deprived of liberty**, the Commission values the judicial decision issued in April that orders the appointment of a special supervisor for the Dublin Federal Correctional Institution, a federal women's prison located in California, known for widespread sexual abuse of female inmates. The judge also appointed several staff members to assist her, who all shall have full access to the prison facilities and its records.<sup>1777</sup> In addition, the IACHR welcomes the procedures conducted by the U.S. Attorney's Office to investigate the sexual abuse of multiple female inmates at that detention center. As of March 2024, at least seven federal prison correctional officers had been sentenced to prison for those crimes committed at the Dublin Federal Correctional Institution.<sup>1778</sup>

838. On the other hand, the constant increase in the number of women deprived of liberty is a matter of concern to the Commission. According to research published in July, the female incarcerated population stands almost seven times higher than in 1980. Even, this rate of growth for female imprisonment has been twice as high as that of men since that year, which might be related to policies and practices that lead to female criminalization and mass incarceration. The research also highlights that between 2000 and 2022, the rate of imprisonment in state and federal prisons declined by 69% for Black and Latina women, while the rate of imprisonment for white women rose by 18%. However, the imprisonment rate for Black women is still higher than the rate of imprisonment for white women and for Latina women.<sup>1779</sup>

839. Additionally, the Commission expresses its concern for the approval of the bills No. 9 and 10 that eliminates discretionary parole which allowed to release people from prisons and, diminishes the possibility reduce the time in prison for good behavior and requires convicted persons to serve at least 85% of their sentence, respectively.<sup>1780</sup>

840. On the matter of **death penalty**, the IACHR continued to monitor its application as the United States is the only country in the Western Hemisphere that executes persons sentenced to this punishment. Particularly, through two statements published in January, the IACHR expressed deep concern on the scheduled execution of Kenneth E. Smith via nitrogen hypoxia in Alabama. In addition, it highlighted its alarm over the first application of this untested method of execution.<sup>1781</sup>

841. Likewise, through a press release publish in November, the Commission condemned the execution of Richard Moore, despite the fact that on July 4, 2023, the IACHR granted precautionary measures in his favor<sup>1782</sup>, and on October 30, 2024, the IACHR had urged the country to refrain from applying the death

<sup>1776</sup> American [Academy of Pediatrics](#), [Brief amici curiae of American Academy of Pediatrics](#), et al. filed, September 3<sup>rd</sup>, 2024.

<sup>1777</sup> Fresno, [Designan a supervisora especial para prisión federal de mujeres de California tras abusos sexuales](#), April 8, 2024; Fox 11, [Special master appointed California federal women's prison after rampant abuse](#), April 6, 2024; and AP News, [Judge appoints special master to oversee California federal women's prison after rampant abuse](#), April 8, 2024.

<sup>1778</sup> U.S Department of Justice, [Seventh Correctional Officer at Federal Facility in Dublin, California, Sentenced to Prison for Sexual Abuse of Female Prisoners](#), March 27, 2024. Also, see: U.S Department of Justice, [Two More Dublin Federal Correctional Officers To Plead Guilty To Sexually Abusing Multiple Female Inmates](#), July 14, 2023; and AP News, [Warden ousted as FBI again searches California federal women's prison plagued by sexual abuse](#), March 11, 2024.

<sup>1779</sup> The Sentencing Project, [Incarcerated Women and Girls](#), July 24, 2024.

<sup>1780</sup> Louisiana State Legislature, Government of Louisiana, 2024 Second Extraordinary Session - [House Bill No. 9](#), and [House Bill No. 10](#), 2024. Also, see: Prison Policy Initiative, [An Act of Regression: Louisiana takes a giant step backward in parole and sentencing reform](#), August 31, 2024.

<sup>1781</sup> See: IACHR expresses deep concern on the scheduled execution of Kenneth E. Smith in #Alabama on #Jan25 via nitrogen hypoxia [X], X, <https://x.com/cidh/status/1748031381190423034?s=43&t=uf3HRk57pcbUZ8Q3BWn5zg>; and IACHR [@CIDH], (January 25, 2024), IACHR reiterates its deep concern on the scheduled execution of Kenneth E. Smith in #Alabama on #Jan25 via nitrogen hypoxia [X], X, <https://x.com/cidh/status/1750604374735278339?s=43&t=uf3HRk57pcbUZ8Q3BWn5zg>.

<sup>1782</sup> IACHR, Press Release No. 281/24 - [IACHR condemns execution of Richard Moore, sentenced to death penalty in United States](#), November 8, 2024.

penalty imposed on him<sup>1783</sup>. According to the *Death Penalty Information Center*, as of December 3, 2024, a total of 23 prisoners have been executed in eight states in the country this year.<sup>1784</sup>

## XXXII. URUGUAY

### • General considerations

842. Uruguay has a solid democratic and human rights institutional framework. In 2024, significant **progress** was achieved in connection with safe migration and asylum, human rights institutions and processes of memory, truth and justice.

843. However, **challenges** to the recognition and protection of the rights of women, LGBTI persons and indigenous communities persist. In addition, the State faces challenges related to incarceration rates, detention conditions and violence against children, adolescents, women and older persons.

844. On October 28 and 29, 2024, the State submitted its response to the Commission's request for information to prepare this chapter.<sup>1785</sup>

### • Specific issues

845. With regard to **democratic institutional**ity, the State took steps to strengthen the solid democratic foundation for which the country is known,<sup>1786</sup> by holding inclusive national elections to vote for the president and congress members, with broad citizen participation.<sup>1787</sup> In this context, matters of great public interest were submitted to public consultation, such as social security and night raids, both rejected through a transparent and participatory process. Furthermore, legislation was passed to impose clear and prorated sanctions on public officials who misuse the power of office.<sup>1788</sup>

846. As for **judicial independence**, during a thematic hearing, the Commission received information concerning certain challenges related to legislative issues, salaries, budgets and appointments that might restrict the autonomy of the Attorney General's Office (FGN). In addition, offensive speech and attacks by political stakeholders were documented, especially in high-profile cases where corruption, crimes against humanity or gender-based violence are being investigated. In this regard, the State explained that the regulatory, institutional and budgetary framework ensures the independence of the FGN and noted that criticism against authorities is framed under a democratic system with independence of powers.<sup>1789</sup>

847. Uruguay also took steps forward in terms of **human rights institutions** with the launch of the first 2023–2027 National Human Rights Plan (PNDH), whose purpose is to consolidate and mainstream this approach into public policies and public administration entities.<sup>1790</sup> In this context, in 2024, the Secretariat of

<sup>1783</sup> IACHR, Press Release No. 269/24 - [IACHR urges the United States to refrain from applying the death penalty on Richard Moore, beneficiary of precautionary measures](#), October 30, 2024.

<sup>1784</sup> Death Penalty Information Center, [Execution List 2024](#), November 1, 2024.

<sup>1785</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024 in response to Note No. 714/2024 requesting information under Article 41 of the American Convention to prepare the 2024 Annual Report, October 28, 2024. In IACHR files. Permanent Mission of Uruguay to the OAS, Note No. 147/2024 in response to Note No. 714/2024 requesting information under Article 41 of the ACHR to prepare the 2024 Annual Report, October 29, 2024. In IACHR files.

<sup>1786</sup> IACHR, [2023 Annual Report, Chapter IV.A. Development of Human Rights in the Region](#), OEA/Ser.L/V/II. Doc. 386, rev. 1, December 31, 2023, para. 804.

<sup>1787</sup> Electoral Court, [October 27 National Election. Vote count results by department](#) and [November 24, 2024. Second Election. Vote count results by department](#), accessed on December 15, 2024.

<sup>1788</sup> Center of Official Information, National Directorate of Official Printing and Publications (IMPO), [Law No. 20,347](#), September 27, 2024; [Law No. 20,358](#), October 2, 2024.

<sup>1789</sup> IACHR, thematic hearing "[Uruguay: Impact on the independence of the Public Prosecutor's Office](#)," 190<sup>th</sup> regular period of sessions, Washington D.C., United States, July 10, 2024.

<sup>1790</sup> Presidency of Uruguay, "[Ejecutivo presentó primer Plan Nacional de Derechos Humanos](#)," December 18, 2023.

Human Rights (SDH) of the Office of the Presidency ran two editions of the course A Human Rights Approach in Public Policies, targeted at public officials.<sup>1791</sup> Moreover, the National Honorary Advisory Commission for the Protection and Restitution of the Right to Birth Identity came into operation with the purpose of promoting spaces for training, knowledge sharing and information generation to ensure an effective response for those who need it.<sup>1792</sup>

848. With respect to processes of **memory, truth and justice**, the State created an area within the National General Archive to collect, organize and preserve documents related to recent events and human rights violations.<sup>1793</sup> The State also identified the remains of two people who had disappeared during the military dictatorship.<sup>1794</sup> With regard to liability for the crimes committed during the dictatorship, a former military member of the Coordinating Agency for Antisubversive Operations was sentenced to prison for torturing detainees at a clandestine center in La Tablada.<sup>1795</sup> Furthermore, three military officials were also convicted for crimes against humanity involving 39 detainees, who had been kidnapped and tortured in a town called Treinta y Tres.<sup>1796</sup>

849. Moreover, a significant challenge that Uruguay faces is the submission of a motion to challenge the jurisdiction of ordinary courts over cases involving crimes against humanity and to transfer jurisdiction over these crimes to the Supreme Court of Justice. This motion has made some progress in court.<sup>1797</sup> If it were admitted, it could have a significant impact and perpetuate impunity in cases of violence during the dictatorship.<sup>1798</sup>

850. In terms of **citizen security**, a slight decrease in certain types of crimes was noted. Based on official records, homicide reports dropped by 30.6 percent, robberies fell by 31.7 percent and domestic violence declined by 1.6 percent in the first half of 2024, compared to the same period in 2023.<sup>1799</sup> In addition, a law was passed to incorporate cybercrimes, as well as aggravating circumstances and specific protections for victims who are in a situation of greater vulnerability, into criminal legislation.<sup>1800</sup> Furthermore, to reinforce and improve police action, guides on best practices were prepared to address sex crimes against children and adolescents,<sup>1801</sup> and to incorporate sexual diversity and gender perspectives.<sup>1802</sup> Training sessions were also delivered to police agents in relation to said guides and on topics such as domestic violence and gender, sexual harassment, human trafficking and exploitation, and perspectives on ethnics and race.<sup>1803</sup>

851. Concerning the progress made in the protection of **children and adolescents**, the State passed the Law on Guarantees for Early Childhood, Childhood and Adolescence to ensure the development, support and comprehensive protection of that sector of the population.<sup>1804</sup> The State also passed a law creating the Uruguay Amber Alert system for the early search of individuals under 18 years of age whose location is

<sup>1791</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024, *op. cit.*, Annex 3, p. 1.

<sup>1792</sup> *Ibid.*; Center of Official Information, IMPO, [Law No. 20.212](#), November 17, 2023; Secretariat of Human Rights, "[Comisión Nacional Honoraria Asesora de Protección y Restitución del Derecho a la Identidad de Origen](#)," February 10, 2024.

<sup>1793</sup> Center of Official Information, IMPO, [Law No. 20.280](#), June 12, 2024.

<sup>1794</sup> *Página 12*, "[Uruguay pudo identificar los restos de otro desaparecido en dictadura](#)," September 25, 2024; *Página 12*, "[Uruguay: identificaron los restos de una desaparecida en dictadura](#)," May 29, 2024.

<sup>1795</sup> *El País*, "[Militar retirado fue condenado con 12 años de prisión por torturas en La Tablada durante la dictadura](#)," August 27, 2024.

<sup>1796</sup> *Resumen Latinoamericano*, "[Uruguay. Tres militares condenados por crímenes de lesa humanidad en la localidad de Treinta y Tres](#)," September 5, 2024.

<sup>1797</sup> *El Observador*, "[Recurso masivo de abogados del Centro Militar suspende más de 100 casos por crímenes de la dictadura](#)," July 30, 2024; *Diario La R*, "[Militares uruguayos buscan anular juicios de lesa humanidad ante la SCJ](#)," July 9, 2024; *Búsqueda*, "[Una 'chicana': fiscal Ricardo Perciballe cuestionó estrategia de militares para suspender audiencia por Plan Cóndor](#)," June 26, 2024.

<sup>1798</sup> The IACHR observes that the State of Uruguay took note of Recommendation No. 125.97 of the Working Group on the Universal Periodic Review, which refers to putting an end to persistent impunity for human rights violations and crimes against humanity during the dictatorship. Human Rights Council, Report of the Working Group, *op. cit.*, p. 4.

<sup>1799</sup> Ministry of the Interior, [Denuncias de delitos seleccionados, por año](#), August 7, 2024, p. 3.

<sup>1800</sup> Center of Official Information, IMPO, [Law No. 20.327](#), September 25, 2024.

<sup>1801</sup> Presidency of Uruguay, "[Interior presentó guía de actuación policial ante casos de violencia contra menores](#)," April 25, 2024.

<sup>1802</sup> Ministry of the Interior, [Guía Enfoque de género y diversidad sexual en el actuar policial](#), September 3, 2024.

<sup>1803</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024, *op. cit.*, Annex 4, pp. 2–4.

<sup>1804</sup> Center of Official Information, IMPO, [Law No. 20.376](#), October 2, 2024.



unknown to their parents or guardians when it might be presumed that such absence results from a criminal or violent act that exposes them to danger; that is, people who are “missing or absent” under the law.<sup>1805</sup> In addition, the Institute of Children and Adolescents (INAU) established new Support Centers for Children and Families (CAIF) and planned to have 30 additional centers in operation by the end of 2024.<sup>1806</sup>

852. Moreover, Uruguay faced several challenges related to sexual violence, including the sexual exploitation of children and adolescents. Between January and October 2024, 64.9 percent of victims in sexual abuse complaints were children and adolescents.<sup>1807</sup> During the same period, complaints for conducts associated with sexual exploitation declined by 27 percent, with girls and female teenagers accounting for 81 percent of the victims.<sup>1808</sup> However, a 40 percent increase was recorded in the number of complaints for online grooming,<sup>1809</sup> and there was a 36 percent rise in the number of complaints for the dissemination of explicit pictures.<sup>1810</sup> In addition, a girl who was under the protection of the INAU was reported dead as a result of the preterm delivery of her baby after having been sexually abused and exploited in a context of unauthorized exits.<sup>1811</sup>

853. With regard to **human trafficking**, the 2023–2028 Third National Plan for the Eradication of Commercial and Noncommercial Sexual Exploitation of Children and Adolescents, which was drafted in mid-2023, is still pending approval.<sup>1812</sup> Conversely, measures were taken to strengthen victim support and improve the identification of cases of human trafficking and sexual exploitation. These measures included better infrastructure and expert training. Furthermore, the Guide on Interinstitutional Action for Situations of Human Trafficking and Exploitation in Uruguay, which lays down specific procedures designed for effective detection and institutional coordination cases of human trafficking and exploitation, was approved.<sup>1813</sup>

854. As for the rights of **women**, the State approved laws that improve labor conditions,<sup>1814</sup> facilitate access to health treatment, such as the HPV test<sup>1815</sup>, and provide hygiene products to people who menstruate.<sup>1816</sup> The State also lifted the prohibition of the Partner-Assisted Reproduction (ROPA) technique

<sup>1805</sup> Pursuant to the law, an *absent* child or adolescent is any person under 18 years of age whose location is unknown to their parents, guardians or persons in charge of them when it can be presumed, at the outset of their absence, that a criminal or violent act that exposes them to danger has taken place. Center of Official Information, IMPO, [Law No. 20,381](#), October 7, 2024.

<sup>1806</sup> Presidency of Uruguay, “[NAU fortalece atención de primera infancia en Rocha mediante incorporación de dos CAIF](#),” July 15, 2024; “[Nuevo CAIF en San Antonio, Canelones, recibe a más de 70 niños](#),” September 27, 2024; “[INAU instaló CAIF para 108 niños en el barrio Conciliación de Montevideo](#),” October 11, 2024; “[CAIF refuerza cobertura en primera infancia en el noroeste de Rocha tras apertura de local](#),” October 18, 2024.

<sup>1807</sup> Ministry of the Interior, [Indicadores de violencia doméstica y de género – 25N 2024](#), November 29, 2024, pp. 42–45.

<sup>1808</sup> Ministry of the Interior, [Indicadores de violencia doméstica y de género – 25N 2024](#), November 29, 2024, pp. 52–54.

<sup>1809</sup> Ministry of the Interior, [Indicadores de violencia doméstica y de género – 25N 2024](#), November 29, 2024, pp. 71–72.

<sup>1810</sup> Ministry of the Interior, [Indicadores de violencia doméstica y de género – 25N 2024](#), November 29, 2024, pp. 62–64.

<sup>1811</sup> *El País*, “[Adolescente de 16 años murió tras dar a luz: Inau investiga 'si existió negligencia' en centro de Rivera](#),” July 10, 2024; *La Diaria*, “[INAU informó de muerte de adolescente de 16 años por mensaje de Whatsapp y abrió expediente dos meses después de que sucedió denuncia](#),” July 11, 2024.

<sup>1812</sup> Human Rights Council, [Visit to Uruguay. Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children](#), A/HRC/55/55/Add.2, January 15, 2024, para. 68; National Institute of Human Rights and Office of the Ombudsperson (INDDHH), “[Declaración por el Día nacional contra la explotación sexual de niños, niñas y adolescentes](#),” July 12, 2024.

<sup>1813</sup> National Council to Prevent and Combat Human Trafficking and Exploitation, “[Comunicado Día Mundial contra la Trata de Personas](#),” July 30, 2024.

<sup>1814</sup> See: Center of Official Information, IMPO, [Law No. 20,374](#), October 2, 2024. See also: Republic of Uruguay, [Informe nacional para la Cuarta Conferencia Mundial sobre la Mujer y la aprobación de la Declaración y Plataforma de Acción de Beijing](#), 2024, p. 11; Center of Official Information, IMPO, [Law No. 20,312](#), August 13, 2024.

<sup>1815</sup> Center of Official Information, IMPO, [Law No. 20,361](#), October 1, 2024.

<sup>1816</sup> Center of Official Information, IMPO, [Law No. 20,375](#), October 2, 2024.

for lesbian couples.<sup>1817</sup> In addition, the State broadened support<sup>1818</sup> and justice<sup>1819</sup> services for victims of violence and achieved a 63 percent implementation rate of the Action Plan for a Life Without Violence.<sup>1820</sup>

855. The figures on gender-based violence are proof of a persistent challenge in the country. Between January and October 2024, complaints for domestic violence and related crimes dropped by 1.3 percent but still exceeded by 5.2 percent those of 2022, and by 10.8 percent those of 2021.<sup>1821</sup> In most cases, the perpetrator was the victim's partner, former partner or someone with whom they had an emotional-sexual relation,<sup>1822</sup> which is also the case for the 60 percent of women homicides committed in situations of domestic and gender-based violence.<sup>1823</sup> In addition, rates of violence against nonheterosexual, migrant and Afro-descendant women are even higher.<sup>1824</sup> In this context, a bill punishing false claims of gender-based violence moved forward in Congress and could undermine the existing protection guarantees if it were approved.<sup>1825</sup>

856. The State took measures to promote the rights of **older persons**. These included training sessions on information technology to improve older persons' chances in the labor market and facilitate their integration into daily activities.<sup>1826</sup> Furthermore, the National Institute of Older Persons (Inmayores) expanded the national coverage of its regulation, strategic action and decentralization divisions.<sup>1827</sup> It also conducted over 400 surveys in Long-Term Care Facilities for Older Persons (ELEPEM) and carried out awareness activities on abuse and ill-treatment of older persons addressed both to ELEPEM personnel and the public at large.<sup>1828</sup>

857. Despite these efforts, 10 older persons died in a fire on July 7, 2024, at an ELEPEM located in the Treinta y Tres department. In this regard, the State reported that the last inspection carried out in that facility in 2024 had been positive in terms of food, accommodation and health, and submitted inspection records between 2020 and 2024 that confirmed optimal sanitary and heating conditions. The fire is still under investigation by the prosecutor's office of Treinta y Tres.<sup>1829</sup> Furthermore, the National Institute of Human Rights and Office of the Ombudsperson (INDDHH) opened their *ex officio* investigation and emphasized the need for stricter supervision and follow-up of ELEPEMs.<sup>1830</sup>

858. With regard to the rights of **Afro-descendants**, the State made progress in the implementation of the National Afro-Descendants Plan and designed actions to fight child poverty among the Afro-descendant population.<sup>1831</sup> The State also submitted the 2025 National Plan for Racial Equality and African Descent and created the Observatory to Follow Up on the Implementation of Affirmative Actions for

<sup>1817</sup> Montevideo Portal, "[MSP habilitó método de reproducción asistida para parejas lesbianas que había prohibido](#)," May 19, 2024; *El País*, "[A 10 años de ley que financia tratamientos de fertilización, MSP autorizó método para que lesbianas sean madres](#)," May 19, 2024.

<sup>1818</sup> Inmujeres, "[Día internacional de eliminación de la violencia hacia las mujeres](#)," November 25, 2024.

<sup>1819</sup> See: Presidency of Uruguay, "[Argimón inauguró juzgados especializados en violencia de género, doméstica y sexual en Rivera](#)," August 16, 2024. See also: Inmujeres, "[Día internacional de eliminación de la violencia hacia las mujeres](#)," November 25, 2024.

<sup>1820</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024, *op. cit.*, Annex 4, pp. 2–4.

<sup>1821</sup> Ministry of the Interior, "[Indicadores de violencia doméstica y de género – 25N 2024](#)," November 29, 2024, p. 6.

<sup>1822</sup> *Ibid*, pp. 8–10.

<sup>1823</sup> *Ibid*, pp. 77–78.

<sup>1824</sup> Ministry of Public Health, "[Día Internacional de la Eliminación de la Violencia Contra la Mujer](#)," November 25, 2024.

<sup>1825</sup> Committee of Experts of the Follow-up Mechanism of the Belém do Pará Convention (OAS-MESECVI), "[Comité de Expertas del MESECVI expresa su preocupación ante propuestas regresivas para modificar la Ley de violencia hacia las mujeres en Uruguay](#)," May 9, 2024.

<sup>1826</sup> Presidency of Uruguay, "[Personas mayores de 45 años podrán capacitarse en tecnologías de la información e inglés](#)," July 24, 2024; Municipality of Montevideo, "[Nuevos cursos de inclusión digital para personas mayores](#)," September 3, 2024.

<sup>1827</sup> Ministry of Social Development, "[Mes de las personas mayores](#)," October 1, 2024.

<sup>1828</sup> Ministry of Social Development, "[Mes de las personas mayores](#)," October 1, 2024.

<sup>1829</sup> Permanent Mission of Uruguay to the OAS, Note No. 145/2024 in response to Note No. 554-24/CIDH/SE/MPCT–Art.41 requesting information under Article 41 of the ACHR about a fire at an institution that provides care for older persons, August 27, 2024. In IACHR files. See also: Ministry of Public Health, [Press Release](#), July 8, 2024.

<sup>1830</sup> INDDHH, "[La INDDHH inicia investigación de oficio por tragedia en Treinta y Tres](#)," July 8, 2024.

<sup>1831</sup> CERD, "[Information received from Uruguay on follow-up to the concluding observations on its combined twenty-fourth to twenty-sixth periodic reports](#)\*," CERD/C/URY/FCO/24-26, September 5, 2024, paras. 8 and 29.

Persons of African Descent.<sup>1832</sup> In addition, a bill is under study to define measures intended to eradicate hate, racism, xenophobia and intolerance in sports.<sup>1833</sup>

859. Moreover, according to a report prepared by the INDDHH, the adoption of the Law on Affirmative Actions for Afro-descendants has proved insufficient.<sup>1834</sup> Other studies have shown that racial discrimination has led to low levels of satisfaction of basic needs and to low territory development rates, and contributed to an increase in the number of Afro-descendants living in irregular conditions compared to other groups.<sup>1835</sup> Furthermore, physical traits such as hair and skin color are associated with the early exclusion of Afro-descendants from the education system, with lower attendance rates and higher dropout rates, as they face discrimination since the first years of school.<sup>1836</sup>

860. In terms of **persons in the context of human mobility**, the country approved a pilot plan for the recognition of *prima facie* refugee status for asylum-seekers from Venezuela, which will give priority to applicants in an at-risk situation or with specific needs, such as families with children, gender-based violence survivors, persons with disabilities, older persons and persons in a situation of economic vulnerability.<sup>1837</sup> The State also created the Ties-Based Residency Program, which allows nearly 20,000 asylum applicants to stay in the country as regular migrants and access rights.<sup>1838</sup> The program upholds the commitments undertaken in the 2023 Global Refugee Forum and reinforces the principles of the 2022 Los Angeles Declaration on Migration and Protection.<sup>1839</sup>

861. Despite these efforts, in a thematic hearing before the Commission, civil society organizations explained that citizenship holders are facing difficulties because this regular migration status prevents them from securing Uruguayan nationality. In addition, the nationality in their passports is not Uruguayan, which prevents them from enjoying their freedom of movement when travelling to other countries and from accessing certain rights within Uruguay. In this regard, the State reaffirmed its commitment to international obligations and highlighted the steps taken to adjust legal frameworks and adopt public policies that guarantee the effective exercise of the rights of all its residents. It also expressed its willingness to keep discussing the right to nationality, as well as legal citizenship issues, and reassured that the State is committed to addressing these concerns.<sup>1840</sup>

862. As for **persons deprived of liberty**, university centers were opened at Units No. 3 and No. 20 of the National Rehabilitation Institute (INR), the latter located in Salto.<sup>1841</sup> Furthermore, some infrastructure improvement works were performed to improve detention conditions for women, which

<sup>1832</sup> Uruguayan Agency of International Cooperation, "[Mides presentó Plan Nacional de Equidad Racial y Afrodescendencia 2025-2030](#)," August 30, 2024.

<sup>1833</sup> Human Rights Council, [Report of the Working Group in the Universal Periodic Review\\*, Uruguay, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#), A/HRC/57/8/Add.1, July 11, 2024, p. 2.

<sup>1834</sup> Working Group of the Ethnic-Racial Unit of the INDDHH, [Ley 19.122. Fijación de disposiciones con el fin de favorecer la participación en las áreas educativa y laboral de los afrodescendientes: La percepción de las personas afrodescendientes en el Uruguay y los desafíos de su aplicación](#), July 2024, pp. 26 and 59.

<sup>1835</sup> INDDHH, [Informe para la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos](#), 2024, p. 14.

<sup>1836</sup> *Ibid.*, p. 12; UNICEF, [Niños y niñas afrodescendientes sufren discriminación racial desde los primeros años escolares](#), July 23, 2024.

<sup>1837</sup> Ministry of Foreign Affairs, "[Gobierno establece procedimiento abreviado para solicitantes de refugio venezolanos](#)," May 29, 2024; IACHR [@CIDH], (May 31, 2024), #Uruguay: #CIDH saluda el anuncio de un procedimiento que simplificaría el trámite de solicitudes de refugio de personas de nacionalidad venezolana [X post], X, <https://x.com/CIDH/status/1796624299308048410>.

<sup>1838</sup> Presidency of Uruguay, Decree No. 138/024, which creates the Tie-Based Residency Program, May 15, 2024; IACHR [@CIDH], (May 17, 2024), #Uruguay: #CIDH celebra la aprobación del decreto que establece el Programa de Residencias por Arraigo [X post], X, <https://x.com/CIDH/status/1791579406097371560>.

<sup>1839</sup> Ministry of the Interior, "[Se creó el Programa de Residencias por Arraigo](#)," May 16, 2024.

<sup>1840</sup> IACHR, thematic hearing "[Uruguay: Right to Nationality and Risk of Statelessness in Legislation](#)," 189<sup>th</sup> regular period of sessions, Washington, D.C., United States, March 1, 2024.

<sup>1841</sup> Presidency of Uruguay, "[Ministerio del Interior inauguró dependencias en Artigas y Salto](#)," January 23, 2024; "[Inauguración de Centro Universitario en Unidad 3 del INR](#)," April 11, 2024.

included new accommodation spaces<sup>1842</sup> and a specific unit for trans women.<sup>1843</sup> To foster crime-related policies, the enforcement of judgments issued by criminal courts and social reinsertion, an interinstitutional working group was created between the INDDHH and the Office of the Parliamentary Commissioner for the Penitentiary System.<sup>1844</sup> Also, a white book on prison reform is under way.<sup>1845</sup> In addition, the country adopted the San José Declaration aimed at institutional strengthening and networking, as well as the Global Action for the Rights of Persons with Disabilities Deprived of Liberty, thus reaffirming its commitment to human rights in the penitentiary system.<sup>1846</sup>

863. Moreover, Uruguay still ranks fifth in the region, and tenth worldwide, in the list of countries with the highest detention rates.<sup>1847</sup> Between April 2023 and April 2024, the number of women detainees rose by 18 percent, whereas the number of male detainees increased by 6 percent. As of April 30, 2024, the penitentiary system had recorded an occupation rate of 121 percent, with an overcrowding rate of 47 percent for women and 19 percent for men.<sup>1848</sup> This situation was worsened by the lack of human, technical and material resources to adequately support the prison population, coupled with restrictions in accommodation, health, food and access to education, work and recreational activities due to insufficient supplies. Also, infectious diseases, such as tuberculosis and skin conditions, persist and pose serious challenges to the living conditions of detainees.<sup>1849</sup>

864. With respect to the rights of **LGBTI persons**, the State released a guide on how to comply with the employment quota for trans persons in public institutions, as required by Law No. 19,684.<sup>1850</sup> Conversely, some political leaders used stigmatizing speech, denying the existence of trans persons and rejecting their gender identity.<sup>1851</sup>

865. Finally, concerning the rights of **indigenous peoples**, Uruguay continued to discuss the conditions to enforce Convention No. 169 of the International Labour Organization (ILO) at the national level, despite the ongoing calls for measures recognizing and bringing visibility to indigenous peoples in Uruguay.<sup>1852</sup>

<sup>1842</sup> Presidency of Uruguay, [“Martinelli: Futuro centro para mujeres privadas de libertad implicará cambio en paradigma de rehabilitación,”](#) October 22, 2024; [“INR generó o recuperó 166 plazas para mujeres en cárceles en cuatro años,”](#) August 14, 2024; [“Centro para personas privadas de libertad incorporó sector femenino en Treinta y Tres,”](#) June 5, 2024; [“Instituto de Rehabilitación avanza en construcciones de plazas para albergar a mujeres privadas de libertad,”](#) June 13, 2024.

<sup>1843</sup> Ministry of the Interior, [“Inician las obras de la nueva Cárcel de Mujeres en Punta de Rieles,”](#) November 22, 2024; *Telenoche*, [“El Ministerio del Interior anunció la construcción de la primera cárcel de mujeres con centro trans,”](#) October 22, 2024.

<sup>1844</sup> Congress of Uruguay, [Documento de la Mesa Interinstitucional para la reforma de la política de ejecución penal y el sistema penitenciario convocada por el Comisionado Parlamentario Penitenciario y la Institución Nacional de Derechos Humanos - Mecanismo Nacional de Prevención de la Tortura](#), July 25, 2024.

<sup>1845</sup> Ministry of the Interior, [Estrategia Nacional de Reforma del Sistema Penitenciario](#), February 21, 2024.

<sup>1846</sup> Committee for the Prevention of Torture (CPT) of Chile, [Declaración de San José para el fortalecimiento institucional y el trabajo en red y Acción global por los derechos de las personas con discapacidad en privación de libertad](#), May 10, 2024.

<sup>1847</sup> See: Congress of Uruguay, [Parliamentary Commissioner for the Penitentiary System – Some figures](#), April 30, 2024; World Prison Brief, [World Prison Brief data – Highest to Lowest – Prison Population Rate](#), 2024.

<sup>1848</sup> Congress of Uruguay, [Parliamentary Commissioner for the Penitentiary System – Some figures](#), April 30, 2024.

<sup>1849</sup> Congress of Uruguay, [Documento de la Mesa Interinstitucional para la reforma de la política de ejecución penal y el sistema penitenciario convocada por el Comisionado Parlamentario Penitenciario y la Institución Nacional de Derechos Humanos - Mecanismo Nacional de Prevención de la Tortura](#), July 25, 2024, pp. 4–5.

<sup>1850</sup> Ministry of Social Development, [“Presentación de guía para la implementación de la cuota laboral para personas Trans en el ámbito público,”](#) September 30, 2024.

<sup>1851</sup> Infobae, [“La brutal declaración de un senador uruguayo contra la homosexualidad,”](#) July 22, 2024.

<sup>1852</sup> Human Rights Council, Report by Working Group, *op. cit.*, p. 2; United Nations, [“Uruguay debe dar mayor visibilidad a los pueblos indígenas,”](#) August 31, 2023; *Ambienta*, [“It is Time for Uruguay to Ratify ILO Convention 169,”](#) August 9, 2024.

## **PARTIAL DISSENTING VOTE OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER IV.A DEVELOPMENT OF HUMAN RIGHTS IN THE REGION - OVERVIEW OF THE HUMAN RIGHTS SITUATION BY COUNTRY**

With the customary respect for my colleagues and in accordance with Article 19.1 of the Rules of Procedure of the Inter-American Commission on Human Rights ("the Commission" or "the IACHR"), I submit a partial dissenting vote on certain points raised by the majority of the plenary of the Commission in Chapter IV. A of the 2024 Annual Report on the Development of Human Rights in the Region, Overview of the Human Rights Situation by Country (the "Report" or the "Annual Report").

I would like to highlight the relevance of this report and the judicious monitoring of the human rights situation in the region. I also salute the important effort made in the collection and systematization of the information included, although I consider that some statements are not properly substantiated. Likewise, as I have made clear on other occasions, given that the report included information on the State of Colombia, and that I am a national of that State, I abstain from participating in discussions and voting on that section.

Next, I will issue my partial dissenting vote in which I will highlight that the report: (i) contains considerations that pose a risk to pregnant persons and disregard integral needs of women; (ii) incorrectly uses the term "forced pregnancy"; (iii) inadequately addresses conscientious objection; (iv) incorrectly uses the concept of gender identity and other issues related to the LGBTI community; (v) omits the rights of parents vis-à-vis sex education; (vi) improperly uses the concept of "sex work". Finally, (vii) I will draw attention to the importance of using appropriate terminology.

### **1. Chapter IV. A contains considerations that pose a risk to pregnant women and ignore the integral needs of women**

Paragraphs 179, 362, 405, 422, 424, 467, 553, 625 and 702 of the Report address various aspects related to the regulation of abortion, including: (i) different regulatory models; (ii) the celebration of its decriminalization; (iii) concern about the "absolute criminalization of abortion"; and (iv) the consideration that its criminalization generates "disproportionate" impacts on women's sexual and reproductive rights.

Next, I will analyze: (i) the non-existence of a right to abortion in international law and the margin of state configuration in the matter; (ii) the deficit of protection for the unborn in the considerations on abortion made in the report; and (iii) the Report's limited approach to reproductive health and contraceptive methods.

#### **1.1. Non-existence of a right to abortion in international law and the margin of state configuration**

As I have indicated on other occasions, there are no binding sources in international law -and especially in the American Convention or other treaties that make up the Inter-American System- that contemplate (i) the so-called right to abortion or (ii) a correlative obligation for the States to provide abortion services. Under this framework, States have a wide margin of configuration - by virtue of the principles of subsidiarity or complementarity and representative democracy - to take measures to protect prenatal life - which is protected by the American Convention<sup>1853</sup> - including, although it is not the only means, the use of criminal law.

In his partially dissenting opinion to the judgment in the case of *Manuela et al. v. El Salvador*, former IACHR Court Judge Eduardo Vio Grossi stated that there is no right to abortion:

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<sup>1853</sup> ACHR. Article 4.



"And in this regard it is indisputable that, (...) there is no inter-American or international legal norm, whether conventional, international custom or general principle of law, that recognizes abortion as a right. There are only resolutions of international bodies, most of which are made up of international officials and not representatives of States, decisions which, in addition to not being binding, are not interpretative of current international law but rather reflect aspirations to change it in the direction they suggest"<sup>1854</sup>.

In the case of *Beatriz v. El Salvador*, the IACHR and the representation of the victims alleged the existence of an alleged "right to abortion". However, it is important to note that the Court, in its judgment, did not recognize such a right<sup>1855</sup>. This reaffirms the inexistence of a binding legal source that establishes it.

However, the margin of configuration derived from this non-existence, together with the convergence of rights in tension, acquires greater amplitude due to the power of the States to define punishable conducts and their consequences. Furthermore, according to the IACHR Court, Article 7(2) of the American Convention automatically refers to domestic legislation with respect to the deprivation of liberty, in application of the principle of reservation of law.<sup>1856</sup>

Likewise, the sections in which these assessments are presented lack sufficient support to clearly substantiate the existence, within the Inter-American System, of a binding criterion that would allow the criminalization of abortion models to be classified as negative. In contrast, the binding conventional parameter is Article 4 of the ACHR, which, as I have pointed out on other occasions, protects the right to life from conception and requires the existence of regulatory frameworks that avoid an absolute deficit of protection for unborn children.

This is especially relevant if one considers that, according to a systematic reading of Articles 31, 76 and 77 of the American Convention, new international obligations in addition to those already established in the ACHR can only arise through consensus-manifested by the States through the signature and ratification of amendments or treaties.

In this sense, I conclude that, given that there is no right to abortion in the ISHR or clear rules on criminalization models, States have a wide margin of configuration in this matter.

Finally, the Report does not present sufficient documentary support to establish a relationship between the criminalization of abortion and the reported threats to women's sexual and reproductive rights. Furthermore, it is not possible to argue, in abstract terms, that the criminalization of abortion imposes a disproportionate burden on women, since: (i) the determination of whether or not a limitation on rights is proportional requires a case-by-case analysis; (ii) this general approach omits the necessary weighing of the rights of women and those of pregnant women; and (iii) it overlooks the fact that the regulatory models that criminalize abortion impact not only women, but also those who participate in these procedures.

## 1.2. Deficit of protection for the unborn in the Report

I emphasize that the references to abortion in the Report ignore the other person whose right to life is also conventionally protected: the unborn person. Thus, the necessary weighting that must exist between the rights in tension of all internationally protected persons is ignored. In this regard, it is emphasized that unborn persons are also subjects of law and holders of the right to life. A pronouncement on abortion always implies a position on a practice that necessarily implies the termination of the life of a dignified human being and that

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<sup>1854</sup> Partially Dissenting Opinion of Judge Eduardo Vio Grossi, Inter-American Court of Human Rights, Case of Manuela et al. v. El Salvador, Judgment of November 2, 2021 (Preliminary Objections, Merits, Reparations and Costs), para. 13.

<sup>1855</sup> I/A Court H.R., Case of Beatriz et al. Case of Beatriz et al. v. El Salvador. Merits, Reparations and Costs. Judgment of November 22, 2024. Series C No. 549.

<sup>1856</sup> IACHR Court. Case of Romero Feris v. Argentina. Merits, Reparations and Costs. Judgment of October 15, 2019. Series C No. 391. para. 77.

Article 4 of the ACHR protects, so it is necessary to expressly recognize the rights of the unborn person as part of the weighing required in any case of abortion.

In this regard, Article 1.2 of the ACHR clearly establishes that, for the purposes of the Convention, a "person" is every human being<sup>1857</sup>. Thus, in light of the Convention, human rights are not only recognized for persons who have already been born, but all individuals must be protected from their conception, understanding them as human beings. Moreover, the IACHR Court itself in its advisory opinion 22 indicated that, without being a matter open to interpretation, the term person is equivalent to the term human being for the purposes of the ACHR.<sup>1858</sup>

In view of this, there is no doubt that the unborn person is a human being<sup>1859</sup>. Even the Universal Declaration on the Human Genome and Human Rights states that "the human genome is the basis of the fundamental unity of all members of the human family and of the recognition of their inherent dignity and diversity. In a symbolic sense, the human genome is the heritage of humanity".<sup>1860</sup>

The consequence of recognizing the unborn as a person as a human being is that he or she becomes a holder of rights. Thus, the ACHR establishes in the articles that develop rights the formula "Every person (...) "<sup>1861</sup>. Likewise, the instruments for the protection of human rights generally recognize the ownership of rights by members of the human species, especially the right to life.<sup>1862</sup>

Furthermore, in the *Artavia Murillo* judgment, the Inter-American Court determined that "the protection of the right to life is not absolute, but gradual and incremental as the development of the fetus progresses". This implies that, without prejudice to the concepts of graduality and incrementality (from which I completely separate myself), the Court has already established that persons in gestation must be protected by the State in their "right to life". In a similar sense, in the judgment of the *Cuscul Pivaral* case<sup>1863</sup>, the IACHR Court applied the ACHR to a person in gestation and also applied Article 19 of the ACHR, thus recognizing the legal status of a child to the person in gestation.

Finally, I emphasize that the preamble of the Convention on the Rights of the Child states that the child needs protection and care both before and after birth<sup>1864</sup>. This implies that, in light of the CRC, the unborn person is a child who requires special care. This was reiterated in the preparatory work for the International Covenant on Civil and Political Rights.<sup>1865</sup>

<sup>1857</sup> ACHR. Art. 1.2 "For the purposes of this Convention, a person is every human being".

<sup>1858</sup> IACHR Court. OC-22/16. Ownership of rights of legal persons in the Inter-American Human Rights System. Advisory Opinion of February 26, 2016. Series A. No. 22. para. 48.

<sup>1859</sup> Kaluger, G., and Kaluger, M., Human Development: The Span of Life, The C.V. Mosby Co., St. Louis, 1974, page 28-29.

<sup>1860</sup> Universal Declaration on the Human Genome and Human Rights. Article 1.

<sup>1861</sup> American Convention on Human Rights. Articles 4, 5, 7, 8, 10, 10, 11, 12, 13, 14, 16, 18, 20, 21, 22, 24 and 25.

<sup>1862</sup> International Covenant on Civil and Political Rights. Preamble, inc. 3; American Convention on Human Rights, inc. 3. Preamble; African Charter on Human Rights. Preamble, inc. 6; Geneva Declaration on the Rights of the Child. Preamble, inc. 1; American Declaration of the International Rights and Duties of Man. Art. 1; Universal Declaration of Human Rights. Preamble, inc. 1; Declaration of the Rights of the Child. Preamble, inc. 2; European Convention on Human Rights. Preamble, inc. 2.

<sup>1863</sup> I/A Court H.R., Case of Cuscul Pivaral v. Guatemala. Case of Cuscul Pivaral v. Guatemala. Judgment of August 23, 2018. "On the other hand, the Court has pointed out that extreme poverty and the lack of adequate medical care for pregnant or post-pregnant women are causes of high maternal mortality and morbidity, so the States must provide adequate health policies that allow to offer assistance with adequately trained personnel for the care of births, policies to prevent maternal mortality through adequate pre-natal and post-partum controls, and legal and administrative instruments in health policies that allow to adequately document cases of maternal mortality. Likewise, the Court has recognized that, by virtue of Article 19 of the Convention, the State must assume a special position of guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child."

<sup>1864</sup> Convention on the Rights of the Child. Preamble.

<sup>1865</sup> "The main reason for providing in paragraph 4 [now Article 6(5)] of the original text that the death penalty should not be applied to pregnant women was to save the innocent life of the unborn child." United Nations. General Assembly. Report of the Third Committee on the Draft International Covenants on Human Rights. A/3764. P. 40.

### 1.3. Limited approach to reproductive health and contraceptive methods

Paragraph 243 of the Report states that:

"In addition, challenges persisted in access to reproductive health goods and services, including high rates of conscientious objection, **limited access to contraceptives and family planning**, stigmatization of women living with HIV and obstetric violence, with a particular impact on the most vulnerable women".

In this regard, I emphasize that it is not enough that the use of contraceptive methods be approved to guarantee women's sexual and reproductive rights, but that these measures must be accompanied by other measures of education and awareness-raising on the use of contraceptive methods in general, information on the specific physical effects they entail and their impact on the right to health. I emphasize that freedom in decision-making is not limited to the opening of options. True freedom comes when sufficient information is provided to make such decisions.

On this matter, the World Health Organization has indicated that the adoption of the contraceptive method will depend on "**the general state of health of the person**", among other criteria<sup>1866</sup>. This is of great relevance, since it shows that **not every method is suitable for every person** and that, in this context, the provision of such methods may represent a health risk in specific cases. Thus, it is essential that people receive adequate guidance on existing contraceptive methods so that they can make an informed choice of the most appropriate option for them.

Only with proper guidance can it be guaranteed that persons who use contraceptive methods give their informed consent, an essential guarantee that derives from the conventional text<sup>1867</sup>. With regard to informed consent, the Inter-American Court of Human Rights has stated that:

"The concept of informed consent consists of a prior decision to accept or submit to a medical act in a broad sense, obtained freely, i.e. without threats or coercion, inducement or improper inducements, expressed after **obtaining adequate, complete, reliable, understandable and accessible information, provided that this information has been truly understood, which will allow the full consent of the individual**. Informed consent is the positive decision to undergo a medical act, derived from a process of prior, free and **informed** decision or choice, which constitutes a bidirectional mechanism of interaction in the doctor-patient relationship".<sup>1868</sup>

In relation to this, in the case of *I.V. v. Bolivia*, the Court reproached that the victim never had the possibility of knowing and weighing different alternatives of contraceptive methods<sup>1869</sup>. In this case, the IACHR emphasized the importance of people having the necessary information to make an informed decision. In this context, the Court highlighted the relevance of addressing the effects or impacts of the method for free choice.<sup>1870</sup>

Thus, the autonomy of individuals in the choice of contraceptive methods can only be guaranteed when they have the capacity to consent to their use or non-use with the necessary information.

<sup>1866</sup>Family planning. Contraceptive methods. <https://www.who.int/es/news-room/fact-sheets/detail/family-planning-contraception>.

<sup>1867</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

<sup>1868</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

<sup>1869</sup> Ibidem.

<sup>1870</sup> IACHR Court. Case of *I.V. v. Bolivia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2016. Series C No. 329.

## 2. Incorrect use of the term "forced pregnancy"

Paragraph 467 of the Report states the following:

"In addition, it warns of the disproportionate impact of the criminalization of abortion, such as exposure to criminal proceedings **and forced pregnancies**, the impediments to access therapeutic abortion services - the only one permitted under the current legal framework - even in cases of pregnancies of girls under 14 years of age considered high risk due to their nature, and the acts of public ridicule to which women are subjected when detained and accused of having an abortion" (Bolding outside the original text).

As I have pointed out in other dissenting opinions, the use of this term in the report is incorrect. Thus, in the first place, this term refers to an international crime regulated by international criminal law, without this being the context of the analysis carried out by the Commission. Secondly, even if this were the concept to which the Report would like to refer, the elements for the configuration of the crime are not met either.

Thus, the Rome Statute - by considering it a crime against humanity and a war crime - has defined it as "the unlawful confinement of a woman who has been forcibly impregnated"<sup>1871</sup>. Under this framework, in the development of the elements of the crimes, it has been identified that this conduct takes place when (i) "the perpetrator has confined one or more women who have become pregnant by force"<sup>1872</sup> and (ii) with the intent to modify the ethnic composition of a population or to commit another serious violation of international law<sup>1873</sup>. Therefore, the intent plays a determining role for the purposes of its concreteness. Hence, it is wrong (i) to associate a pregnancy resulting from rape - without ignoring its intrinsic gravity - with a forced pregnancy - the latter conduct does not necessarily always occur in these scenarios - or (ii) to equate - as paragraph 373 does - an unwanted pregnancy with a forced pregnancy.

Finally, I stress the importance of not interpreting the concept of forced maternity, or even forced pregnancy, in the sense of classifying as such any policy of prohibition of abortion. As I have stated on several occasions, there is no right to abortion, there is no obligation of the State to provide it and, on the contrary, the State does have the duty to protect the right to life from conception.

## 3. Inadequate approach to conscientious objection

Paragraph 179 of the Report states the following:

"179. On the other hand, the STF suspended the validity of the resolution of the Federal Council of Medicine in Brazil that prohibited the performance of legal abortions after 22 weeks of gestation. **However, there continued to be obstacles to access to legal abortion**, such as inadequate or delayed provision of health services, the demand for requirements that are not in the law, denial of service in cases permitted by law, misinformation, **conscientious objection of medical personnel** and the lack of these health services outside the state capitals. In addition, several bills have been introduced that seek to impose greater restrictions on access to sexual and reproductive health care. This in a context of high maternal mortality figures in the country, which reported 43,196 cases between January and August 2024, most of the victims being Afro-descendant women" (Bolted outside the original text).

Likewise, paragraphs 242, 243, and 405 establish conscientious objection as an impediment or challenge to access to abortion services. In turn, in paragraph 207, reference is made to the possibility of public officials to refrain from conducting training on LGTBI issues, in exercise of conscientious objection.

<sup>1871</sup>ICC. Elements of Crimes. Article 7(1)(g) -4; Article 8(2)(b)(xxii) -4.

<sup>1872</sup>Ibidem.

<sup>1873</sup>Ibidem.

In this regard, I reiterate that the exercise of the right to freedom of conscience<sup>1874</sup> through the right to conscientious objection cannot be considered as an obstacle, impediment or challenge to other rights, such as the right to health, when access to abortion services has been granted domestically. This view is particularly dangerous and **troubling coming from an international human rights such as the IACHR** as it does not align with the intention of the OAS Assembly to seek to ensure that Member States fulfill their primary responsibility to respect, guarantee and protect all human rights, "including the right to freedom of conscience and religion or belief for all"<sup>1875</sup>

In fact, I note that far from constituting an obstacle, the exercise of conscientious objection constitutes a vehicle for the protection of various rights, such as: the right to freedom of conscience and religion, the right to honor and dignity, and the right not to be subjected to forced labor. Even the IACHR itself has recognized that conscientious objection arises as a guarantee of these rights<sup>1876</sup>. This position, in fact, has been upheld by the Human Rights Committee, which has found in conscientious objection a concretization or materialization of the right to freedom of conscience.<sup>1877</sup>

Now, it is clear that conscientious objection, like any right, can of course come into tension with other fundamental guarantees. While it is true that the exercise of freedom of conscience can be subject to limitations, it is also true that since it is a human right, its exercise cannot be stigmatized in a generalized manner, much less when it is being exercised in the context of abortion, where decisions on the limitation must be made on a case-by-case basis and in compliance with the requirements widely developed by the ISHR, making an adequate weighing between freedom of conscience and other rights such as the right to life.<sup>1878</sup>

At this point, I would like to clarify that this does not mean that there should be a weighing exercise between abortion and conscientious objection, given the non-existence of a right to abortion in the IAHRS. In such a case, the weighing analysis should be based on rights such as the right to health.

In any case, an interpretation that seeks to annul conscientious objection in a generic manner in specific contexts and without taking into account the particularities of the cases would: (i) imply leaving conscientious objection without content in specific contexts and without taking into account the particularities of the cases; (i) would mean leaving freedom of conscience and religion without content; (ii) would imply consolidating a hierarchical vision of rights - far removed from the foundations of international human rights law; (iii) would completely depart from the logic of weighing rights and (iv) would represent, consequently, a very serious attack on one of the most important guarantees of the internal jurisdiction of every person.

#### 4. On gender identity and other issues related to the LGBTI community

In paragraphs 64, 220, 247, 370, 422, 629, reference is made to: (i) the right to gender identity; (ii) the adaptation of identification documents to gender identity; (iii) the right to marriage for same-sex couples; (iv) the right to adoption; and (v) the prohibition of state funding for hormonal treatments for trans children and treatments aimed at modifying gender identity.

In this regard, I will now refer to: (i) the non-existence of the obligation to guarantee the rectification of the sex marker in identity documents for persons who identify themselves as transgender; (ii) the vision incorporated by the ACHR on marriage and the margin of configuration in matters of adoption; and (iii) the need for more information and academic and scientific rigor regarding gender affirmation therapies and hormone treatments.

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<sup>1874</sup> ACHR. Article 12.

<sup>1875</sup> OAS. General Assembly. Resolution 2991 of October 7, 2022.

<sup>1876</sup> IACHR. Sahli Vera v. Chile, Alfredo Díaz Bustos v. Bolivia and Xavier Alejandro León Vega.

<sup>1877</sup> Human Rights Committee. General Comment No. 22.

<sup>1878</sup> IACHR Court. Jurisprudence Booklet No. 26: Restriction and suspension of human rights.



#### 4.1. No obligation to guarantee the rectification of the sex marker on identity documents for persons who identify as transgender.

Regarding the so-called "right to gender identity" and the adaptation of identification documents to gender identity, I reiterate that the American Convention does not expressly contemplate a right to gender identity, nor is there a binding instrument in the Inter-American system that establishes an obligation to adapt identification documents to gender identity.

As I have indicated, recognizing new rights that are not in the Convention through an interpretation that does not follow the procedures established in the Convention itself would undermine Articles 31, 76 and 77, ignoring the original will of the States that ratified the Convention.

Therefore, any pronouncement in which one of the organs of the ISHR applies a right that is not established in the binding instruments of international law that govern its activity will be an act that will violate the literal meaning of the American Convention and will exceed the scope of the competences of the IACHR or the Court, as the case may be. Such an irregular constitutive act would also undermine the principles of good faith and *pacta sunt servanda*.<sup>1879</sup>

By virtue of the above, given that there is no conventional right to gender identity in the ISHR, it is possible to affirm that there are no correlative obligations of recognition of this right on the part of the States either. On the other hand, although I am not unaware that OC-24/17 affirmed the existence of the so-called "right to gender identity" and an alleged obligation to adapt identification documents to the self-perceived gender identity in the terms indicated in this Chapter, I emphasize that the Advisory Opinions of the IACHR Court do not have the capacity to contemplate rights or obligations other than those expressly contemplated by the American Convention.<sup>1880</sup>

In this regard, in the first place, Article 68 of the Convention expressly states that the States are obliged to comply with the decisions rendered by the Court "in any case to which they are parties". This provision is of great relevance in that (i) it is the only one that refers to the legal value of the Court's pronouncements and (ii) it expressly limits the binding nature to the States parties to a case, thus limiting the addressee of the obligations -the State party to a case- and the context in which the pronouncement is issued -that is, the contentious one-. This position has also been sustained by some sectors of the doctrine, also based on the principle of consent of the States as the basis of conventional law.<sup>1881</sup>

Secondly, specifically regarding OC-24/17, it is appropriate to take into consideration Article 64 of the ACHR, which circumscribes the competence of the Court to issue advisory opinions regarding the Convention or treaties of the Inter-American System. Thus, given that OC-24/17 establishes alleged rights not contemplated in the ACHR, nor in any other treaty of the IAHRs, its binding nature is even more questionable.

Thirdly, to derive obligations or so-called rights not contemplated in the Convention, based exclusively on an advisory opinion, would be contrary to the principle of *pacta sunt servanda* that governs international treaty law, by virtue of which States are only bound to comply with that to which they have expressed their consent.<sup>1882</sup>

<sup>1879</sup> Vienna Convention on the Law of Treaties. Article 26.

<sup>1880</sup> IACHR Court. Gender identity, and equality and non-discrimination of same-sex couples. State obligations in relation to the change of name, gender identity, and rights derived from a bond between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24.

<sup>1881</sup> Systematization of the criticisms in: González Domínguez, P. (2017). The doctrine of conventionality control in light of the principle of subsidiarity. Estudios constitucionales, 15(1), 55-98.

<sup>1882</sup> Vienna Convention on the Law of Treaties.

Fourth, although the Inter-American Court has affirmed that advisory opinions are parameters of conventionality control<sup>1883</sup>, I emphasize that an open and transparent inter-American dialogue is still necessary to further discuss this position, which is not expressly derived from the American Convention, nor from any other international instrument binding on the States. I call attention to the fact that there is still no consensus on the matter, neither in the States of the region nor in the academy; hence, important constitutional courts still refrain from invoking the figure of conventionality control and from incorporating advisory opinions as a parameter.<sup>1884</sup>

Finally, I note that some authors have indicated that the extension of the effects of advisory opinions could contribute to distort the functioning of the Inter-American System and, thus, weaken it, since (i) it results in equating decisions issued in the advisory function of the Court with the text of the convention itself<sup>1885</sup>, and (ii) it blurs the differences between the jurisdictional and advisory functions of the Court. Some have even indicated that these interpretations of the Court generate legal uncertainty, since there is no certainty as to the effects with which the advisory opinions are issued.<sup>1886</sup>

On the contrary, as I have stated in previous reasoned votes, gender identity, understood under the criterion of *self-determination* or *self-perception*, poses serious risks to the rights of persons, in general, and, in particular, to population groups with special inter-American protection, such as women. Insisting that States change even the sex markers on identity documents increases these risks, since it completely dilutes the differentiation of the sexes and truncates the application of affirmative measures for women.

The Commission must deliberate deeply on this matter, from a human rights perspective and with a differential approach, in order not to harm or frustrate affirmative measures in favor of women or other population groups with special inter-American protection.

If it is enough for a person to state that she *perceives herself* as a woman for the State to automatically recognize her as such, without any additional regulation or reasonable requirement, affirmative measures in favor of women will most likely lose their effectiveness, and the States will end up erasing the very identity of women and of any other population group.

On this, the then H. Justice Elizabeth Odio Benito was clear, explaining that:

"[...] the central subject of feminism (and, in this case, of the violence exercised against women because they are women) is women and the specific oppression they suffer, its origin and impact. If we confuse the feminist struggle and replace the subject of feminism, if the subject of feminism ceases to be the biological woman to be a strange and confusing variable subjective identities, we must consider and put on the table the more than foreseeable negative impact it would have on decades of struggle and feminist theory. And not only feminism would disappear, but also the theory of human rights, which is also based not on feelings or self-perceptions, but on objective and scientific categories. Thus, one might ask: if sex, a material and scientific category, disappears, absorbed by "gender identity", an individual subjective perception, what would gender violence be based on? And what would female sex be reduced to? How would rape and other crimes of sexual violence against women be documented? How would the violence suffered by trans people be documented if the change of sex is something confidential that cannot be documented? And the wage differentials? And the

<sup>1883</sup> IACHR Court. Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of August 19, 2014. Series A No. 21. para. 31.

<sup>1884</sup> Ramírez, F. G. (2023). A critical look at conventionality control. *Revista de Derecho y Ciencias Sociales*, (28), 101-142; Palacios, D. L. (2017). Inter-American conventionality control in national venue: a notion still under construction. *Revista Direito e Práxis*, 8, 1389-1418.

<sup>1885</sup> Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Derecho y sociedad*, 5 (1), pp. 83-116.

<sup>1886</sup> Colombo, I. (2022). A critical analysis of the doctrine of conventionality control. *Omnia. Derecho y sociedad*, 5 (1), pp. 83-116.

discrimination in access to education at all levels, formal and informal? There are many more questions. But these few are enough to show the chaos and the regression we are facing".<sup>1887</sup>

I take advantage of the considerations of then Judge Elizabeth Odio Benito to insist on the defense of the value that exists in being biologically female or male, which is not equivalent to *reducing* the identity of a person only to his or her biological sex.

Therefore, if international human rights law erases biological sex and measures with a differential approach based precisely on the criterion of biological sex, it would deprive the protection of population groups such as women of any rational basis. If the majority position continues to promote absolute legal recognition of *self-perceived* or *self-determined* gender identity, it will hinder - if not annul - the effectiveness of countless special protection measures.

#### 4.2. Same-sex couples: disregard of the vision incorporated by the ACHR on marriage and margin of configuration in adoption matters

Regarding the "right to marriage of same-sex couples" and the "right to adoption" mentioned in the report, first of all, I reiterate that there is no treaty provision that obliges States to recognize same-sex marriages. As I have mentioned on several occasions, the treaties that are part of the Inter-American Human Rights System and grant competence to the Inter-American Commission to address contentious cases do not contemplate any obligation with respect to the recognition of marriage between same-sex couples. This absence of obligation derives from the literal wording of the American Convention, which clearly establishes that marriage is a right reserved for "man and woman:"

**"The right of men and women** to marry and to found a family if they are of age and meet the conditions required by domestic law, insofar as these do not affect the principle of non-discrimination established in this Convention, is recognized."<sup>1888</sup> (Boldface outside of original text).

Therefore, in accordance with the hermeneutic principle that calls for a literal and good faith interpretation<sup>1889</sup>, the State is only obliged to recognize the right to marriage for the couples specifically mentioned in Article 17(2) of the American Convention.

It is essential to underline that, according to the jurisprudence of the International Court of Justice, the good faith interpretation of a treaty should not result in changes in the literal meaning of the treaties or in inferring what is not expressly contained in the text. This approach implies that the interpreter must assume that the parties intended what follows from the ordinary meaning of the terms used in the international agreement<sup>1890</sup>. The text-centered approach to treaty interpretation is not only accepted in the field of international law, but is also highly recommended, since it is based on the only empirically verifiable evidence of the intentions of States: the text of the treaty itself.<sup>1891</sup>

Following these rules of interpretation, the European Court of Human Rights has considered the conception of marriage as that between a man and a woman - as established in the European Convention on Human Rights, in a provision similar to that of the ACHR-<sup>1892</sup> In this sense, the European Court supports the idea that there is

<sup>1887</sup> IACHR Court. Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 422. Partially dissenting vote of Judge Elizabeth Odio Benito. Para. 15.

<sup>1888</sup> American Convention on Human Rights. Article 17.1.

<sup>1889</sup> Vienna Convention on the Law of Treaties. Article 31.

<sup>1890</sup> International Court of Justice. Case concerning rights of nationals of the United States of America in Morocco. France v. United States of America. ICJ Reports 1952, pp. 196-199. International Court of Justice. Interpretation of peace treaties with Bulgaria, Hungary, and Romania (Second Phase). ICJ Reports 1950, pp.229-230.

<sup>1891</sup> International Court of Justice. Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia), Preliminary Objections, Judgment, I.C.J. Reports 2016, p. 116-123, paras. 34-38, 46. Although the International Court of Justice did not rely exclusively on the literal criterion of interpretation, this was one of the first criteria taken into account by that Tribunal to dismiss the interpretation of the Colombian party.

<sup>1892</sup> European Convention on Human Rights. Article 12: "Men and women of marriageable age have the right to marry and to found a family in accordance with the national laws governing the exercise of this right".

no binding obligation for States to recognize marriage between same-sex couples, which leaves a wide margin of State configuration for the regulation of this matter.<sup>1893</sup> Likewise, in terms of the European Court of Human Rights:

"The Court reiterates that, according to Article 14 in conjunction with Article 8, States are free to restrict marriage only to opposite-sex couples and have a certain margin of configuration to decide the exact nature of the legal status granted by other means of legal recognition."<sup>1894</sup>

On this point, it is worth noting that this same approach is upheld by the European Court in the cases *Orlandi v. Italy*<sup>1895</sup> and *Fedotova and others v. Russia*.<sup>1896</sup> Indeed, in both cases, the European Court held that, although States must provide mechanisms for the protection of same-sex unions, this protection does not necessarily derive from the recognition of same-sex marriages.

Within this framework, I fully agree that the margin available to States in this regard concerns both the form of recognition and the content of the protection to be granted to same-sex couples, **which, of course, cannot translate into an absolute absence of protection for same-sex couples.**

Finally, I would like to point out that there is no international instrument that establishes obligations of recognition regarding adoption for same-sex couples, so that the States have a wide margin of configuration in this matter. However, I emphasize, as I have done on other occasions, that any decision in this regard must be based on the principle of the best interests of the child or adolescent, always guaranteeing his or her well-being and integral development.<sup>1897</sup>

#### 4.3. The need for more information and academic and scientific rigor regarding gender affirming therapies and hormonal treatments.

Finally, regarding the prohibition of state funding for hormone treatments for trans children and treatments aimed at modifying gender identity, I reiterate that there is a need for the Commission to deepen these discussions with scientific arguments in order to address them comprehensively. In particular, there are studies that indicate the damage that can be caused by having undergone hormone treatments during adolescence.<sup>1898</sup>

Moreover, in the case of children and young people, it is essential that their capacity to consent to hormone treatments be taken into account and assessed. Indeed, it is necessary to have an in-depth discussion on the negative effects linked to these treatments and to harmonize this information with the statements made by the Commission.

<sup>1893</sup> ECTHR. *Oliari et al. v. Italy*. 21 July 2015. Para. 193.

<sup>1894</sup> ECTHR. *Chapin and Charpentier v France*. 09 September 2016. Para.48.

<sup>1895</sup> ECHR. *Orlandi v Italy*. "The Court reiterates that States are still free, under Article 12 of the Convention as well as under Article 14 taken in conjunction with Article 8, to restrict access to marriage to different sex. The same holds for Article 14 taken in conjunction with Article 12 (see *Oliari and Others*, cited above, § 193)." (Translation: The Court reiterates that **States remain free** under Article 12 of the Convention, as well as Article 14 in conjunction with Article 8, **to restrict access to marriage to different sex couples**. The same applies to Article 14 in conjunction with Article 12). Para. 192.

<sup>1896</sup> In this case, the Court analyzed -only- the possible violation of Article 8 of the ECHR, which refers to the right of individuals not to be subjected to arbitrary interference by the State in their private life. In the case of same-sex couples, the Court established that the lack of a legal framework that allows same-sex couples to have their relationship recognized and protected under national law may generate significant obstacles in the daily life of these couples. Without prejudice to the foregoing, it established that the State may enjoy a margin of appreciation to determine the form of registration of same-sex unions, which implies that this registration should not necessarily be through the figure of marriage.

<sup>1897</sup> The Convention on the Rights of the Child (1989) enshrines in Article 3.2 that "States undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians or other persons legally responsible for him or her".

<sup>1898</sup> "Trust the Experts' Is Not Enough: U.S. Medical Groups Get the Science Wrong on Pediatric 'Gender Affirming' Care. <https://media4.manhattan-institute.org/sites/default/files/how-to-respond-to-medical-authorities-claiming-gender-affirming-care-safe.pdf>.

Indeed, scholars argue that there are long-term studies that show - in individuals who have undergone gender affirming or hormonal treatments - an increase in morbidity and mortality and a risk of suicide after transition.<sup>1899</sup>

These elements cannot be ignored by the Commission; especially when this body has the mandate to promote and defend human rights in the region, including the right to health.

## 5. On the failure to consider the rights of parents with regard to sex education

Paragraph 422 of the Report states the following:

"In this context, it is of concern that the directive of the Ministry of Education that banned the misnamed "gender ideology" in educational institutions, without explaining its scope, restricting access to comprehensive sex education, which hinders the implementation of the National Intersectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents (ENIPENA)."

On the other hand, in paragraphs 138, 257, 276, 311, 450, and 505, reference was made to restrictions on access to comprehensive sex education, among others, when such education refers to matters related to gender or sexual diversity.

First, I consider that with these considerations the IACHR ignored the duty to protect the best interests of children and adolescents and to avoid hypersexualization. As I have mentioned previously, hypersexualization represents a risk that disproportionately affects the population of children. This has been recognized by the Committee on the Rights of the Child in General Comment 20, stating that "[t]he digital environment may also expose adolescents to risks, including (...) **hypersexualization**."<sup>1900</sup> This has been reiterated by the Committee in several reports, in which it has stated that hypersexualization is a problem that must be addressed by States, since it puts the rights of children and adolescents at risk.<sup>1901</sup>

It is reiterated that sex education, therefore, should be a means to prevent the hypersexualization of children and adolescents<sup>1902</sup> and not a mechanism to promote it. Consistent with this, the ECtHR has established that for sex education to be in accordance with the Convention, it must aim to provide children with **correct, accurate, objective and scientific knowledge on the subject, presented in an age-appropriate manner**.<sup>1903</sup>

Complaints have been filed all over the world about the hypersexualization of educational materials; this calls for very strict regulation by the States and vigilance and research in these matters.<sup>1904</sup> In the United States, multiple bills have been introduced to establish the right of parents to know the education their children

<sup>1899</sup> Levine, S.B., Abbruzzese, E. Current Concerns About Gender-Affirming Therapy in Adolescents. *Curr Sex Health Rep* **15**, 113-123 (2023). <https://doi-org.ez.unisabana.edu.co/10.1007/s11930-023-00358-x>.

<sup>1900</sup> General Comment No. 20 (2016) on the realization of children's rights during adolescence.

<sup>1901</sup> Consideration of the reports submitted by States parties under article 44 of the Convention. Fifth periodic reports of States parties due in 2012; Committee on the Rights of the Child. Combined fifth and sixth periodic reports submitted by the Plurinational State of Bolivia under article 44 of the Convention, due in 2015.

<sup>1902</sup> University of La Sabana. The hypersexualization of childhood. . <https://www.unisabana.edu.co/portaldenoticias/al-dia/la-hipersexualizacion-de-la-infancia/>.

<sup>1903</sup> ECtHR. Case Macatė v. Lithuania.

<sup>1904</sup> See: Quadatrin Mexico. Imposing gender ideology and hypersexualization in books: associations. 2023. <https://mexico.quadratrin.com.mx/imponen-ideologia-de-genero-e-hipersexualizacion-en-libros-asociaciones/>; Debate. New SEP textbooks teach about inclusion, and pleasures of the body?. 2023. <https://www.debate.com.mx/cultura/Nuevos-libros-de-texto-de-la-SEP-ensenan-sobre-inclusion-y-placeres-del-cuerpo-20230802-0073.html>; Infobae. Inappropriate content in SEP books: parents exhibit pages that "promote hypersexualization". 2023. <https://www.infobae.com/mexico/2023/08/29/contenido-inapropiado-en-libros-de-la-sep-papas-exhiben-paginas-que-promueven-la-hipersexualizacion/>; Texas Values. Austin ISD Sex-Ed Curriculum, <https://txvalues.org/wp-content/uploads/2014/04/AISD-Sex-Ed-Curriculum-Presentation-final.pdf>; Foxnews. Transgender lesson gets New York 7th-grade teacher suspended. 2023.



receive in matters such as gender identity.<sup>1905</sup> Also, multiple states have banned educational materials that include references contrary to the best interests of the child.<sup>1906</sup>

Finally, there was no adequate balance between the rights and subjects involved in the discussion regarding comprehensive sexual education, in particular, the right of parents to choose the education of their children, which is especially relevant in these discussions since, according to Article 12.4 of the ACHR, "[p]arents, and where appropriate guardians, have the right to ensure that their children or wards **receive a religious and moral education in accordance with their own convictions**". As mentioned above, this same guarantee has been provided for in the International Covenant on Civil and Political Rights<sup>1907</sup>, the International Covenant on Economic, Social and Cultural Rights<sup>1908</sup>, the Convention on the Rights of the Child<sup>1909</sup> and the Additional Protocol to the European Convention on Human Rights<sup>1910</sup>. According to the ECtHR, the **right of parents to choose their children's education, including sex education**, is an aspect of the right to respect for private and family life protected by the ECHR.<sup>1911</sup>

In this regard, I reiterate that there is a consensus on the existence and recognition of this right of parents. The Inter-American Commission has understood that the right of parents to choose the education of their children (i) must be interpreted in conjunction with the rights of children and adolescents, especially the right to education<sup>1912</sup> and (ii) must respect the provisions of the Inter-American instruments that establish that education must be oriented to train children to respect human rights, public freedoms and tolerance<sup>1913</sup>.

Of course I agree with these criteria, however, it cannot be omitted that: (i) all types of education must be respectful of the best interests of children as a guiding principle, and (ii) the right of parents to choose the education of their children is derived from the right to education of children itself; therefore, there is a false dilemma in considering that both rights are incompatible.

Thus, the ECtHR, in its interpretation of Article 2 of Protocol No. 1, has stated that,<sup>1914</sup> it is on the fundamental right to education that the right of parents to respect for their philosophical and religious convictions is based. According to the European Court of Human Rights, although the ownership of this right rests with the parents, it also rests with the children, who have the right to education and teaching.<sup>1915</sup>

Undoubtedly, this right has an impact on the sexual education of children and adolescents since sexual education, like any other type of education, must be framed within the scope of protection of conventional law, recognized by international human rights law, which grants parents the right to choose the education of their children, in accordance with Article 12.4 of the Convention. However, the Commission did not take this right into account when criticizing the State's actions.

Finally, it should be noted that the term "gender ideology" is not incorrect, but has been a concept that has been widely studied and defined in the doctrine. Therefore, it is problematic to silence or stigmatize those who use this term.

<sup>1905</sup> See: <https://www.future-ed.org/legislative-tracker-2023-parent-rights-bills-in-the-states/>.

<sup>1906</sup> See: <https://www.kmuw.org/education/2023-12-18/kansas-school-district-restricts-books-that-mention-nudity-sexual-orientation-or-gender-identity>; <https://www.cbsnews.com/news/florida-public-schools-ban-teach-gender-identity-sexuality/>;

<sup>1907</sup> Article 18.4.

<sup>1908</sup> Article 13.3.

<sup>1909</sup> Article 14.2.

<sup>1910</sup> Article 2

<sup>1911</sup> ECtHR, Kjeldsen, Busk Madsen and Pedersen, para. 53; Dojan et al, cited above, paras. 78-83.

<sup>1912</sup> Freedom of Religion and Belief Study - Inter-American Standards.

<sup>1913</sup> Freedom of Religion and Belief Study - Inter-American Standards.

<sup>1914</sup> The general principles enunciated by the ECtHR are mainly derived from the judgments Kjeldsen, Busk Madsen and Pedersen v. Denmark (ECtHR 1976/5); Campbell and Cosans v. United Kingdom (ECtHR 1982/1); Valsamis v. Greece (ECtHR 1996, 70) and Folgero et al. v. Norway (ECtHR 2007/53).

<sup>1915</sup> Case of Kjeldsen, Busk Madsen and Pedersen v. Denmark (ECHR 1976/5 of 7 December, nr. 52).

## 6. Misuse of the concept of "sex work"

Paragraphs 497, 504, 686, and 714 refer to the expressions "sex workers" and "sex work". In this regard, I disagree with the use of these expressions to refer to prostitution and the women who are subjected to this practice. As mentioned by the Special Rapporteur on violence against women and girls, its causes and consequences, in her May 2024 report on prostitution, these terms "erroneously describe prostitution as an activity as dignified as any other work. It fails to take into account the gross human rights violations that characterize the prostitution system and involves psychological manipulation of the victims and their experiences."<sup>1916</sup> Instead of "sex workers" I suggest that, in line with the report referenced at the bottom of the page, the term prostituted persons, women or girls be used as a recognition of the magnitude of the harm experienced by women and girls subjected to prostitution.

However, I emphasize the importance that the measures taken to protect prostituted persons must respect differential approaches in relation to biological women and persons identified as "trans women", because the experiences, risks, degree of vulnerability and health needs that each group experiences are different, depending on their biological differences and the conditions that influenced them to be prostituted.

As I have done previously and because it is relevant to the present analysis, I share the position held in the dissenting vote in the *Vicky Hernández* case by former Judge Elizabeth Odio Benito, who considered that mistakenly mixing specific regimes for the protection of groups in situations of vulnerability entails the risk of making invisible the particular struggles of each one and diluting the concrete forms of violence, so that they are not properly analyzed and counteracted.<sup>1917</sup> The former Judge considered that confusing the biological category of "woman" and replacing it with "gender identity" contributes to reducing decades of struggle to achieve equality between the female and male sexes, and women themselves, to a strange and confusing variable of subjective identities.<sup>1918</sup>

I agree with former Judge Odio Benito, in turn, that the situations of violence and discrimination suffered by people who identify as transgender are not the same as those suffered by people who are biologically female. Therefore, protection systems must apply the instruments and specific standards of protection in a differential and appropriate manner for each vulnerable group.

## 7. On the use of appropriate terminology

In paragraph 412 of the Report, it was indicated:

"412. During 2024, the IACHR continued to receive information on **human rights violations** related to citizen security operations against persons allegedly linked to gangs in the context of the emergency regime" (Bolding outside the original text).

In this regard, I suggest that, for the sake of methodological rigor, the expression "alleged" should always be included to qualify "human rights violations". This is because, as it is written, it would seem that the IACHR is establishing the responsibility of the State for committing human rights violations, for which it does not have jurisdiction since we are not in a quasi-judicial scenario. At the same time, this affects subsidiarity, since pronouncements are made on violations of rights without having studied whether the State had the opportunity to resolve them.

<sup>1916</sup> Report A/HRC/56/48, Prostitution and violence against women and girls - Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem. May 7, 2024, paragraph 6.

<sup>1917</sup> [IACHR Court](#). Case of *Vicky Hernández et al. v. Honduras*. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 422. Partially dissenting vote of Judge Elizabeth Odio Benito. Paras. 15, 27-42.

<sup>1918</sup> [IACHR Court](#). Case of *Vicky Hernández et al. v. Honduras*. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 422. Partially dissenting vote of Judge Elizabeth Odio Benito. Para. 15.