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## INTRODUCTION

### A. Origin, Legal Basis, Structure, Purposes, Mandates

1. The Inter-American Commission on Human Rights (“IACHR” or “Inter-American Commission”) is an autonomous organ of the Organization of American States (OAS), headquartered in Washington, D.C. Its mandate is established in the OAS Charter, the American Convention on Human Rights (“American Convention”) and the IACHR Statute. Along with the Inter-American Court of Human Rights, headquartered in San Jose, Costa Rica, the Inter-American Commission is one of two organs of the Inter-American system responsible for the promotion and protection of human rights.

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

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

4. In 1961, the IACHR began to conduct *in situ* visits to different countries in order to observe the human rights situation first hand on the ground. Since that time, it has conducted more than 107 such visits to Member States of the Organization. Based partly on these fact-finding missions, the IACHR has thus far published 151 country and thematic reports.

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

6. The American Convention on Human Rights was approved in 1969 and came into force in 1978. The American Convention defines the human rights that the ratifying States have agreed to respect and ensure. This instrument created the Inter-American Court of Human Rights and established the functions and procedures of the Inter-American Commission and Court. In addition to considering complaints of violations of the American Convention committed by States Parties to that instrument, the IACHR has the legal authority, under the OAS Charter and its own Statute, to examine alleged violations of the American Declaration by OAS Member States that are not yet parties to the American Convention.

7. As of December 2015, twenty-three OAS Member States are parties to this treaty: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Suriname and Uruguay. The IACHR has, at various times, expressed deep concern about the consequences of the denunciation of the American Convention by the Bolivarian Republic of Venezuela<sup>1</sup> and Trinidad and Tobago. This is to the detriment of the protection of the rights of the inhabitants of Venezuela and Trinidad and Tobago, who have lost an instance of protection of human rights. The IACHR calls these countries to reconsider their position.

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<sup>1</sup> IACHR, ‘[IACHR Regrets Decision of Venezuela to Denounce the American Convention on Human Rights](#)’ Washington, D.C., September 12, 2012; IACHR, ‘[IACHR Deeply Concerned over Result of Venezuela’s Denunciation of the American Convention](#)’ Washington D.C., September 10, 2013.

8. In fulfillment of its mandate, the duties of the IACHR are to:
  - a) Receive, examine and investigate individual petitions alleging human rights violations, in keeping with Articles 44 to 51 of the American Convention, Articles 19 and 20 of its Statute and Articles 23 to 52 of its Rules of Procedure.
  - b) Observe the general human rights situation in the Member States and publish special reports on the situation in a particular Member State, when it is deemed necessary, as provided under Article 60 of its Rules of Procedure.
  - c) Conduct *in situ* visits to countries in order to carry out a thorough analysis of the general situation and/or to investigate a specific situation, as provided for under Article 18 of its Statute and Article 53 of its Rules of Procedure. In general, these visits result in the preparation of a report on the human rights situation of the country concerned, which is published and submitted to the OAS Permanent Council and General Assembly.
  - d) Raise public awareness about human rights in the Americas. For this purpose, the IACHR conducts and publishes studies on specific themes in keeping with Article 15 of its Rules of Procedure. Examples include: what measures must be adopted to ensure greater access to justice; the effect of internal armed conflicts on particular groups of persons; the human rights situation of children, women, LGBTI persons, migrant workers and their families, persons deprived of liberty, human rights defenders, indigenous peoples and persons of African descent; racial discrimination, freedom of expression and economic, social and cultural rights.
  - e) Organize and host visits, conferences, seminars and meetings with representatives of governments, academic institutions, non-governmental entities and others, in order to disseminate information and foster broad awareness of the work of the Inter-American human rights system, in accordance with Article 41 of the American Convention on Human Rights and Article 18 of the IACHR Statute.
  - f) Recommend that OAS Member States adopt measures that contribute to the protection of human rights in the countries of the hemisphere, in accordance with Article 41 of the American Convention on Human Rights and Article 18 of the IACHR Statute.
  - g) Request Member States to adopt precautionary measures, as provided for by Article 25 of the Commission's Rules of Procedure, in order to prevent irreparable harm to persons in serious and urgent cases. Additionally, in keeping with Article 76 of its Rules of Procedure, the IACHR may request that the Inter-American Court orders the adoption of provisional measures in cases of extreme gravity and urgency to prevent irreparable harm to persons.
  - h) Bring cases and appear before the Inter-American Court of Human Rights during the processing and consideration of the cases, in accordance with Article 61 of the American Convention on Human Rights and Articles 45 and 74 of the IACHR Rules of Procedure.
  - i) Request advisory opinions from the Inter-American Court, in accordance with Article 64 of the American Convention and Article 19 of the IACHR Statute.
9. Every person, group of persons or non-governmental entity legally recognized in one or more OAS Member States may submit petitions to the Inter-American Commission regarding violations of a

right recognized in the American Convention, the American Declaration or other relevant instruments, in accordance with the respective provisions thereof, the IACHR Statute and the Rules of Procedure. Additionally, in the circumstances described and regulated under Article 45 of the American Convention, the IACHR may consider interstate communications. Petitions may be submitted in any of the four official OAS languages (Spanish, French, English or Portuguese), either by the alleged victim of the human rights violation or by a third party; and in the case of interstate communications, by a government.

**B. Status of Ratification of Inter-American Instruments**

**CURRENT STATUS OF RATIFICATION OF THE AMERICAN CONVENTION AND ACCEPTANCE OF THE JURISDICTION OF THE COURT**

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

Source: Department of International Law of the OAS General Secretariat

\* Denunciation submitted in May 1998 \*\* Denunciation submitted in September 2012

RA = RATIFICATION

AC = ACCESSION

10. With respect to the eight additional instruments, which make up the Inter-American system, the table below shows ratification or accession by OAS Member States:

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

States	APACAESCR <sup>2</sup>	PACHRADP <sup>3</sup>	IACPPT <sup>4</sup>	IACFDP <sup>5</sup>	IACPPEVW <sup>6</sup>	IACEDPD <sup>7</sup>	IACDI <sup>8</sup>	IACRRDI <sup>9</sup>	IACPHROP <sup>10</sup>
Antigua and Barbuda					A 12-08-98			S 07-06-13	
Argentina	R 03-30-03	R 06-18-08	R 11-18-88	R 10-31-95	R 04-09-96	R 09-28-00	F 06-07-13	S 06-07-13	R 10-2317
Bahamas					A 05-03-95				
Barbados					R 02-08-95				
Belize					A 11-25-96				
Bolivia	R 07-12-06		R 08-26-96	R 09-19-96	R 10-26-94	R 02-27-03	S 03-10-15	S 03-10-15	R 05-17-17
Brazil	A 08-08-96	R 07-31-96	R 06-09-89	R 07-26-13	R 11-16-95	R 07-17-01	F 06-07-13	F 06-07-13	S 06-15-15
Canada									
Chile		R 08-04-08	R 09-15-88	R 01-13-10	R 10-24-96	R 12-04-01	S 10-22-15	S 10-22-15	R 08-15-17
Colombia	A 10-22-97		R 12-02-98	R 04-01-10	A 10-03-96	R 12-04-03	S 09-08-13	S 09-08-14	
Costa Rica	R 09-29-99	R 03-30-98	R 11-25-99	R 03-20-96	R 07-05-95	R 12-08-99		R 12-12-16	R 12-12-16
Cuba									
Dominica					R 06-30-95				
Ecuador	R 02-10-93	R 02-05-98	R 09-30-99	R 07-07-96	R 06-30-95	R 03-01-04	S 06-07-13	S 06-07-13	
El Salvador	R 05-04-95		R 10-17-94		R 11-13-95	R 01-15-02			
United States									
Grenada					R 29-11-00				
Guatemala	R 05-30-00		R 12-10-86	R 07-27-99	R 01-04-95	R 08-08-02			
Guyana					R 08-01-96				
Haiti					A 07-04-97	R 29-05-09	S 25-06-14	S 25-06-14	
Honduras	A 09-14-11	A 09-14-11		R 04-28-05	R 07-04-95	A 09-14-11			

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

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

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

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

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

<sup>7</sup> Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disability, approved in Guatemala City, Guatemala, June 7, 1999, 29<sup>th</sup> Regular Session of the General Assembly.

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

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

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

Jamaica					R 11-11-05				
Mexico	R 03-08-96	R 06-28-07	R 02-11-87	R 02-28-92	R 06-19-98	R 12-06-00			
<b>States</b>	<b>PACAMDESC</b>	<b>PCADHAPM</b>	<b>CIPST</b>	<b>CIDFP</b>	<b>CIPSEVM</b>	<b>CIEFDPD</b>	<b>CICTFDI</b>	<b>CICRDRFCI</b>	<b>IACPHROP</b>
Nicaragua	R 12-15-09	R 03-24-99	A 09-23-09		R 10-06-95	R 07-15-02			
Panama	R 10-28-92	R 06-27-91	R 06-27-91	R 07-31-95	R 04-26-95	R 01-24-01	S 06-05-14	S 06-05-14	
Paraguay	R 05-28-97	R 10-31-00	R 02-12-90	R 08-26-96	R 09-29-95	R 06-28-02			
Peru	R 05-17-95		R 02-27-90	R 02-08-92	R 04-02-96	R 07-10-01	S 10-25-16	S 10-25-16	
Dominican Republic		A 12-19-11	R 12-12-86		R 01-10-96	R 12-28-06			
San Kitts and Nevis					R 03-17-95				
Santa Lucia					R 03-08-95				
San Vincent and the Grenadines					R 05-23-96				
Surinam	A 02-28-90		R 11-12-87		R 02-19-02				
Trinidad and Tobago					R 01-04-96				
Uruguay	R 11-21-95	R 02-08-94	R 09-23-92	R 02-06-96	R 01-04-96	R 05-24-01	S 07-06-13	S 06-07-13	R 11-18-16
Venezuela		R 04-06-94	R 06-25-91	R 07-06-98	R 01-16-95	R 06-06-06			

Source: Department of International Law of the OAS General Secretariat

R = RATIFICATION S = SIGNING

A = ACCESSION

## 1. Ratification of Conventions

11. The IACHR has emphasized the importance of the universal ratification of the instruments of the inter-American system as a critical element of the full respect and guarantee of human rights in the Americas. During the period covered by this report, it is worth noting that on January 11, 2017, the Inter-American Convention on Protecting the Human Rights for Older Persons entered into force, thirty days after the date of deposit of the second instrument of ratification, by virtue of its article 37.

12. In particular, the Inter-American Commission commends the States of Argentina, Bolivia, Chile, and Uruguay for the ratification of international instruments on the protection of human rights set out below.

13. On May 17, 2017, the Plurinational State of Bolivia deposited with the Department of International Law of the Secretariat for Legal Affairs of the General Secretariat of the OAS, in its capacity as depositary, the instrument of ratification of the Inter-American Convention on Protecting the Human Rights of Older Persons, at the OAS headquarters.

14. On August 15, 2017, the Republic of Chile deposited the instrument of ratification of the Inter-American Convention on Protecting the Human Rights of Older Persons, at the headquarters of the OAS.

15. On October 12, 2017, the Eastern Republic of Uruguay deposited the instrument of ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, at the OAS headquarters.

16. On October 23, 2017, the Republic of Argentina deposited the instrument of ratification of the Inter-American Convention on Protecting the Human Rights of Older Persons, at the headquarters of the OAS.

17. The Inter-American Commission urges other Member States to follow the aforementioned examples and ratify these and other Conventions, as the universal ratification of the inter-American

instruments is indispensable to achieve the full protection of the human rights of all persons in the hemisphere.

## **2. Statements and other Initiatives within the OAS and/or the Region**

18. The IACHR welcomes the resolution adopted by the OAS General Assembly on the right to freedom of thought and expression and the security of journalists and media workers in the hemisphere. The resolution, approved by the General Assembly in the framework of its forty-seventh regular session, condemns the murders, assaults and other acts of violence against journalists and media workers that continue to occur in the region and urges States to implement comprehensive measures of prevention, protection, investigation and punishment of those responsible. The proposal was presented by the delegation of Uruguay and co-sponsored by the delegations of Argentina, Bolivia, Chile, Costa Rica, Mexico, Peru and the Dominican Republic.

19. The IACHR adhered to the initiative and regional campaign *Living with dignity and rights in all ages* of the Permanent Commission for Older Persons of the Meeting of High Authorities on Human Rights (RAADH for its initials in Spanish) of MERCOSUR. This initiative is aimed at contributing to and encouraging the signing and ratification of the [Inter-American Convention on Protecting the Human Rights of Older Persons](#), as well as raising awareness of the importance of thinking of older persons as subjects of law and comprehensive care, with autonomy and independence. The campaign was prepared by the Institute of Public Policies on Human Rights (IPPDH) of MERCOSUR and launched on October 24 in Brasilia and Montevideo.

## **3. Denunciation of the OAS Charter by Venezuela**

20. On April 27, 2017, the Bolivarian Republic of Venezuela informed the Secretary General of the OAS of its decision to denounce the Charter of the Organization of American States in the terms established in said note. As indicated in its press release 58/17, the Inter-American Commission profoundly deplores the decision of President Nicolás Maduro, unprecedented in the inter-American system, which seeks to denounce the OAS Charter and thus annul the protection of the inter-American system of human rights for the Venezuelan people. The IACHR considers that this is a particularly serious decision given the situation of human rights in that country which the IACHR has been monitoring through its different mechanisms.

21. The Inter-American Commission continues to assess the legal implications of the decision of the Venezuelan President. Because the denunciation process takes two years to be in effect, the IACHR reminds the Venezuelan state that it remains bound to respect its international obligations regarding human rights under the American Declaration on the Rights and Duties of Man and under the jurisdiction of the Inter-American Commission during said period. The IACHR calls on the Venezuelan government to reconsider this decision.

## **C. Progress Achieved**

22. Below the IACHR presents some advances and good practices in the field of human rights adopted by the OAS Member States during 2017. The measures mentioned in this section have been highlighted because they are aimed at promoting and protecting human rights of the persons in accordance with the international obligations assumed by the States and contained in the American Declaration, the American Convention and the other inter-American instruments on human rights. The information has been collected from the various monitoring instruments of the IACHR.

### **1. Access to Justice and Truth**

23. The IACHR emphasizes that, in order to overcome the high levels of impunity prevailing in the hemisphere, priority should be given to the adoption by the States of comprehensive measures aimed at providing human rights victims with effective access to justice and truth and guarantees of non-repetition with a human rights approach. In this context, the IACHR welcomes a series of advancements in the field of justice and the right to the truth achieved by some of the Member States of the region and mentioned below.

24. In Argentina, the Commission applauded the decision of the Federal Court of Mendoza of July 27, 2017, whereby four former justice operators were sentenced to life imprisonment and absolute disqualification for their participation in crimes against humanity during the civic-military dictatorship (1976-1983). According to the Court's ruling, former federal judges Rolando Carrizo and Luis Miret, former public defender Guillermo Petra Recabarren, and former federal prosecutor Otilio Romano, were primary participants in the crimes of State terrorism while serving in the Judiciary during the civic-military dictatorship. Likewise, the IACHR noted with satisfaction the approval in Congress and enactment of Law 27362, published in the Official Gazette on May 12, 2017, which established in article 1, that the benefit of 2x1 "is not applicable to criminal offenses that fall within the category of crimes against humanity, genocide or war crimes, according to domestic or international law."

25. In Bolivia, the Commission congratulated the installation of the Truth Commission on August 21, 2017. The Truth Commission was established by Law 879 of December 23, 2016. The Truth Commission's mandate is *to clarify the murders, forced disappearances, torture, arbitrary arrests and sexual violence, based on political and ideological motives, occurred in Bolivia from November 4, 1964 to October 10, 1982*. The Truth Commission will have two years to conduct its investigations and submit its final report. Likewise, the IACHR notes with satisfaction that Law 879 provides for the declassification of military, police and other documents whose access is restricted.

26. In Chile, the IACHR welcomed the decision of the Supreme Court of Justice condemning 33 former State agents for their responsibility in the kidnappings of five members of the Manuel Rodríguez Patriotic Front in 1987 who were victims of forced disappearance in a joint operation of the CNI, the Army Intelligence Battalion (BIE) and the Army Aviation Command, and their remains were thrown into the sea on the coast of Quintay. On the other hand, it is noteworthy that on November 11, 2016 Law 20,968 was promulgated. In addition to defining the crimes of torture and cruel, inhuman or degrading treatment, this law modifies the jurisdiction of the Military Justice, establishing that in no case civilians and minors who are victims or defendants will be subject to the jurisdiction of the military courts, and these cases shall fall under the jurisdiction of the ordinary courts.

27. In Colombia, the IACHR acknowledges the decision of the State Council adopted on November 15, 2017, by means of which it annulled the disciplinary process promoted by the Attorney General's Office (PGN) against Gustavo Francisco Petro Urrego, then mayor of Bogotá, disposing of his dismissal and disqualification from public office for 15 years. The Council of State took into consideration the recommendations of the IACHR contained in its report on the merits adopted on October 25, 2017, on this matter. On March 18, 2014, the IACHR adopted precautionary measures in favor of Gustavo Petro, recommending the immediate suspension of the effects of the decision issued and ratified by the PGN on January 13, 2014, in order to guarantee the exercise of his political rights so as to meet the period for which he was elected as mayor of the city of Bogotá.

28. In El Salvador, the IACHR welcomed the establishment, through Presidential Decree No. 33 of August 2017, of the National Search Commission for Missing Persons in the context of the armed conflict in El Salvador (CONABUSQUEDA). This autonomous entity will be in charge of searching for the persons disappeared during the armed conflict in the country, which took place between 1980 and 1992.

29. In Guatemala, the IACHR valued the establishment in May 2017 of a Fiscal Agency for crimes committed against Journalists, based in the department of Quetzaltenango. Also, the IACHR received information on the Constitutional Court's decision of October 24, 2017, in which it declared unconstitutional the application of the death penalty in the crimes of parricide, extrajudicial execution, kidnapping, forced disappearance, and murder of the president or vice president. The Court based its decision, among other things, on the contradictions between the application of the death penalty and international human rights agreements ratified by the Guatemalan State. The IACHR welcomes this progress towards the abolition of the death penalty.

30. Regarding Honduras, within the framework of the efforts to improve justice in Honduras, the IACHR took note of the actions carried out by the Mission to Support the Fights Against Corruption and Impunity in Honduras (MACCIH) during 2017. One year and a few months after its creation, important agreements have been made with the National Anticorruption Council, the Attorney General's Office and the Public Prosecutor's Office. Also, in January 2017, the Special Unit against Impunity and Corruption was created; and the investigative teams for this area were integrated.

31. In Mexico, the IACHR recognized the entry into force of the General Law for the Prevention, Investigation and Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This legislation was published on June 26 in the context of the International Day in Support of Victims of Torture. In addition, the IACHR welcomed the entry into force of the General Law on Forced Disappearance of Persons, Disappearance committed by Private persons and on the National Search System for Persons, promulgated on November 16, 2017. Regarding compliance with the recommendations made by the Interdisciplinary Group of Independent Experts (GIEI), as well as the precautionary measure granted on October 3, 2014, which is in force in the case of Ayotzinapa, the Commission - through the Special Monitoring Mechanism (MESA)- assessed positively the administrative procedures carried out for the hiring of the LIDAR technology to be used in the search of the students, the advances in the investigation of the phone lines and the establishment of a timeline to take declarations from the detainees and other people. Likewise, it values the progress in the investigations into the possible involvement of Huitzuco police officers. The IACHR also welcomes the specialized medical attention provided to Edgar Vargas and Aldo Gutiérrez, students who were seriously injured at the time of the events. It also acknowledged the work that the PGR has done in relation to the telephone information of the students of Ayotzinapa and the perpetrators who participated in the events. To date, it is certain that the phones and chips of the students were used some time after the night of September 26 and 27, 2014, a fact that together with other elements of evidence corroborates the need to discard the initial version that indicated that all the phones had been burned in the dump of Cocula.

32. In Uruguay, the Commission congratulated the typification of the crime of femicide. According to the information received, on September 12, 2017, the Chamber of Deputies of Uruguay approved by majority the bill on Acts of Discrimination and Femicide, modifying article 312 of the Criminal Code. The IACHR considers that this decision is a positive step to prevent, punish and eradicate violence against women.

## **2. Public Policies and other Initiatives in the Area of Human Rights Aimed at Guaranteeing Equality and Non-Discrimination**

33. With regard to Brazil, the IACHR welcomed the approval of the law that includes persons with disabilities in the quota system in federal universities and in medium-level federal technical courses. It also highlighted the approval of the decree that created the National Cadastral Committee for the Inclusion of Persons with Disabilities and the Unified Assessment of Disability, which are biopsychosocial assessment instruments that establish important directives and procedures for people with disabilities. Regarding the right to identity, the Commission welcomes the publication of the normative instruction of the Ministry of Finance (Federal Revenue) that authorizes transgender and transvestites to include their social name on their identification cards (Cadastro de Pessoa Física). This regulation implements the directives of Decree No. 8727 of 2016. The Commission also recognized the decision of the Brazilian State to replace the previous immigration legislation, known as the Statute of Foreigners, which comes from a dictatorial period, for modern legislation and in consonance with the principles of its Federal Constitution. The new migration law incorporates into the Brazilian legal system the repudiation and prevention of xenophobia, the repudiation of summary deportation practices or collective expulsions, the non-criminalization of migration, non-discrimination by virtue of the means of entry into national territory, humanitarian reception and free and equal access to public services, benefits and social programs, comprehensive protection and attention to the best interests of migrant children and adolescents, and social, cultural and economic rights, including the right to family reunification, the rights of association and assembly for peaceful purposes and the union organization among others. Also, it reinforces the guarantees of access to justice and free integral legal assistance in case it is necessary. The IACHR will maintain its observation and follow-up on the regulation of immigration legislation, which it hopes will be in accordance with the standards of the Inter-American System for the Protection of Human Rights. Regarding the application of alternative measures, the IACHR notes that



during 2017, significant efforts have been made to use electronic monitoring mechanisms in criminal matters. In this regard, for example, the State of Brazil published guidelines in the matter in the current year.

34. On Canada, the IACHR highlighted the decision of the Canadian State to recognize refugee status to thirty-one homosexual, lesbian and bisexual persons from Chechnya, Russia since June 2017. According to publicly available information, around seventy LGBTI people have fled Chechnya, Russia, due to the persecution against LGBTI people. In addition, the Commission acknowledged Canada's initiative to allow electronic travel authorizations to enter that country with the possibility of marking "another" under the gender component. The IACHR considers that this is a pioneering measure at the regional level that guarantees some level of neutrality in travel documents as a way to recognize and respect the diverse gender identities. In addition, the IACHR and its recently created Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights welcomed the recent announcement made by the Government of Canada on the creation of a national housing strategy which foresees the creation of safe and affordable housing during the next 10 years, in particular, for the Canadian population most in need, such as women and children fleeing from family violence, elderly people, indigenous peoples, people with disabilities, those who have mental problems, health and addiction problems, veterans and young adults.

35. Regarding Chile, the Commission welcomed the launching of the "Chile Recognize" project, through which Chilean nationality is recognized to persons born in Chile to fathers or mothers in an irregular migratory situation, which constitutes an important advance in the fight against statelessness in Chile. Likewise, the IACHR highlighted the decision of the Constitutional Court of Chile of August 21, which rejected unconstitutionality claims filed against the bill to decriminalize the voluntary interruption of pregnancy in three cases. This decision will allow women to access legal and safe abortion services in three circumstances: when the pregnancy is the result of a rape, when the life of the woman is in danger, or when the fetus suffers from malformations incompatible with extrauterine life. Additionally, the Commission welcomed the presentation by the Executive Branch of Chile of a bill that recognizes equal marriage in the country. This bill was originated to fulfill the friendly settlement agreement signed in the framework of the petition processed by the IACHR, P 946-12, Cesar Antonio Peralta Wetzel and others regarding Chile. This case refers to the lack of access of three couples of the same sex to civil marriage in Chile, as well as the denial of legal recognition of same-sex marriages contracted in other countries.

36. Regarding Ecuador, the IACHR highlighted aspects of the Organic Law on Human Mobility, which includes principles such as free human mobility under the protection of the State, the prohibition of the criminalization of persons in an irregular migratory situation, equality before the law and non-discrimination, the best interests of the child and adolescent, the principle of non-refoulement when the rights to life, liberty or integrity of the person or their family members may be at risk in the country to which they would be returned, as well as the *pro-persona* principle in human mobility.

37. On El Salvador, the Commission recognized the decisions of the Constitutional Chamber of the Supreme Court of Justice aimed at protecting internally displaced persons. These resolutions were aimed at providing protective measures in favor of two families who had been victims of internal forced displacement as a result of threats, extortion, beatings, harassment and rape by the Mara 18 gang. Said sentences revert to the Inter-American Commission's standards in considering that the lack of an effective investigation of violent acts may encourage or perpetuate forced displacement, which constitutes a de facto restriction of free movement and residence. In addition, the judgments emphasize the importance of family protection in these cases based on the criteria developed by the IACHR and the Inter-American Court of Human Rights (IA Court).

38. On Guatemala, the IACHR welcomed the recent entry into force of the Migration Code of Guatemala at the end of April 2017, which integrates and harmonizes multiple norms and standards of the Inter-American human rights system, the International Law of Refugees, as well as the International Convention on the Protection of Migrant Workers and Members of Their Families to the Guatemalan legal system. Likewise, the IACHR welcomed the recognition in the law of the right to migrate and equal access to public services for security, health, education, work, housing and all those necessary for the development of the lives of migrants. Among the most important developments of the Migration Code is the recognition of the

right to request the recognition of refugee status and the provision of diplomatic asylum, as well as the right to non-refoulement for any case where life, physical integrity and freedom of the person are at risk, regardless of their recognition as a refugee or asylee. Additionally, the Code allows the entry in the country of people for humanitarian reasons, including those affected by natural disasters, medical emergencies, armed conflicts, cooperation with other States for medical, assistance or relief purposes and for the repatriation of remains of relatives that die in Guatemala. Finally, it is noteworthy that after its on-site visit to Guatemala, for example, the Commission acknowledged the efforts of the State to inaugurate in early 2018 the "Public Policy for the Protection of Human Rights Defenders" that has had the support from various state entities and civil society organizations.

39. With regard to Honduras, the IACHR highlights the activities implemented by the Government's Protection Mechanism for its strengthening, implementation of protection measures and the early warning system, risk analysis and dissemination and awareness activities for journalists.

40. With respect to Mexico, the IACHR welcomed the ruling issued by the Twentieth Collegiate Court on Administrative Matters of the First Circuit on April 19, 2017, where it was decided to grant the suspension of the immigration detention so that an asylum seeker could carry his or her procedure in freedom. This ruling held that the deprivation of liberty, whatever its form of denomination, must be exceptional and proportional to the object it seeks to protect, and therefore the Court ordered the immediate release of the asylum seeker and established as an alternative measure to detention that the applicant presents himself weekly before the court. The IACHR also points out that the judgment adopts the standards in relation to the exceptional nature of the immigration detention of the Inter-American human rights system, as well as the Protocol of Action for those who provide justice in cases that affect migrants and are subject to international protection of the Supreme Court of Justice of the Nation of Mexico.

41. The IACHR congratulated Peru on the adoption of Legislative Decree No. 1323 by the Executive Branch, which establishes as an aggravating circumstance of criminal responsibility the execution of the crime as a result of intolerance or discrimination -among others- due to sexual orientation and gender identity of the victim. Additionally, this decree typifies discrimination and incitement to discriminate -among other reasons- due to sexual orientation and gender identity. Also, in the education sector, the IACHR welcomed the initiative of the Ministry of Education of Peru to adopt a new national basic education curriculum that seeks to promote gender equality, respect for people, regardless of their sexual orientation and/or gender identity, guaranteeing the same duties, rights and opportunities for all people.

### **3. On Freedom of Expression**

42. During 2017, the IACHR observed progress made by the States in terms of freedom of expression, access to public information and the fight against impunity in crimes related to journalism. Among others, the release of journalists and whistleblowers who were in prison, the strengthening of national mechanisms for the protection of journalists and multiple judicial decisions and legal reforms that incorporate the standards of the Inter-American system in cases related to freedom of expression were highlighted. It should be emphasized that the information presented in this section can be seen in greater detail in the 2017 Annual Report of the Office of the Special Rapporteur for Freedom of Expression.

43. Regarding the aforementioned advances, the IACHR highlights in particular the approval of the Bill of Law S-231 on the protection of journalistic sources ["Journalistic Sources Protection Act"] in Canada, which establishes more protections for journalists and informants, and the promulgation on 31 March of the Freedom of Information Act in the Bahamas, which reinforces fundamental principles of accountability, institutional transparency and access to information. On the other hand, Chile approved Law No. 20.977, which provided that the text of Law No. 13.196, called the "Copper Reserved Law," stopped being secret, and therefore allow public access to its text and other information of high public interest on the exploitation of this natural resource. On October 18, the Honorable Chamber of Deputies of the National Congress of Chile approved the Law on Guaranteed Minimum Speeds of Internet Access (Law), the text of which modifies the General Telecommunications Law (LGT).

44. In terms of jurisprudence, rulings that adopted inter-American standards related to freedom of expression can be observed in *Turner v. Driver* and *United States v. Robert John Hulscher* in the United States; in the acquittal of the journalists Tatiana Merlino, Débora Prado and Pedro Pomar in a criminal action filed for defamation in Brazil; in the judgment of the Second Chamber of the Supreme Court of Justice of the Nation of Mexico within the framework of the Amparo Review about the website mymusic.com, which determined that the total blocking of a web page constitutes a violation of freedom of expression; in the opinion of the Access to Public Information Unit of Uruguay that reaffirmed the prohibition of the generic classification of information and the ruling issued by the Judicial Power of that country reaffirming the right to freedom of expression and the scope of duty to maintain information under reserve of officials subject to hierarchy. In the case of Chile, the Ninth Chamber of the Court of Appeals ruled that the *pólice forcé* (Carabineros) should provide "details of the expense, bids and registration of suppliers of deterrents, such as tear gas and rubber bullets used in control of demonstrations" to the Council for the Transparency (CPT). In another important ruling, the Fifth Chamber of the Court of Appeals of Santiago (CA), confirmed the decision of the Council for Transparency (CPT) that ordered the delivery of the list of officers promoted to the rank of General in the period between on March 10, 2002 and March 11, 2006, along with those who were part of military or intelligence units between 1973 and 1990 that would have been involved in serious human rights violations.

45. Regarding the fight against impunity, progress was observed in Colombia, within the framework of the extradition of Fabio López Escobar, who was a fugitive from justice in the United States after being convicted in 2015 as co-author of the murder of journalist Orlando Sierra in 2002; the sentence in Uruguay to the Ministry of the Interior by the Civil Court of Appeals for the 1st shift for moral damages to the journalist Alejandro Moreira; in Paraguay the promotion of an oral and public trial by the criminal judge of Guarantees of the city of Curuguaty, Carlos Martínez, of the alleged murderers of the journalist Pablo Medina and the revocation on July 18 of the sentence that ordered the civil organization TEDIC to remove content from its web portal by the Court of Appeals for Children and Adolescents of the Capital, also in Paraguay.

46. In conclusion, the IACHR invites the States to continue advancing in the development of policies and practices aimed at advancing the defense, promotion and effective protection of the human rights of all its inhabitants and institutionalizing a human rights approach in its policies. public, taking into account the recommendations of the bodies of the IAHRs and disseminate this approach in all State institutions and in society as a whole.