



## Inter-American Commission on Human Rights

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### PRESS RELEASE AND ANNEX

N° 46/08

#### IACHR CONCLUDES ITS 133<sup>rd</sup> PERIOD OF SESSIONS

Washington, D.C., October 31, 2008—The Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) held its 133<sup>rd</sup> regular period of sessions from October 15 to 31, 2008. During the sessions, the Commission approved reports on cases and individual petitions, and held 57 hearings and 34 working meetings.

The hearings encompassed issues that have a general impact on all the countries of the region, as well as specific issues related to one country or sub-region in particular. During this period of sessions, the Commission held hearings on the rights of women, persons deprived of liberty, children, Afro-descendants, and indigenous peoples, among others. Hearings were also held on issues having to do with obstacles to obtaining access to justice; citizen insecurity; the rights of gays, lesbians, bisexuals, transsexuals, transvestites, and intersexuals; the situation of people who carry the human immunodeficiency virus (HIV); and economic, social, and cultural rights, among other topics.

The IACHR expresses its satisfaction with the agreement for a friendly settlement reached in a working meeting between the government of Paraguay and the petitioners in the case involving the Kelyenmagategma Indigenous Community (Puerto Colón) of the Enxet People. Under the agreement, the State makes a commitment to hand over lands and issue titles in the name of the Kelyenmagategma Indigenous Community of the Enxet People, as well as to provide a community development plan, among other key commitments. In addition, the IACHR will follow up on important agreements reached during working meetings with the government of Mexico and petitioners involving cases of disappearances and extrajudicial executions.

The IACHR received information in a public hearing on the impact caused by the four hurricanes that hit Haiti in August and September, and on the critical humanitarian crisis caused by the storms, particularly due to the loss of crops. The Commission urges the international community to make every effort to assist that country and its people.

The Commission received the government of Bolivia in a hearing in which the government provided information about the acts of violence that took place during the social conflicts of recent months and on the respective investigations undertaken. The IACHR will continue to closely follow the situation in that country.

The Commission would like to note that it received information during a hearing on the situation of children and adolescents in conflict with the law in Argentina, Brazil, Paraguay, and Uruguay. On this point, the Inter-American Commission expresses its deep concern about

the limitations of democracies of the Americas when it comes to guaranteeing policies that offer full protection to children in conflict with the law. The IACHR is in the process of preparing recommendations for the States to advance in the protection of the rights of children in conflict with the law.

During another hearing, the Commission received troubling information about the impact that the construction of a wall in Texas, along the U.S.-Mexico border, has on the human rights of area residents, in particular its discriminatory effects. The information received indicates that its construction would disproportionately affect people who are poor, with a low level of education, and generally of Mexican descent, as well as indigenous communities on both sides of the border. On another U.S.-related issue, the IACHR continued to receive troubling information during these sessions about the situation of detainees in Guantánamo. As it did on July 28, 2006, through its Resolution 02/06, and on subsequent occasions, the Commission again urges the government to shut down the detention center.

The IACHR received with concern information indicating that the State of Colombia's Administrative Department of Security (DAS) conducted intelligence activities against opposition political leaders, national senators, and nongovernmental organizations. According to information provided by the government, the DAS director was dismissed as a result of this activity. The Inter-American Commission urges the justice system to investigate these acts, which undermine democratic institutions in Colombia, and to bring those responsible to justice.

The Commission also learned about administrative investigations that led to the dismissal of 27 members of the Colombian military for their alleged responsibility in disappearances and extrajudicial executions carried out in Soacha and other regions. The IACHR condemns these acts and calls on the regular justice system to prosecute the State agents responsible for these crimes.

During these sessions, several hearings were held on human rights defenders. The Commission reiterates its call to the States to respect their work and guarantee their rights. The IACHR is preparing a report following up on its *Report on the Situation of Human Rights Defenders in the Americas*.

Hearings were also held on citizen insecurity in Venezuela and Mexico. The IACHR is following with particular attention the state of citizen insecurity in the region, as well as the respect for human rights as an essential component of all public policies to address the problem. The IACHR is in the process of preparing a report on citizen insecurity in the region, as part of an agreement signed with UNICEF.

The Inter-American Commission continues to strengthen its cooperation ties with the universal human rights system. In this context, the Commission met during the sessions with the new United Nations Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, with the UN Secretary-General's Special Representative on Business and Human Rights, John Ruggie, and with the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, James Anaya. In addition, for the first time a UN Rapporteur attended a working meeting of the IACHR; with the consent of the petitioners and the State, Professor Anaya participated in the meeting on precautionary measures for indigenous peoples in voluntary isolation in Peru.

During these sessions, the IACHR made progress in organizing its on-site visit to Jamaica, which will take place December 1-5. The IACHR thanks the government of Jamaica for the invitation, which will lead to the Commission's first on-site visit to an English-speaking Caribbean country since 1994.

### **Useful links**

Audio recording of the Press Conference at the Conclusion of the 133 Period of Sessions (October 31, 2008) (in original languages spoken by participants)  
Video of the IACHR Chairman's speech at the opening session  
Transcript of the IACHR Chairman's speech at the opening session  
Audio recording of the IACHR Chairman's speech at the opening session  
Audio and video recordings and photos of the public hearings

**ANNEX TO PRESS RELEASE 46/08  
ON THE 133<sup>rd</sup> REGULAR PERIOD OF SESSIONS OF THE IACHR**

The Inter-American Commission on Human Rights (IACHR) held its 133<sup>rd</sup> regular period of sessions from October 15 to 31, 2008. The IACHR is composed of Paolo Carozza, Chairman; Luz Patricia Mejía, First Vice-Chair; Felipe González, Second Vice-Chair; and Commissioners Víctor Abramovich, Sir Clare K. Roberts, Florentín Meléndez, and Paulo Sérgio Pinheiro. The IACHR Executive Secretary is Dr. Santiago A. Canton. The IACHR is the principal body designated in the OAS Charter as responsible for ensuring respect for human rights in all States of the Americas.

The IACHR reiterates the importance that the inter-American system move toward the universal acceptance and application of its norms through ratification of its various regional human rights instruments, especially the American Convention on Human Rights. In this regard, the IACHR congratulates the Republic of Chile and the Argentine Republic for their ratification of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty. Chile deposited the instruments of ratification of that treaty at the Organization of American States (OAS) on October 16, 2008, and Argentina on September 5, 2008. With this step, Argentina became the eighth country in the region to ratify all inter-American human rights treaties, joining Costa Rica, Ecuador, Mexico, Paraguay, Peru, Panama, and Venezuela. The IACHR encourages all other States to move forward with the ratification of the seven inter-American human rights instruments, in order to bring about their universalization.

At the opening of the 133<sup>rd</sup> period of sessions, the Chairman of the IACHR, Dr. Paolo Carozza, called for a greater political commitment by the Member States to make human rights one of the pillars of regional cooperation in the Americas. He also called for a significant increase in the resources designated for the Inter-American Commission on Human Rights to reflect that political will and to guarantee the IACHR's financial autonomy.

During these sessions, the IACHR approved new reports on individual cases and petitions. During the 131<sup>st</sup> period of sessions, held in March 2008, the Commission approved 27 reports: 11 on admissibility, 6 on inadmissibility, 1 on friendly settlement, 4 on the merits and 5 decisions to publish merits reports. Likewise, during the 132<sup>nd</sup> period of sessions, held in July 2008, the IACHR approved 39 reports: 19 on admissibility, 3 on inadmissibility, 8 on the merits and 9 decisions to publish merits reports.

From October 22 to 28, the Commission held 57 hearings on individual cases and petitions, precautionary measures, and general and specific human rights situations. In addition, 34 working meetings were held with the participation of representatives of both parties involved in petitions and cases before the Commission. The participation in hearings and working meetings by representatives of the OAS Member States, as well as by those who appeared as victims or petitioners, constitutes an important contribution toward strengthening the work of protecting the human rights of the people of the hemisphere. The Inter-American Commission values and appreciates such assistance and participation. In that respect, the participation of high-level government authorities of several countries should be noted as a sign of their respective States' willingness to engage in dialogue with the IACHR and with civil

society.

The Inter-American Commission continued its practice of holding meetings with representatives of Member States of different regions. During this period of sessions, on October 21, it held a working breakfast with Permanent Representatives of Member States from the Caribbean region, in order to exchange information on the human rights situation and coordinate IACHR activities in those countries. The IACHR also held meetings with nongovernmental organizations from the region.

On another matter, the IACHR cosponsored a seminar on regional human rights systems at the American University Washington College of Law, held on October 20. The Chairman of the IACHR, Commissioner Paolo Carozza, was the speaker at a working lunch held during the event, while Commissioners Felipe González and Sir Clare Roberts participated in a panel on "Perspectives, Approaches and Experiences in Combating Impunity." The Commission's Executive Secretary, Dr. Santiago A. Canton, also spoke about the challenges facing regional systems for the protection of human rights, and the Assistant Executive Secretary, Dr. Elizabeth Abi-Mershed, participated in a panel discussion on the issue of reparations.

On another matter, the Inter-American Commission continues to strengthen its cooperation ties with the universal human rights system. In this context, the IACHR received a visit on October 27 from the new United Nations Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya. The Commission also met on October 17 with the UN Secretary-General's Special Representative on Business and Human Rights, John Ruggie. In addition, for the first time a UN Rapporteur participated in a working meeting of the IACHR, with the consent of the petitioners and the State. The UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, James Anaya, participated in the working meeting on requests for precautionary measures for indigenous peoples in voluntary isolation in Peru. Anaya also participated in a meeting of experts in the human rights of indigenous peoples, held October 25. The purpose of the meeting was to discuss international norms on the obligation to protect the right to property and to consultation of indigenous peoples, as well as to receive information to be used in the preparation of a thematic report. These meetings held during the sessions are complemented by other activities the IACHR is undertaking in cooperation with the UN, such as the agreement signed in June of this year between the United Nations Children's Fund (UNICEF) and the Inter-American Commission. Under this agreement, the IACHR is conducting research for two reports, one on juvenile criminal justice and another on citizen security and human rights.

The 134<sup>th</sup> regular period of sessions will take place March 16-27, 2009, and the deadline for requesting hearings and working meetings is January 25, 2009, in accordance with Articles 62.2 and 64.1 of the IACHR Rules of Procedure.

## **I. REPORTS ON INDIVIDUAL PETITIONS AND CASES**

The IACHR studied numerous individual petitions and cases alleging violations of human rights protected by the American Convention on Human Rights, the American Declaration on the Rights and Duties of Man, and other inter-American instruments.

The reports approved by the IACHR reflect some of the structural human rights problems that persist in the region. They refer to respect for the rights to life and personal integrity; guarantees to due process and judicial protection; the exercise of economic, social, and cultural rights; and the rights of children, indigenous peoples, women, and persons deprived of their liberty, among other matters. Once the parties have been notified, the Inter-American Commission will post on its Web site the reports on cases in which the decision is of

a public nature.

## II. HEARINGS

From October 22 to 28, the Commission held 57 hearings on individual cases and petitions, precautionary measures, and general and specific human rights situations. The hearings on individual cases and petitions had to do with issues of admissibility and merits.

Individuals who offer testimony or information during the hearings should enjoy all necessary guarantees. In a June 8, 1990, resolution, the OAS General Assembly recommends to governments "that they grant the necessary guarantees and facilities to enable nongovernmental human rights organizations to continue contributing to the promotion and protection of human rights, and that they respect the freedom and safety of the members of such organizations." Furthermore, Article 61 of the IACHR Rules of Procedures indicates: "The State in question shall grant the necessary guarantees to all the persons who attend a hearing or who in the course of a hearing provide information, testimony or evidence of any type to the Commission. That State may not prosecute the witnesses or experts, or carry out reprisals against them or their family members because of their statements or expert opinions given before the Commission."

The hearings held in Room A were transmitted live via the Internet. Videos of these hearings, as well as audio recordings of all public hearings, are available through the IACHR Web site, under [Public Hearings](#); this Web page also includes links to high-resolution photographs taken during the hearings. External Web sites are authorized to include links to these audio and video recordings as long as credit is given to the OAS. The IACHR thanks Primestream Corporation and its president, Claudio Lisman, for providing the bandwidth needed for high-quality transmission to a broad audience. His generous contribution has made it possible to increase the number of computers that can connect to the transmission at any given time, thus responding to the increased interest in following the hearings from all countries of the region.

### A. General and Thematic Hearings

During this period of sessions, hearings were held on the general human rights situation in OAS Member States and on other general issues at the national and regional level. Two of the hearings were private, at the request of the organizations that had asked for them: "Situation of human rights defenders and institutions and human rights guarantees in Venezuela," and "Situation of the right to freedom of expression and information in Venezuela." The remaining hearings were public, and links to available audio and video recordings are included below.

Impact of public-security policies on human rights in Mexico

[Audio](#)                      [Video](#)                      [Photos](#)

Rights to the use and exploitation of natural resources and prior consultation with respect to the Cucapá indigenous people of Mexico

[Audio](#)                      [Video](#)                      [Photos](#)

Complaints regarding the criminalization of human rights defenders in Guerrero, Mexico

[Audio](#)                      [Video](#)                      [Photos](#)

Border Wall in Texas, United States

[Audio](#)   [Video in original language](#)                      [Video in Spanish](#)                      [Video in English](#)  
[Photos](#)

Attacks on actors in the justice system in Guatemala

[Audio](#)      [Photos](#)

Protection of human rights defenders in Guatemala

[Audio](#)      [Photos](#)

Inefficacy of the labor justice system for agricultural workers in Guatemala

[Audio](#)      [Photos](#)

Follow-up to complaints regarding extrajudicial executions/ Actions in response to murders of protected persons in Colombia

[Audio](#)      [Photos](#)

Extraditions of paramilitaries and the rights of victims in Colombia

[Audio](#)      [Video](#)      [Photos](#)

Rule of law, judicial independence, and democracy in Colombia

[Audio](#)      [Video](#)      [Photos](#)

Discrimination and violence against women as a result of the armed conflict in Colombia

[Audio](#)      [Video](#)      [Photos](#)

Freedom of expression in Peru

[Audio](#)      [Video](#)

Human rights situation in Bolivia (at the Commission's initiative)

[Audio](#)      [Video](#)

Due process and disciplinary actions against judges in Honduras

[Audio](#)      [Photos](#)

Reports of arbitrary detentions and torture in prisons in Honduras

[Audio](#)      [Photos](#)

Situation of labor justice in El Salvador

[Audio](#)      [Photos](#)

Racial discrimination and access to justice of Afro-descendants in Colombia

[Audio](#)

Discrimination based on gender, race, and sexual orientation in the Americas

[Audio](#)

Amnesty Law as obstacle to justice in Brazil

[Audio](#)      [Video](#)      [Photos](#)

Freedom of expression and political rights in Nicaragua

[Audio](#)      [Video](#)      [Photos](#)

Prison conditions of persons deprived of liberty on Nicaragua's Atlantic Coast

[Audio](#)      [Video](#)      [Photos](#)

Barriers to equal access to justice in Latin America

[Audio](#)            [Video](#)

Situation of violence and discrimination against women in Haiti

[Audio](#)            [Photos](#)

The justice system and impunity in Haiti

[Audio](#)            [Photos](#)

Situation of persons deprived of liberty in prisons and mental hospitals in Argentina

[Audio](#)            [Photos](#)

Due process problems in the application of policies on immigrant detention and deportation in the United States

[Audio](#)            [Video](#)            [Photos](#)

Situation of children deprived of liberty in Argentina, Brasil, Paraguay, and Uruguay

[Audio](#)            [Video](#)            [Photos](#)

Situation of imprisoned union members in Cuba

[Audio](#)            [Video](#)            [Photos](#)

Risks and vulnerabilities affecting defenders of women's rights in the Americas

[Audio](#)            [Video](#)

Principles and regulatory best practices of radio broadcasters

[Audio](#)            [Video](#)

Right to private property of indigenous peoples of Panama

[Audio](#)            [Photos](#)

Violations of economic, social, and cultural rights of indigenous peoples and access to justice in Honduras and Nicaragua

[Audio](#)            [Photos](#)

Persons with HIV in Central America

[Audio](#)            [Photos](#)

Citizen security and violence in Venezuela

[Audio](#)            [Photos](#)

## **B. Hearings on Precautionary Measures, Individual Petitions and Cases**

This period of sessions included hearings on precautionary measures, petitions, and cases. Two hearings were held in private, by request of one of the parties: "Case 11.157 – Gladys Carol Espinoza González, Peru," and "Case 11.568 – Luis Galindo Cárdenas, Peru." Links to the audio recordings of all public hearings, as well as links to the videos of those that were filmed, are included below.

Case 12.626 – Jessica Gonzales, United States

[Audio](#)    [Video in original language](#)            [Video in English](#)            [Video in Spanish](#)  
[Photos](#)

Petition 1186/04 - Opario Lemoth Morris et al. (Miskitos Divers), Honduras

[Audio](#)            [Video](#)            [Photos](#)

Case 12.546 – Juan Jacobo Arbenz Guzmán, Guatemala

[Audio](#)

Case 12.590 – José Miguel Gudiel Álvarez et al. (Diario Militar), Guatemala

[Audio](#)      [Photos](#)

Case 11.227 – Unión Patriótica, Colombia (Testimony and comments)

[Audio](#)      [Video](#)

Precautionary Measure 629-03 – Justice and Peace Commission, Colombia

[Audio](#)      [Photos](#)

Case 12.251 – Village of La Esperanza (Carmen de Viboral), Colombia

[Audio](#)

Case 12.643 - Elías López Pita and Luis Alberto Shinin Laso, Ecuador

[Audio](#)      [Video](#)

Case 12.543 - Alejandro Xavier León Vega, Ecuador

[Audio](#)      [Video](#)

Case 12.569 – Quilombolas Communities of Alcántara, Brazil

[Audio](#)      [Video](#)      [Photos](#)

Case 12.479 – José Airton Honorato et al. (Castelinho), Brazil

[Audio](#)      [Video](#)      [Photos](#)

Case 12.277 – Fazenda Ubá, Brazil

[Audio](#)      [Video](#)      [Photos](#)

Case 12.519 – Leopoldo García Lucero, Chile

[Audio](#)      [Photos](#)

Case 12.624 – Carlos Baraona Bray, Chile

[Audio](#)      [Photos](#)

Case 12.053 – Maya Communities of the Toledo District, Belize

[Audio](#)      [Photos](#)

PM 259/02 – Detainees at the Guantanamo Naval Base / PM 211/08 – Djamel Ameziane, United States

[Audio](#)      [Video](#)      [Photos](#)

Case 12.361 and Petitions 1368/04, 16/05, 678/06, 1191/06 – In vitro fertilization, Costa Rica

[Audio](#)      [Video](#)      [Photos](#)

Case 12.581 – Jesús Vélez Loor, Panama

[Audio](#)      [Photos](#)

Precautionary Measures and Petition 592/07 – Hul'qumi'num Treaty Group, Canada

[Audio](#)



### III. WORKING MEETINGS

During the 133<sup>rd</sup> period of sessions, 33 working meetings were held on petitions, cases, and precautionary measures from Argentina, Brazil, Colombia, Chile, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Paraguay, and Peru.

The IACHR expresses its satisfaction with the agreement for a friendly settlement reached during a working meeting between the government of Paraguay and the petitioners in Case No. 12.629, Kelyenmagategma Indigenous Community (Puerto Colón) of the Enxet People. Under the agreement, the State is making a commitment to purchase or expropriate 10,000 hectares in Puerto Colón and issue titles in the name of the Kelyenmagategma Indigenous Community of the Enxet People. It also agrees to provide a community development plan and come to an agreement with the community on the form and nature of reparations to indemnify the damages suffered, among other commitments. The IACHR will closely follow up on compliance with the agreement.

The Commission underscores the willingness demonstrated by the parties in various cases to continue working toward an agreement for a friendly settlement. The IACHR especially expresses its satisfaction with the progress made in the working meetings with the government of Mexico, specifically in Case 11.822, Reyes Penagos Martínez et al.; Case 12.287, Cruz Ávila Mondragón; Case 12.642, José Iván Correa Arévalo; and on Precautionary Measures 124/07, granted by the IACHR on July 11, 2007, to the benefit of Francisco Velasco Hernández. On another matter, the IACHR is encouraged by the commitment expressed by the government of Honduras to establish effective protection mechanisms for the beneficiaries of the precautionary measures handed down by the IACHR on July 7, 2006, to the benefit of members of the San Juan Garifuna Community in Honduras, and by the possibility of working toward an agreement for a friendly settlement in the petition presented by that community. The IACHR encourages the parties to continue their efforts to bring their positions closer together and reach a consensus that makes it possible to arrive at friendly settlements in these and other cases.

The following working meetings were held during this period of sessions:

- Petition 828/01 – Posadas et al., Argentina
- Case 12.530 – José Mejía Idrovo, Ecuador
- Precautionary Measures 44/07 – Frank Enwonwu, United States
- Petition 123/05 – Ángel Alberto Duque, Colombia
- Case 11.101 – Massacre of Caloto, Colombia
- Precautionary Measures 555/03, 3/02, 128/00 and 705/03 – MINGA, REINICIAR, Colectivo JAR and CCJ, Colombia
- Precautionary Measures 693/03 – Pueblo Pijao, Colombia
- Precautionary Measures 641/02 – SINALTRAINAL, Colombia
- Precautionary Measures 449/03 – Afro-Descendent Communities Process, Colombia
- Follow-up to the IACHR's visit to Oaxaca, Mexico (With the Government of Mexico)
- Implementation of Precautionary Measures in Oaxaca (With the Government of Mexico)
- Precautionary Measures 113/08 – Family, friends, and witnesses of Gustavo Castañeda Martínez et al., Mexico
- Case 12.642 – José Iván Correa Arévalo, Mexico
- Case 12.287 – Cruz Ávila Mondragón, Mexico
- Case 11.822 – Reyes Penagos Martínez et al., Mexico
- Case 12.322 – Antonio González Méndez, Mexico
- Precautionary Measures 124/07 – Francisco Velasco Hernández, Mexico
- Case 11.064 – Miguel Ángel Cieza Galván, Peru

- Case 12.404 – Movement Manuela Ramos, Peru
- Precautionary Measures on indigenous peoples in voluntary isolation PM 262/05, 102/07, 129/07 and 274/07, Peru (At the request of the Government of Peru)
- Case 12.330 – Marcelino Gómez Paredes and Cristián Ariel Núñez, Paraguay
- Case 12.359 – Cristina Aguayo Ortiz et al., Paraguay
- Kelyennagategma Indigenous Community (Puerto Colón) of the Enxet People, Paraguay
- Cases 12.281 Gilda Pizarro Jiménez et al. / 12.195 – Mario Jara Oñate et al., Chile
- Case 12.576 P. Pichun and Aniceto Norin, Chile
- Case 12.611 – Patricia Troncoso et al., Chile
- Case 11.566 – Favela Nova Brasilia, Brazil
- Case 11.694 – Evandro de Oliveira et al., Brazil
- Case 12.567 – Indigenous Community of Ananás, Brazil
- Case 12.332 - Margarida Maria Alves, Brazil
- Petition 674/06 – Garifuna Community of San Juan, Honduras
- Case 12.311 - Benjamin Colindres, El Salvador
- Case 12.628 - Wilmer Antonio González Rojas, Nicaragua
- Petición 828/01 – Marcelo Darío Posadas et al., Argentina

#### **IV. RAPORTEURSHIPS AND THEMATIC AREAS**

This section contains a brief summary of some of the main activities carried out by the IACHR through its Special Rapporteurships and thematic areas since its 131<sup>st</sup> regular period of sessions, held in March 2008.

##### **A. Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination**

On April 9, 2008, the Rapporteur on the Rights of Persons of African descent and Against Racial Discrimination, Sir Clare K. Roberts, met with members of the United States Congress, specifically the Inter-American Dialogue's Congressional Members Working Group, to discuss the challenges facing Afro-descendants in the region. The Rapporteur noted areas of concern and proposed recommendations with respect to improving the protection of persons of African descent in the region through legislative initiatives, policies, and other means. The briefing was organized by the Inter-American Dialogue and the Inter-American Foundation, which also organized a roundtable on the Situation of Afro-descendants in Latin America on April 10, 2008. In the roundtable, Sir Clare Roberts made remarks with respect to the advances and challenges regarding the protection of the rights of Afro-descendants in the region, especially noting the lack of recognition of racism and racial discrimination by many countries in the region and the need for States to adopt special measures to prevent and eliminate racial discrimination.

On June 17-19, 2008, the Rapporteurship participated in the UN Preparatory Regional Conference for Latin America and the Caribbean in Brasilia, Brazil, in connection with the review process of the Durban Plan of Action adopted at the conclusion of the UN World Conference Against Racism held in 2001 in South Africa. The Rapporteur made remarks with respect to the role of the inter-American human rights system and provided observations on the advances and challenges to the protection of the rights of Afro-descendants with respect to the Durban Plan of Action goals, their implementation, and observations on the impact of such measures. Specifically, the Special Rapporteur discussed the importance of the process to develop a regional instrument against racism and racial discrimination and encouraged all members to participate in the process. On October 6-10, 2008, the Rapporteurship participated in the UN Preparatory Conference in Geneva, Switzerland, in connection with the

Durban Review Process. The conference is intended to prepare a final draft document for consideration at the Durban Review Conference scheduled for April 2009.

The Rapporteurship continued to provide technical support to the Working Group of the Committee on Juridical and Political Affairs of the OAS Permanent Council, which is charged with the drafting of a new regional instrument, the Inter-American Convention against Racism and All Forms of Discrimination. The Rapporteurship is preparing comments to be presented to the Working Group in anticipation of an experts' meeting to be scheduled before the end of this year.

## **B. Rapporteurship on the Rights of Women**

The Rapporteurship on the Rights of Women is in the process of carrying out activities to address problems of discrimination and violence against women as primary barriers for the enjoyment and effective exercise of their human rights. The activities are focused on preparing specialized recommendations for the OAS Member States on discrimination against women in the exercise of their civil, political, economic, and social rights; following up on the recommendations in its thematic report entitled *Access to Justice for Women Victims of Violence in the Americas* (2007); and preparing and publishing reports on the situation of women in countries of the region.

With support from the governments of Finland and Spain, the Rapporteurship has begun two initiatives to compile qualitative and quantitative information with a view to identifying the major advances made and the challenges women face to be able to exercise their rights, free of discrimination, in the spheres of political participation and reproductive rights. The aim is to publish thematic reports on these issues.

As part of this effort, in February 2008 the Rapporteurship held a first working meeting on the issue of "Protection of Women's Reproductive Rights," to develop an initial approach to this issue. The meeting included the participation of representatives of civil society and international agencies who work on the protection of reproductive rights for women in the Americas. In addition, on July 15 of this year, the Rapporteurship organized a second working meeting with experts under the theme of "Discrimination against Women in the Exercise of their Reproductive Rights." This meeting was intended to identify, through a participatory process, the principal advances made and the challenges women face in the exercise of their reproductive rights, encompassing issues such as the discrimination women may face in access to reproductive health services and access to information and to the education required to make informed decisions in this area.

In addition, on July 2, 2008, the Rapporteurship organized a working meeting with fifteen experts from different sectors in Buenos Aires, Argentina, for the purpose of compiling information on the situation of women in the sphere of political participation in Argentina, within the general framework of protecting the rights of women in that country. The plan is to incorporate this information in the regional report the Rapporteurship is preparing on this issue. Likewise, on Thursday, September 25, 2008, the Rapporteurship organized a meeting of experts in Caracas, Venezuela, on "Discrimination against Women in the Sphere of Political Participation from a Human Rights Perspective." The meeting included the participation of 21 national and international experts from the government, international agencies, civil society, and the academic sector. The participants discussed and reflected on the principal achievements and challenges in the area of women's political participation at the hemispheric level, from a perspective of human rights and discrimination. They also identified recommendations the Commission can issue with a view to improving States' compliance with their human rights obligations.

The Rapporteurship also participated in various promotional activities, including a

national symposium on "Sexual Violence: A Problem of Public Health and Social Justice," which took place March 31 of this year in La Paz, Bolivia. The symposium was organized by the National Committee to Combat Sexual Violence—made up of various State and non-State entities—in order to arrive at intersectoral commitments to follow up on the recommendations regarding the problem of sexual violence that the IACHR made in its last report on the human rights situation in Bolivia. The Rapporteurship also participated in the conference entitled "Equality for All: Access, Discrimination, Violence, and Corruption," organized by the International Association of Women Judges on March 27 in Panama City, Panama, and in a training workshop on the human rights of women in the sphere of health, organized by the Pan American Health Organization and the United Nations Population Fund in Lima, Peru, on June 30 of this year.

Likewise, the Rapporteurship on Women has been working on two thematic reports on the situation of discrimination and violence against women in Haiti and Chile, and the obstacles that victims and their family members face to access effective judicial protection when they denounce such acts. These two reports are being prepared based on the Rapporteurship's on-site visits to those countries in 2006 and 2007.

### **C. Rapporteurship on the Rights of Indigenous Peoples**

On April 30, 2008, the Rapporteurship on the Rights of Indigenous Peoples participated in a hearing before the Inter-American Court of Human Rights on the merits and on possible reparations and costs in the Case of Tiu Tojín v. Guatemala, held in Tegucigalpa, Honduras. During the hearing, the IACHR presented the final arguments in the case and the statements of witnesses and experts proposed by the Commission and representatives of the alleged victims. Likewise, on May 2, 2008, the Rapporteurship participated in the private hearing to follow up on compliance with the judgment of the Inter-American Court of Human Rights in the Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, at the Court's headquarters in San José, Costa Rica. During the hearing, arguments were presented by the parties on compliance with the judgment on the merits, reparations, and costs issued by the Court on August 31, 2001.

The Rapporteurship continued to advise the Chair of the OAS Permanent Council Working Group charged with preparing the draft American Declaration on the Rights of Indigenous Peoples. From April 14 to 18, 2008, the Rapporteurship participated in the negotiation session held at OAS headquarters on the quest for points of consensus.

As part of its activities for the promotion of human rights and indigenous peoples, the Rapporteurship participated in the United Nations Permanent Forum on indigenous affairs, held in New York on May 28-29, 2008. It also participated in various workshops held by governmental and nongovernmental organizations on the human rights of indigenous peoples.

The Rapporteurship participated in an on-site visit to Bolivia June 9-13 in order to gather information on the situation of Guaraní captive communities which continue to suffer conditions of bondage and forced labor analogous to slavery in Bolivia's Chaco region. The IACHR delegation was headed by Commissioner Víctor Abramovich, in his capacity as Rapporteur on the Rights of Indigenous Peoples, and Commissioner Luz Patricia Mejía, as Rapporteur for Bolivia. During the visit, various meetings were held with State institutions, government authorities, local authorities, nongovernmental organizations, international agencies, civil society, and indigenous organizations, in La Paz, Sucre, Camiri, and Santa Cruz. The delegation also visited the community of Itacuatía, located in the Alto Parapetí region, in the department of Santa Cruz, where it gathered information and received testimony from members of the community. The delegation observed that the state of bondage and forced labor in which the Guaraní families live is an extreme manifestation of the discrimination under which Bolivia's indigenous peoples and campesino communities have suffered historically and

continue to suffer.

On August 8, the International Day of the World's Indigenous People, the Rapporteurship issued Press Release No. 34/08, in which the IACHR, through the Rapporteur on the Rights of Indigenous Peoples, Víctor Abramovich, urged the OAS Member States to ensure that the human rights of indigenous peoples are respected and guaranteed, especially their rights to lands, territory, and natural resources, and to participation and consultation.

In addition, in order to strengthen the promotion and defense of the rights of indigenous peoples, a public competition was held for the post of specialist in human rights and indigenous law. Attorney Leonardo Alvarado, of Honduran-U.S. nationality, was selected, and he joined the Rapporteurship team on June 9, 2008. In addition, attorney Ivonne Barrios, of the Quechua people of Bolivia, was selected for the "Rómulo Gallegos-Indigenous Peoples" scholarship program for professional development. Ivonne Barrios joined the Rapporteurship team on May 3, 2008.

During the 133<sup>rd</sup> period of sessions, the Commission held public hearings in which it received information on the right to property of the indigenous peoples of Panama and on the right to the use and exploitation of natural resources and prior consultation with respect to the Cucapá indigenous people of Mexico. It also received information about compliance with the recommendations made to the State of Belize, published in the Report on the Merits No. 40/04, in the case of the Maya communities of the Toledo District in Belize, and the situation of the Hul'qumi'num Treaty Group in Canada.

Likewise, on October 25, the Rapporteurship held a meeting of experts on due protection of indigenous property rights and the right to consultation, and received information to be used in the preparation of a thematic report. The meeting included the participation of the United Nations Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Professor James Anaya, as well as the participation of independent experts, representatives of funding bodies, and notable indigenous leaders.

#### **D. Rapporteurship on the Rights of the Child**

The Rapporteurship on the Rights of the Child, under the direction of Commissioner Paulo Sérgio Pinheiro, has been working on the preparation of thematic reports on *mara* gangs and the impact this phenomenon has had on the protection of human rights in Central America. It has also developed the content of a report on corporal punishment and a request for a consultative opinion on that issue.

With regard to activities to promote the human rights of children and adolescents, the Rapporteurship completed the creation of its Web site, a brochure, and a book to disseminate information about its mandate and functions, as well as the protection mechanisms available in the inter-American system for the human rights of boys, girls, and adolescents. The Web site and the brochure will soon be available to users of the system in the four official languages of the OAS.

With regard to educational activities, on May 14 the Rapporteurship was in charge of a presentation on the issue of "Protection of the Right to Health of Children and Adolescents under the Inter-American Human Rights System." This was part of a national workshop on "Promoting the Protection and Integral Development of Children and Adolescents" through planning and programs with a focus on human rights, organized by the Pan American Health Organization (PAHO) in Guatemala City.

A similar educational activity took place in Haiti during the May 27-31 visit conducted

by a delegation of the Executive Secretariat. The purpose of the visit was to evaluate the human rights situation of children and adolescents. The Commission decided to postpone a visit that was going to be made by the Commissioners in charge of this thematic Rapporteurship and the Rapporteurship for Haiti, due to the combination of political developments and the natural disasters that devastated the country. The Executive Secretariat delegation was in Port-au-Prince and the provinces of Saint Marc and Gonaïves. The delegation visited the "Carrefour" orphanage, the "Foyer de Sion" child-care center, and the Toussaint Louverture police headquarters in Gonaïves. Meetings were held with representatives of the government and international and national organizations that work on children's issues in Haiti. In addition, an educational workshop was held on "The Protection of Children's Rights in the Inter-American System," geared toward public officials and civil society representatives.

Under the cooperation agreement signed between the IACHR and the UNICEF Regional Office for Latin America and the Caribbean, the Rapporteur conducted three working visits to Uruguay, Argentina, and Colombia, for the purpose of gathering information for the thematic report on juvenile criminal justice in the Americas.

On August 19, Rapporteur Paulo Sérgio Pinheiro visited Montevideo, Uruguay, where he met with representatives of the Ministry of Education and Culture, UNICEF, and the Committee on the Rights of the Child-Uruguay. The Rapporteur visited Buenos Aires, Argentina, on August 20-22, where he met with government authorities and civil society representatives. Among the State representatives, the Rapporteur interviewed officials of the province of Buenos Aires' National Secretariat of Childhood, Adolescence, and the Family; with provincial judges specializing in childhood issues; and with representatives of Congress. Meetings were also held with representatives of the "Memory Commission of the Province of Buenos Aires" and with civil society organizations, in particular with members of the National Collective on the Rights of Childhood and Adolescence and the Forum for Early Childhood, as well as with the UNICEF team and national experts. During this visit, the Rapporteur made a presentation on the issue of "Challenges for the Full and Effective Compliance in the Hemisphere of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography"; this was part of the "Preparatory Meeting for the World Congress III on Sexual Exploitation" which took place August 19-22 in Buenos Aires. From September 15 to 19, the Rapporteur visited Bogotá to meet with authorities in charge of childhood issues and with representatives of civil society, and to participate in a seminar on "City, Conflict, and the Public Sphere: The Latin American Perspective," organized by UNICEF on September 17-19. The Rapporteur held meetings with representatives of the Attorney General's Office of the Republic, the People's Defenders Office, the Office of the United Nations High Commissioner for Refugees, and the Alliance for Early Childhood, among other organizations.

As part of the agreement between UNICEF and the IACHR, the Rapporteurship sent out a questionnaire on juvenile criminal justice to the 35 OAS Member States. The deadline for the States to submit their responses was originally set to expire in October, but the Commission has decided to extend it until December 5, 2008. The IACHR is also inviting civil society organizations from throughout the region to participate, submitting responses to the same questionnaire and any other information they consider to be relevant on the subjects raised by the survey. The questionnaire will be available on the IACHR Web page until December 5. Currently, the Rapporteurship is planning to organize the first sub-regional consultation on juvenile justice, which will take place in November in Asunción, Paraguay. It also plans to hire a consultant who specializes in juvenile criminal justice issues to help fulfill the terms established in the IACHR/UNICEF project.

#### **E. Rapporteurship on Migrant Workers and Members of their Families**

Over the past six months, the Rapporteurship on the Rights of Migrant Workers and

Their Families, under the direction of Commissioner Felipe González, has continued its investigation into detention conditions and due process rights of migrants in the United States. In the context of that investigation, the Rapporteurship has persistently tried to coordinate visits to immigrant detention centers in the United States. However, the Rapporteurship has been unable to conduct the visits due to U.S. government requirements that the Commission deems unacceptable.

In recent months, the Rapporteurship has interviewed former detainees and met with immigration advocates from different regions of the United States. In July, a delegation from the Rapporteurship held a series of meetings with congressional staffers to better understand current developments in immigration reform. The Rapporteurship is hopeful that it will be able to conduct interviews with pertinent government officials to gain the State's perspectives on detention and due process issues for migrants in the United States.

The Rapporteurship conducted a fact-finding mission to Texas. The delegation met with civil society organizations, which placed the delegation in contact with more than 10 former immigrant detainees. The Rapporteurship has conducted approximately 20 interviews of former detainees since July. Finally, the delegation spent one day of its visit to Texas meeting with interested parties opposed to the construction of a wall along the Texas-Mexico Border.

During the 132<sup>nd</sup> period of sessions, the Rapporteurship participated in developing the Commission's resolution expressing its concerns regarding the European Union Return Directive and the issuance of a letter requesting more information from the Dominican Republic regarding application of its 2004 Migration Law.

During the 133<sup>rd</sup> period of sessions, the Commission held thematic hearings on the potential human rights impacts of the proposed wall along the United States-Mexico Border and on due process concerns for migrants under U.S. immigration law and policy.

#### **F. Rapporteurship on the Rights of Persons Deprived of Liberty**

The Rapporteurship on the Rights of Persons Deprived of Liberty conducted an observation visit to Chile, from August 21 to 25, 2008. Commissioner Florentín Meléndez, in his capacity as Rapporteur, visited two juvenile detention centers (the San Joaquín Center for Provisional Internment of Minors, in Santiago, and "Tiempo Joven," in San Bernardo); three prisons operated under concession (the Santiago I Preventive Detention Center, the Rancago Prison Complex, and the Valdivia Prison Complex); two State-run centers (the South Santiago Prison Center and the Valparaíso Prison Complex); and women's detention centers (the Santiago Women's Prison Center and the women's sections of the Rancagua and Valparaíso prisons). The Rapporteur also met with high-level State authorities and representatives of civil society. Following the visit, the Rapporteurship delegation participated in the Second Meeting of Officials Responsible for Penitentiary and Prison Policies of the OAS Member States, which took place August 26-28 in Valdivia, Chile. At the conference, Rapporteur Florentín Meléndez made a presentation on "Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas."

In addition, the Rapporteur conducted an observation visit to the Neuro-Psychiatric Hospital of Asunción, Paraguay, on September 11, 2008, to verify compliance with the precautionary measures granted by the IACHR on July 29, 2008 (PM 277/07). The Rapporteur also held meetings September 11-12 with authorities from Paraguay's ministries of Foreign Affairs, Justice, and Public Health and Social Well-Being, and participated in the opening conference of the "Third National Congress of the Ministry of Public Defense of Paraguay."

#### **G. Office of the Special Rapporteur for Freedom of Expression**

On March 27, 2008, the Office of the Special Rapporteur for Freedom of Expression published on its Web site a special study on the status of investigations into cases of journalists who were murdered from 1995 to 2005 for reasons that may be related to freedom of expression. The report had been approved by the IACHR during its 131<sup>st</sup> period of sessions.

In March 2008, before Dr. Ignacio J. Alvarez ended his term, the IACHR convened a competition for the election of his successor. During the period in which the Office of the Special Rapporteur was vacant, the office was under the responsibility of the Chairman of the Commission, Dr. Paolo Carozza. The competition was closed June 1, and five finalists were interviewed in July, during the Commission's 132<sup>nd</sup> period of sessions.

On July 21, 2008, following the round of interviews, the IACHR elected Colombian attorney Catalina Botero Marino as Special Rapporteur for Freedom of Expression. Botero Marino was an Auxiliary Magistrate with Colombia's Constitutional Court for eight years, among other positions. The new Special Rapporteur assumed her post during the first few days of October 2008.

On September 29, 2008, the Special Rapporteur participated in the "First National Conference on Access to Information" held in Lima, Peru, where she made a presentation on international standards and best practices in the area of freedom of expression. On October 14, 2008, Botero Marino spoke at an event called "The Price of Silence: Indirect Censorship in Latin America," organized by the Inter-American Dialogue in Washington, D.C.

#### **H. Unit for Human Rights Defenders**

The Unit for Human Rights Defenders will prepare a follow-up report to its Report on the Situation of Human Rights Defenders in the Americas. It received many requests to do such a report, both from Member States and from civil society organizations and human rights defenders. The unit sent out a questionnaire to the Member States and to civil society organizations to gather information about the level of compliance with the report's recommendations.

In addition, as part of the celebration of the 10<sup>th</sup> anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, the IACHR received a visit from the recently named United Nations Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekagya.

The Unit for Human Rights Defenders has continued to receive information on the obstacles human rights defenders face in doing their work. In this regard, it has corroborated the fact that extrajudicial executions, threats, and acts of aggression continue to be the principal obstacle for those who are dedicated to defending and promoting human rights in the Americas. On that point, the IACHR reminds the States that its Report on Defenders establishes the obligation to create minimum conditions in which defenders can carry out their efforts; these include "the need to do away with environments incompatible with or dangerous for the protection of human rights."

#### **V. WORK RELATED TO THE INTER-AMERICAN COURT**

During its sessions, the IACHR considered the general status of cases and provisional measures it is litigating before the Inter-American Court of Human Rights, and analyzed developments in the Court's jurisprudence. The Inter-American Commission has submitted 120 contentious cases to the Court. Of those, 10 are pending public hearings; 6 are pending



decisions; 91 are in the phase of compliance with judgments, and 13 cases are closed. Additionally, there are 44 active provisional measures in place.

Since the previous regular sessions, the IACHR has submitted the following new cases to the Court's contentious jurisdiction:

- *Case No. 12.511, Rosendo Radilla Pacheco v. Mexico.* [Link to the application filed to the Court](#) (pdf, available only in Spanish). [Link to the press release.](#)
- *Case No. 12.357, Members of the "Asociación de Cesantes y Jubilados de la Contralía General de la República (CGR)" v. Peru.* [Link to the application filed to the Court](#) (pdf, available only in Spanish). [Link to the press release.](#)
- *Case No. No. 11.385, Kenneth Ney Anzualdo Castro v. Peru.* [Link to the application filed to the Court](#) (pdf, English). [Link to the press release](#)
- *Case No. 12.554, Francisco Usón Ramírez v. Venezuela.* [Link to the application filed to the Court](#) (pdf, English). [Link to the press release](#)
- *Case No. 11.681, The Las Dos Erres Massacre v. Guatemala.* [Link to the application filed to the Court](#) (pdf, English). [Link to the press release](#)

Since its 131<sup>st</sup> period of sessions, the Commission also participated in the LXXIX and the LXXX regular periods of sessions of the Court, held at the Court's headquarters in San José, Costa Rica, in the XXXIII special period of sessions, held in Tegucigalpa, Honduras, and in the XXXV special period of sessions, held in Montevideo, Uruguay. During these sessions, the Commission participated in hearings convened by the Inter-American Court on contentious cases, provisional measures, and compliance with judgments, specified as follows:

Hearings on contentious cases: Juan Carlos Bayarri v. Argentina, María and Josefa Tiu Tojín v. Guatemala, Gabriela Perozo et al., "GLOBOVISIÓN" v. Venezuela, Luisiana Ríos et al. v. Venezuela, Tristán Donoso v. Panama, and Ticona Estrada v. Bolivia.

Hearings on provisional measures: Asunto Penitenciarias de Araraquara and Asunto Complexo do Tataupé – Fundación Casa (antigua FEBEM) (Brasil).

Hearings on compliance with judgments: Mayagna v. Nicaragua, Baena Ricardo et al. v. Panama, Ronald Raxcacó v. Guatemala, Fermín Ramírez v. Guatemala, Claude Reyes et al. v. Chile and Bulacio v. Argentina.

## **VI. FINANCIAL CONTRIBUTIONS**

The IACHR would especially like to express its special appreciation for the significant financial support made by countries within and outside the region, as well as by foundations and other entities. These donations make it possible for the IACHR to carry out a great many of its activities related to the mandates issued by the OAS political bodies.

In particular, the IACHR appreciates the contributions made this year by the governments of the following OAS member countries: Canada, Chile, Colombia, the United States and Mexico. It would also like to thank the observer countries that support the Commission's activities: Denmark, France, Ireland, Italy, Korea, Luxembourg, Spain, and Sweden. The Commission also welcomes and appreciates the contributions received from the

Inter-American Development Bank, the European Commission, and the University of Notre Dame. These donations contribute in a concrete way to the strengthening of the inter-American human rights system in the Americas.

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