



# ANNUAL REPORT 2019

AMNESTY  
INTERNATIONAL



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**Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.**

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## REGIONAL OVERVIEW

Inequality, corruption, violence, environmental degradation, impunity and the weakening of institutions continued to be a common reality across the Americas, resulting in daily human rights violations for millions of people. Several countries in the region were shaken by massive demonstrations during 2019 as people took to the streets to demand accountability and respect for their human rights. The response of most governments to these protests, with a few exceptions, was repression and excessive use of force in an attempt to silence demands for greater social justice. Instead of establishing mechanisms to promote dialogue and address people's concerns, the authorities resorted to violence in the policing of demonstrations and, in some instances, increased militarization of public order operations. At least 210 people died as a result of violence in the context of protests during the year.

The Americas remained the most dangerous region in the world for human rights defenders and journalists. In 2019, 208 people were killed because of their work defending human rights and many more faced harassment, criminalization and forced displacement. In some countries journalists continued to face harassment, arbitrary detention and extrajudicial execution. For example, in Mexico, at least 10 journalists were killed during the year because of their work.

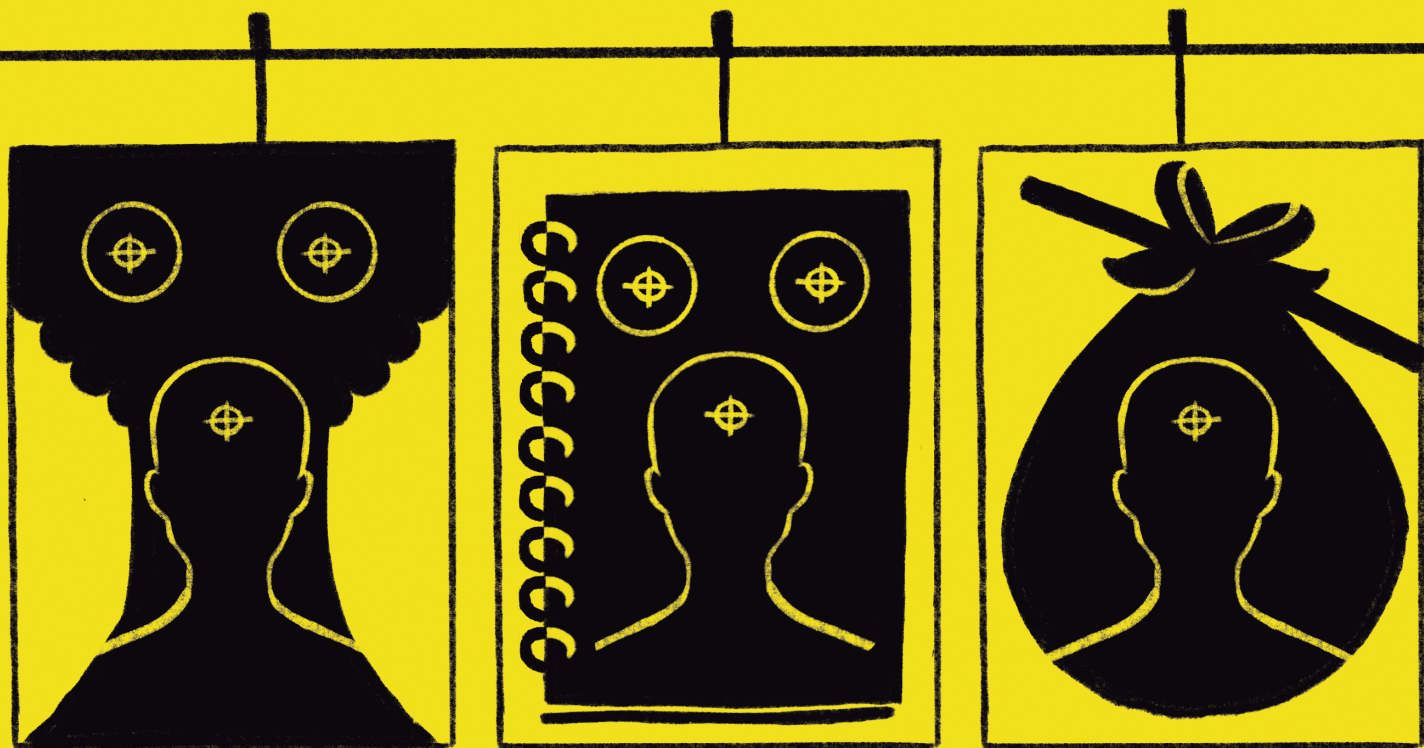
Human rights defenders and Indigenous leaders fighting to defend rights to access to land, territory and the environment were among those most at risk of violence and harassment. In the context of development projects and the extensive impact of extractive industries, most governments failed to respect and guarantee Indigenous Peoples' rights to free, prior and informed consent about the use of their ancestral lands.

Impunity for human rights violations remained the norm throughout the region. In 2019 one of the most innovative mechanisms created to address the lack of justice, the International Commission against Impunity in Guatemala (CICIG), was shut down by the Guatemalan government.

The increasing presence and power of diverse women's rights movements in the region was also a highlight of 2019. Despite that, gender-based violence remained widespread in the Americas. Women human rights defenders, women engaged in sex work, women migrants and refugees, Afro-descendent and Indigenous women and lesbian, bisexual, transgender and intersex women, among others, faced increased risks of gender-based violence and torture as a result of multiple forms of discrimination. In November 2019, the UN Economic Commission for Latin America and the Caribbean (ECLAC) Gender Equality Observatory, issued its most up-to-date information on femicides (gender-based killings of women) based on official figures from 16 Latin American and nine Caribbean countries. According to this data, at least 3,500 women were killed in 2018 because of their gender. The real figure was likely much higher as 10 countries only provided data on women who had been killed by their current or former intimate partners.

Millions of people in the Americas sought safety outside their countries of origin in 2019. By the end of the year, the ongoing human rights crisis in Venezuela had resulted in almost 4.8 million refugees, more than any other country in the world apart from Syria; most were living in neighbouring countries. Although some countries in Latin America established ad hoc mechanisms to regularize people's immigration status, they also imposed unnecessary and illegal barriers to entry that put asylum-seekers at risk.

Hondurans, Guatemalans and Salvadorans continued to make their way to the USA, fleeing the generalized violence prevalent in their home countries. The significant increase in recent years in the number of Cubans, Nicaraguans and Venezuelans in the immigration court backlog in the USA continued in 2019. The Trump Administration, contrary to US international obligations, continued to attack and undermine the institution of asylum by implementing measures and policies to prevent asylum-seekers from crossing the border with Mexico. In a move reminiscent of US actions in recent years, the Mexican government deployed troops at the US-Mexican border. The Mexican government also agreed to receive and host asylum-seekers who had been forcibly returned from the USA and awaiting their hearings, after it signed agreements with the US government to avoid potential tariffs. In Central America, at least 70,000 people who had fled the ongoing human rights crisis in Nicaragua were living in Costa Rica where access to the asylum process and basic services remained a challenge.





# 1. PROTESTS, REPRESION AND MILITARIZATION

2019 was marked by mass protests across the region. In many countries – such as Bolivia, Chile, Colombia, Ecuador, Haiti, Honduras, Nicaragua and Venezuela – the main protagonists of these mobilizations were young people, people from low income homes and women. With a few exceptions, the protests were overwhelmingly peaceful. However, the year was also marked by states' inability to channel people's discontent and demands for their rights. Instead, they resorted to repression; excessive use of force, including intentionally lethal force; and other human rights violations.

## MAIN DRIVERS OF MASS DEMONSTRATIONS

During the year, predominantly young and diverse mass demonstrations across the region demanded action on women's rights, the climate crisis and equal rights for lesbian, gay, bisexual, transgender and intersex (LGBTI) people. Mass anti-government protests were also widespread, with demands that ranged from an end to corruption, to more equal access to education, an adequate standard of living and health, to the right to vote.

In many countries, including Chile, Colombia, Ecuador, Haiti and Honduras, protests were triggered by political and economic measures that would undermine the enjoyment of economic and social rights and increase inequality. In Bolivia the main driver of protests were claims of electoral fraud surrounding the presidential election. In Venezuela, in the context of the current humanitarian emergency, protesters continued to demand respect for their political rights, access to justice and access to economic and social rights. In Nicaragua, demonstrators demanded an end to the continuing repression, justice for victims of human rights violations and freedom for people detained for their legitimate political dissent.

Political polarization intensified in the region, reflecting a widespread feeling of disillusionment with governments and political elites from across the political spectrum. People protested because they felt representatives were increasingly divorced from their needs and demands, because of corruption and because they felt shut out of decision-making processes, which often resulted in policies that disproportionately disadvantaged people living in poverty or in low income homes, women and girls, Indigenous Peoples and young people.

Discontent was fuelled by the fact that Latin America and the Caribbean continued to be the most unequal, as well as the most violent, region in the world, according to UN estimates. Poverty increased again in 2019 (estimated at 31% according to ECLAC), inequality continued to decrease but not at a significant rate and economic growth was almost non-existent (0.1% according to ECLAC). In this context, access to economic and social rights such as education, health or housing was very unequal. The amount of social spending by governments increased slightly in most countries, but alarmingly not in accordance with what would be needed to achieve the targets set out in the 2030 Agenda for Sustainable Development.

## STATES' REACTIONS TO PROTEST: REPRESSION RATHER THAN DIALOGUE

The widespread nature of the protests, their diversity, geographic range and the extensive participation in demonstrations by the population in different countries took many governments in the Americas by surprise and challenged their capacity to establish political dialogue with their citizens. Most governments responded with unnecessary, excessive and, on some occasions, intentionally lethal use of force and by imposing "states of emergency" or "states of exception" which threatened people's right to peaceful assembly and freedom of expression. These violent responses intensified people's frustration and increased the number of people taking to the streets.

In Venezuela, faced with a deepening humanitarian emergency, thousands took to the streets from 21 to 25 January to demand a change of government. At least 47 people died in the context of the protests, all of them as a result of gunshot wounds. Reports indicated that at least 39 were killed by members of state forces or third parties acting with their acquiescence. At least 11 were allegedly extrajudicially executed. More than 900 people were detained, including children and teenagers. The pattern of repression seen in 2019 was consistent with repressive practices inflicted on the civilian population since 2014 constituting reasons to argue that the systematic and widespread attacks against the civilian population may amount to crimes against humanity.

In Haiti, in February alone, 41 people died and 100 were injured in the context of protests. According to the UN, between mid-September and the end of October, a further 42 people were killed, at least 19 of them allegedly by the security forces. Police used excessive force in multiple instances during the anti-government protests in October. In Honduras, at least six people died, and dozens were injured in the context of repression of protests between April and June, most were shot the security forces, including the army. In Ecuador, the government authorized the use of the armed forces to respond to widespread protests after declaring a state of emergency in October. At least eight people were killed and 1,340 injured in the context of protests.

In Bolivia, the government also declared a state of emergency when protests erupted both in support of and against the then president, Evo Morales, following presidential elections in October. There were reports of excessive and unnecessary use of force by the National Police in response to the protests. In November, publication of an audit by the Organization of American States citing serious irregularities in the elections increased protests and was followed by calls for President Morales to resign, even from some of his supporters. The armed forces “suggested” Morales should resign for the “pacification of the country”. Later the same day, President Morales resigned. Two days after the resignation, Jeanine Áñez assumed office as interim President and issued Decree 4078, which provided for the participation of the armed forces in public order operations, guaranteeing impunity for human rights violations. Under this Decree, the National Police and the armed forces carried out joint operations to police demonstrations and there were reports of excessive and unnecessary use of force against protesters, as well as reports of armed protesters. At least 35 people had been killed in the context of demonstrations by the end of the year. Decree 4078 was repealed on 27 November, but allegations of human rights violations continued.

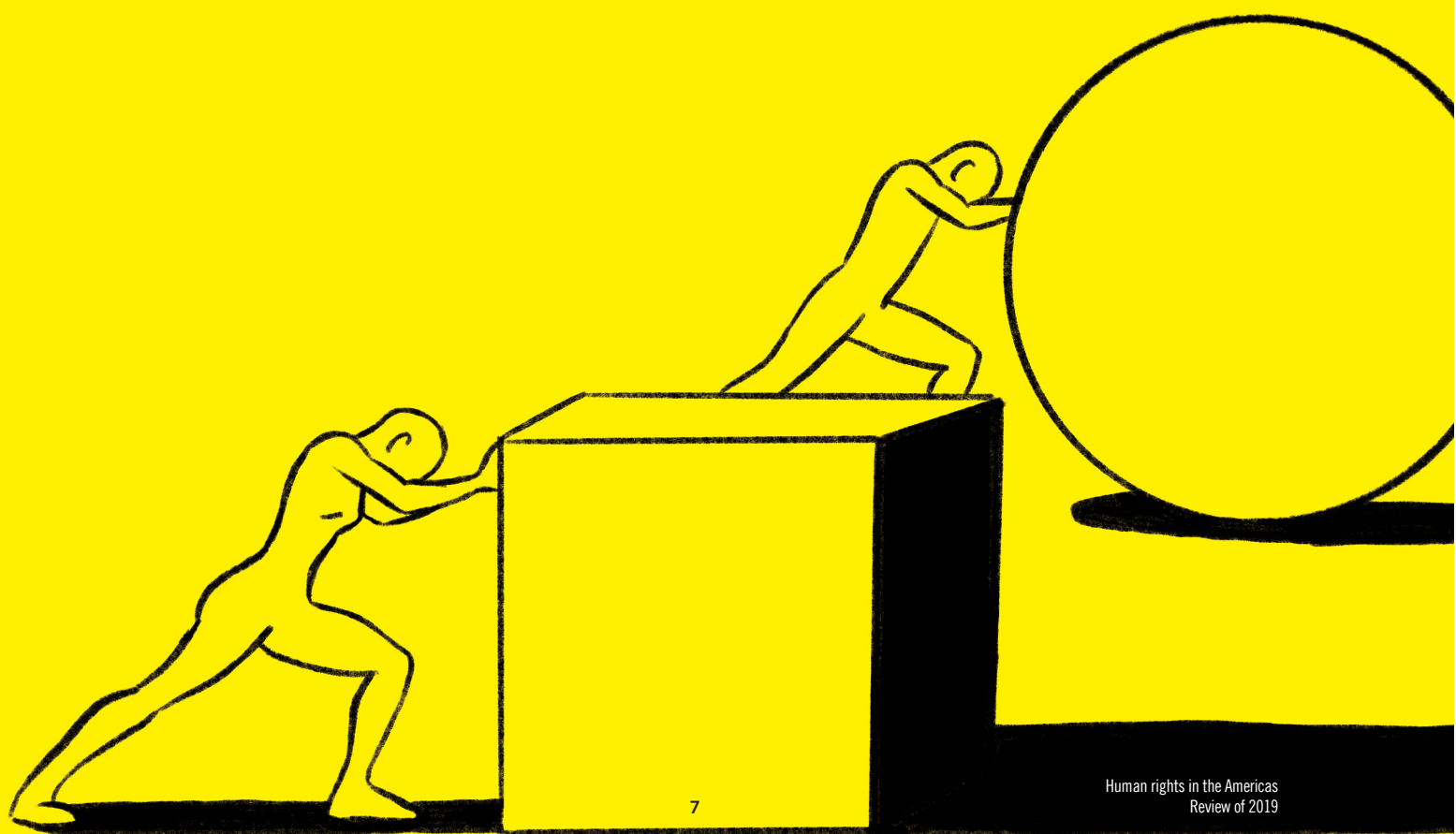
In Chile, protests started in mid-October and the State forces, mainly the armed forces and carabineros (national police), carried out widespread attacks against demonstrators resulting in the death of four protesters and the torture and serious injury of others. More than 350 of those injured sustained serious eye injuries. In Colombia, where protests erupted in November, an 18-year-old died from head injuries caused by a less lethal ammunition.

## 2. ACCESS TO JUSTICE AND THE FIGHT TO END IMPUNITY

Impunity continued to be the norm rather than the exception for both current and past crimes under international law and human rights violations.

In Guatemala, after several attempts, the government finally succeeded in definitively shutting down the CICIG, which had achieved unprecedented results in investigating cases of large scale corruption and human rights violations. At the same time, Congress discussed an amnesty for those accused of criminal responsibility for human rights violations and crimes under international law perpetrated during the internal armed conflict. In El Salvador, the Legislative Assembly discussed a draft Special Law for Transitional and Restorative Justice for National Reconciliation, which was considered a threat to the right of access to justice, truth and reparation for victims of human rights violations. In Nicaragua, an Amnesty Law was adopted which was widely criticized as posing a potential obstacle to freedom of expression and peaceful assembly and endangering victims' right to an effective remedy. In Colombia, a series of measures promoted by President Iván Duque created worrying delays and serious setbacks to the implementation of the 2016 Peace Agreement.

In September, the UN Human Rights Council passed a resolution establishing an Independent International Fact-Finding Mission on Venezuela to investigate extrajudicial executions, enforced disappearances, arbitrary detention and torture since 2014. The Mission was due to publish its findings in 2020. In Mexico, the Ministry of the Interior created a Commission of Investigation for Truth and Justice to clarify the case of the 43 Ayotzinapa students who were forcibly disappeared in 2014. The Minister of the Interior also announced the re-establishment of the Interdisciplinary Group of Independent Experts (GIEI) to look into the case. Despite these positive moves and other changes implemented by the current government, Mexico continued to have some of the highest levels of impunity in the region for the ongoing high incidence of disappearances and other crimes under international law and grave human rights violations.





### 3. HUMAN RIGHTS DEFENDERS

According to the 2019 report of the organization Front Line Defenders, the Americas was the world's most dangerous region for the defence of human rights. Colombia, Honduras, Mexico and Brazil, together with the Philippines, were the countries with the highest number of killings of human rights defenders.

Throughout 2019, Amnesty International continued to receive disturbing reports of stigmatization, threats, displacement, criminalization and killings targeting individuals and communities that promote human rights. Land, territory and environmental rights defenders were particularly at risk and accounted for a high number of those killed.

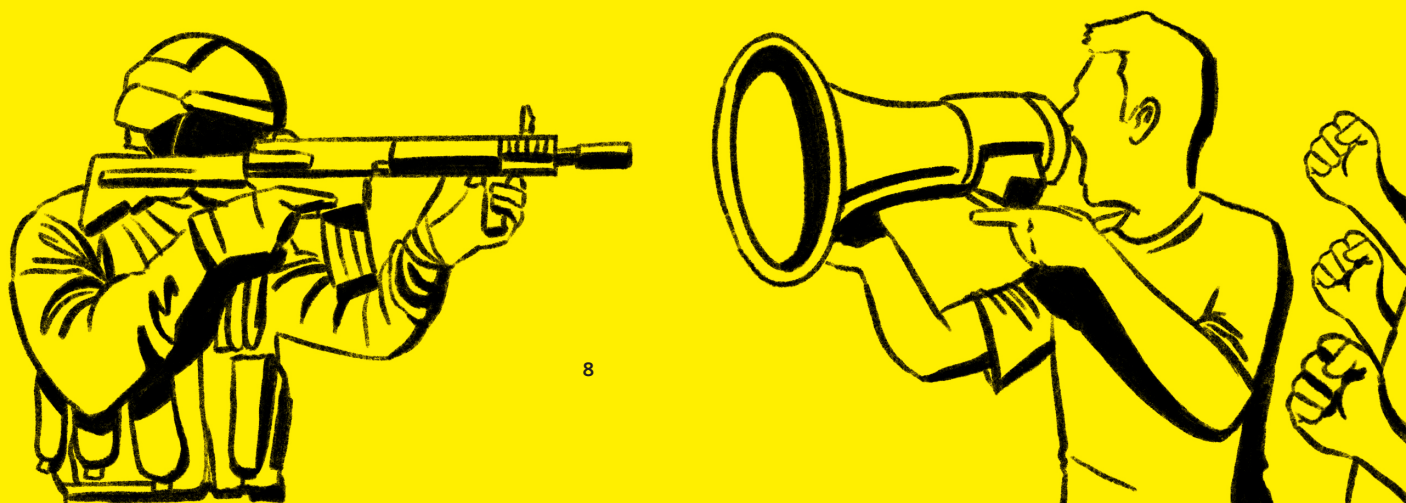
Most states did not have adequate protection plans that addressed the structural causes of violence against these communities. Most states in the region, particularly those with specific mechanisms for the protection of human rights defenders, continued to view protection in a reactive manner and from a material security perspective, rather than trying to overcome the structural causes of violence against vulnerable individuals and communities.

In the USA, the Trump Administration harassed and promoted criminal investigations against defenders of migrant and refugee rights. In December, the Inter-American Commission on Human Rights granted precautionary measures in favour of 17 women human rights defenders in Nicaragua who, in the context of the current crisis, were subjected to harassment, intimidation, death threats and attacks. In El Salvador, local NGOs highlighted the lack of an official record of violations against human rights defenders and the Legislative Assembly's failure to approve a law for the recognition and comprehensive protection of human rights defenders and to guarantee the right to defend human rights.

Some positive steps were taken during the year in various countries to protect human rights defenders. For example, Mexico reformulated its national protection mechanism, while Peru adopted a national protection protocol. In Paraguay, the Joint Action Plan, a mechanism previously used to forcibly evict defenders and communities protecting their rights from their land or territory, was repealed.

Some steps, albeit insufficient, were taken to bring to justice those suspected of criminal responsibility in cases related to attacks against human rights defenders across the region. In Honduras, seven people were convicted for the killing of environmental defender Berta Cáceres. However, her family believes that full justice will only be achieved when those behind the killing are brought to justice. Two people suspected of killing Indigenous environmental defender Julián Carillo were arrested. However, members of his community, Coloradas de la Virgen, were still at risk due to the high levels of violence and the lack of essential services. In Paraguay, the most recent unfair criminal proceedings against Andrés Brizuela, defender of land-related rights, ended following an agreed court settlement.

Other groups were also targeted for their human rights work, including defenders of the rights of LGBTI people, migrants and women; journalists; and those searching for disappeared persons, among others. In Mexico, following the murder of well-known LGBTI rights defender Oscar Cazorla, the UN High Commissioner for Human Rights highlighted the pattern of impunity with regard to investigations of such cases. In Brazil, women's rights defender Debora Diniz received death threats over her defence of the right to abortion in the country. In Mexico, two migrant rights defenders were detained following a stigmatization campaign in which high-level authorities levelled sustained accusations against them for which there was no credible evidence.



## 4. RIGHTS OF WOMEN AND GIRLS

In 2019, women and girls gained prominence in the Americas, both in political participation and in social mobilization for their rights. Significant progress has been made in Latin America and the Caribbean towards gender equality in politics, education and employment, although it is estimated that it will take several decades to reach full parity at the current rate of change.

Gender-based violence against women and girls continued to be widespread throughout the region. Although all women across the region were at risk, some faced a heightened level of risk, for example sex workers, women human rights defenders and Indigenous and Afro-descendent women. Women speaking out for their rights in particular were the targets of violence on social media.

In the Dominican Republic, police routinely raped, beat and humiliated women engaged in sex work in acts that may amount to torture or other ill-treatment. In Colombia, women defenders faced increased risks, including sexual violence, threats and killings. More than 500 Indigenous women and girls were missing or killed in 71 cities across the USA, according to reports, although the true number was believed to be much higher.

Although gender equality was increasingly supported, especially among young people, government efforts to eliminate the entrenched discriminatory attitudes that underpin and perpetuate violence against women remained inadequate. Survivors of gender-based violence also faced barriers to justice related to deeply entrenched and class-based bias within the justice system, resulting in court judgments that continued to fail women. Furthermore, impunity for perpetrators, including in cases of sexual violence and femicides, was still the norm and there were very few measures in place to prevent violence against women and provide services and access to justice to for survivors.

Efforts to challenge and change this context were another prominent feature of 2019. Feminist mobilization in the region was widespread. For example, A rapist in your path, a song by the Chilean group “Las Tesis” highlighting state failures and a patriarchal culture as the root causes of violence against women, was rapidly adopted by feminists across the region and globally, becoming a feminist anthem during the year.

In August, several cases of sexual violence against women and girls sparked outrage and demonstrations in Mexico City and other cities in the country. The Mexico City government initially dismissed the protests as acts of provocation and stated that it would initiate criminal investigations against demonstrators for causing damage to buildings. Subsequently, reportedly in reaction to public outrage, the government changed its position and stated that it would respect the right to freedom of assembly and investigate cases of violence against women and girls.



## 5. SEXUAL AND REPRODUCTIVE RIGHTS

Public health evidence shows that highly restrictive abortion laws do not reduce the number of abortions, but rather force people who are pregnant to resort to unsafe abortions. Nevertheless, according to the Center for Reproductive Rights, more than 97% of women of reproductive age in Latin America and the Caribbean live in countries with restrictive abortion laws. Even where abortion is legal, women and girls continued to encounter widespread barriers to accessing abortion services.

Many health systems in the region were unable to provide essential post-abortion care (PAC), according to a recent study by the Guttmacher Institute. This was the reality despite governments' commitment to provide PAC through the provision of quality health services.

According to the United Nations Population Fund, Latin America and the Caribbean had the second highest rate of adolescent pregnancy in the world. At least 3.4 million adolescent girls, above all those from lower income households and those living in rural areas, did not have access to modern contraceptive methods. The annual per capita cost of access to such contraception would be around US\$0.38 (Guttmacher Institute). Maternal deaths remained among the leading causes of death of adolescents and young women aged 15-24 in Latin America and the Caribbean.

The risk of maternal mortality is twice as high for girls under the age of 15, compared to women as a whole, because their bodies and minds are not fully prepared for parenthood. Latin America and the Caribbean was the only region in the world where there was an increase in the number of girls aged between 10 and 15 who were forced to carry to term pregnancies, often the result of sexual abuse, and give birth. For example, a recent study by UN Women stated that there was a 62.6% increase in pregnancy among girls aged 10-14 in Paraguay. In Argentina every three hours, a girl under 15 gives birth.





## 6. INDIGENOUS PEOPLES' RIGHTS

Indigenous Peoples' rights continued to be violated in countries including Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, the USA and Venezuela.



## VIOLENCE AGAINST INDIGENOUS PEOPLES AND ACCESS TO JUSTICE

Indigenous leaders in countries such as Colombia, Guatemala, Brazil, Mexico and Honduras continued to be threatened, attacked and killed for their work defending rights related to access to land, territory and the environment. In Paraguay, for example, Indigenous Peoples continued to be criminalized by the authorities who used legal proceedings to harass them. There were also reports of violent attacks, intimidation and the displacement of communities. In Ecuador, concerns remained regarding the lack of appropriate protection mechanisms to safeguard the lives and physical safety of Indigenous human rights defenders and to ensure effective investigations into threats and attacks against them.

Indigenous women were at particular risk of violence. In the USA and Canada, for example, Indigenous women continued to experience disproportionately high levels of rape and other sexual violence.

## RIGHTS TO LAND, TERRITORY AND A HEALTHY ENVIRONMENT

The rights of Indigenous Peoples to land and to free, prior and informed consent regarding developments that affect them continued to be flouted by governments in the region. In Peru, new laws weakened the protection of Indigenous Peoples' rights related to land and territory and undermined their right to free, prior and informed consent.

In Paraguay, concrete and positive steps were taken towards implementing the rulings of the Inter-American Court of Human Rights in the cases of the Sawhoyamaya and the Yakye Axa. However, there were allegations of misuse of the criminal justice system against Indigenous Ava Guaraní communities in Itakyry district in the context of a dispute over land titles. In Ecuador, the Sarayaku were still awaiting full implementation of a 2008 ruling by the Inter-American Court of Human Rights that they must be consulted over projects that affect their territory. In Colombia, tens of thousands of people, principally from Indigenous and Afro-descendent communities, were forcibly displaced by clashes between different armed groups.

In Canada, the government did not commit to suspend construction of the Site C dam in British Columbia, despite an outstanding land rights lawsuit and opposition from two directly affected First Nations. In Argentina, 13 years after it was approved, the Territorial Emergency Law (N°26.160) to advance the legal recognition of Indigenous Peoples' land rights had still not been fully implemented.

Environmental contamination and degradation affected Indigenous Peoples' rights to a healthy environment across the continent. In Peru, some steps were taken, such as the release by the Ministry of Health of policy guidelines on the treatment of people affected by toxic metals. However, the government had yet to implement effective measures to protect the right to health of hundreds of Indigenous people whose only water sources were contaminated with toxic metals. In Venezuela, Indigenous communities continued to highlight the impact of mineral extraction on their communities and environment and in Canada, the government failed to establish a specialized health care facility to address decades of mercury contamination on Grassy Narrows First Nation land.

Corporate actors continued to violate and endanger Indigenous Peoples' rights. In Brazil, Indigenous and Afro-descendent communities came under increasing pressure from illegal invasions and seizures of their ancestral lands by loggers, cattle ranchers and other commercial interests. Government protections were scaled back and, in some cases, non-existent.

However, in a landmark settlement, the Canadian mining company Pan American Silver reached a resolution with Guatemalan Indigenous community members in 2019 over a lawsuit related to a 2013 shooting at the Escobal silver mine. The settlement was accompanied by an apology and acceptance of responsibility by the company, the first time a Canadian mining company had publicly acknowledged that its operations abroad resulted in human rights abuses.

Similar lawsuits were ongoing in Canada against Hudson Minerals over allegations around attacks and killings of Indigenous community members near the Fenix nickel mine in Guatemala.

As the global demand for electric vehicles rises, there are concerns that the expansion of lithium mining in South America's "lithium triangle" (Argentina, Bolivia and Chile), which is believed to possess over 70% of the world's lithium reserves, is proceeding without adequate safeguards to protect Indigenous Peoples' rights to water, a healthy environment and free, prior and informed consent.



## 7. CLIMATE CRISIS

Across the region socio-environmental conflicts continued to be a major cause of social discontent. Mass mobilizations to demand action to stop the climate crisis were widespread in the region, especially among young people.

Progress was made towards the implementation of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), a ground-breaking regional treaty on environmental rights. By the end of 2019, 22 countries had signed the Agreement and five had ratified it; 11 ratifications are needed for Agreement to enter into force.

A series of devastating fires affected Bolivia's Chiquitano forest and the Amazon in Brazil, causing an environmental and human rights crisis. In Bolivia the fires broke out after the President enacted Supreme Decree No. 3973 of 10 July which "authorizes the clearing of land for agricultural activities on private and communal land...[and] authorizes controlled burns in accordance with current regulations" in the provinces of Santa Cruz and Beni. The Bolivian government did not initiate an investigation into the possible link between the Decree and the fires and the Decree remained in force and was being applied at the end of the year.

In Brazil, according to official figures, some 435,000 hectares were burned in eight months, affecting the livelihoods and health of rural and urban communities, especially Indigenous Peoples and Quilombola (Afro-descendent) communities living in the region. There was a 30% increase in forest fires in 2019, with 89,178 fire outbreaks detected by satellite. By the end of the year, there was no consistent public policy for the prevention of deforestation and fires or for the protection of and remedies for affected communities. There were also no independent investigations and comprehensive measures to hold to account those involved in the burning of the Amazon rainforest in 2019.





## 8. PEOPLE ON THE MOVE

Governments in the Americas continued to unlawfully impose barriers to the movement of migrants, asylum-seekers and refugees. The region faced at least three major refugee situations: Nicaraguans fleeing to Costa Rica, Venezuelans moving mainly to South American countries and people from the so-called Northern Triangle countries (El Salvador, Guatemala and Honduras) crossing through Mexico in order to reach the USA.

At least 70,000 Nicaraguans who had fled the human rights crisis in their country since 2018 were living in neighbouring Costa Rica. Although Costa Rica did not stop Nicaraguans entering the country, it did not provide them with full access to asylum procedures, limiting their enjoyment of other rights and access to essential services.

Venezuela's unprecedented humanitarian emergency has forced almost 4.8 million women, men and children to flee the country. Some governments in the region established mechanisms to regularize the immigration status of Venezuelans, while others – such as Peru – imposed new entry requirements which effectively closed the door to Venezuelans seeking international protection. Most states lacked national efficient and well-functioning asylum systems and some responded to the emergency by imposing barriers to asylum processes.



People from El Salvador, Guatemala and Honduras continued to flee their countries, driven by widespread violence, threats, extortion, gang recruitment, as well as sexual and gender-based violence. Discrimination, harassment and violence in these countries also led many LGBTI people to seek protection in other countries. According to the UN High Commissioner for Refugees (UNHCR), at the end of the year there were some 387,000 refugees and asylum-seekers from El Salvador, Honduras and Guatemala worldwide. In addition, thousands of people were internally displaced or were deported back to their countries, mainly from Mexico and the USA. Many were sent back in breach of international law to situations where they were at risk of serious human rights violations.

In the USA, the Trump Administration promoted measures designed to limit the number of asylum-seekers crossing to the USA from Mexico. Measures included, but were not limited to, unlawful pushbacks at the border; the implementation of “Remain in Mexico,” a policy which forcibly returned tens of thousands of asylum-seekers to Mexico to stay in that country to wait for the adjudication of their US asylum claims; and the signing of “Asylum Cooperative Agreements” with El Salvador, Guatemala and Honduras (also known as “safe third country agreements”) to force people to seek asylum in those countries instead of the USA.

The US government continued to detain asylum-seekers arbitrarily and indefinitely, contrary to international law and standards. Some asylum-seekers had been detained for several years in detention facilities without access to proper health services. The Trump Administration also continued its illegal practice of detaining children. Responding to US pressure, the Mexican government deployed thousands of troops, part of the newly created National Guard, to the US-Mexican border, contrary to its international obligations. Mexico also continued placing children in immigrant detention centres that were reported to be overcrowded and lack basic health services. At least three people died in the custody of the Mexican immigration authorities, including a child.

The policies of several governments and the rhetoric of officials at the highest level regarding the unprecedented refugee crisis in the region reflect the concerted attempts during the year to roll back human rights protections in a range of areas and to foster division. However, they also provide some of the most striking examples of solidarity and collective refusals to allow hard-won human rights gains to be undermined. At the forefront of such acts of resistance were young women and men, demanding a future of social dignity and environmental security; women and girls calling out the forces that underpin and entrench discrimination and gender-based violence; LGBTI people challenging negative stereotypes and harassment; families and communities standing steadfast in the face of powerful opposition to demand justice; and Indigenous Peoples and environmental defenders braving enormous risks to highlight and stop the climate emergency. The diversity and resilience of civil society movements demanding respect for human rights created some of the most emblematic images of the year on streets of cities, towns and villages across the Americas, an inspiration for the struggles to come.





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# ARGENTINA

/ Argentine Republic

HEAD OF STATE AND GOVERNMENT:

**ALBERTO FERNÁNDEZ**

(replaced Mauricio Macri in December)



Women and girls faced widespread barriers to accessing their sexual and reproductive rights. Indigenous Peoples' rights to ancestral lands were compromised by the failure to implement legislation ensuring such rights and extraction projects which were not properly consulted. The government adopted a set of regressive measures that threatened the rights of migrants and asylum-seekers.

## BACKGROUND

Argentina continued to face a profound economic and social crisis. Increased poverty, a drop in real wages, a rise in unemployment and the loss of purchasing power due to inflation and the implementation of austerity measures affected access to the basic human rights for large parts of the population, such as access to food, health, education and housing.

## INTERNATIONAL SCRUTINY

Argentina's human rights record was reviewed by the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (UN Committee on Migrant Workers). The UN Working Group of Experts on People of African Descent, the Rapporteur on the right to privacy and the Inter-American Court of Human Rights visited the country during the year.

## SEXUAL AND REPRODUCTIVE RIGHTS

Women and girls continued to encounter widespread barriers to accessing legal abortion when the pregnancy posed a risk to their life or health or was a result of rape. Every four hours, a girl under 15 gives birth in Argentina; the majority undergo forced pregnancies which are the result of sexual violence, seriously affecting their mental and physical health.<sup>1</sup>

An 11-year-old rape survivor from the province of Tucumán was refused a legal abortion for almost five weeks, despite her own and her mother's expressed their will for a termination. Two doctors who eventually carried out the termination, in compliance within the law, were facing criminal charges at the end of the year.<sup>2</sup>

## VIOLENCE AGAINST WOMEN AND GIRLS

According to figures published by civil society, at least 327 femicides occurred between January and December.

One in three women experienced violence on social media in Argentina. Research showed that 23% of women who participated in the public debate on social media regarding the legalization of abortion were the target of online abuse, including direct or indirect threats of physical or sexual violence, sexist and misogynist abuse, harassment and doxing (the uploading of private information to a public platform with malicious intent).

## INDIGENOUS PEOPLES' RIGHTS

The majority of Indigenous communities still lacked legal recognition of their territorial rights, even though the Constitution recognizes their right to ancestral lands and natural resources.

Thirteen years after it was approved, the Territorial Emergency Law (N°26.160) had still not been fully implemented. Under this law, evictions of Indigenous Peoples from their traditional lands were suspended pending a survey of all Indigenous lands. A survey had only been initiated in 38% of Indigenous communities by the end of 2019.<sup>3</sup>

In the Province of Jujuy, projects for possible lithium extraction were initiated on the lands of Indigenous Peoples without carrying out an exhaustive study of the possible impact on natural resources and without ensuring the free, prior and informed consent of the Indigenous communities affected. For example, in the Salinas Grandes Salt flats licences for lithium exploration were granted without proper consultation with Indigenous communities affected who continued to demand information about the potential impacts of mining on their water sources.

## IMPUNITY

Trials before ordinary civilian courts continued for crimes against humanity committed under the 1976-1983 military regime. Between 2006 and December 2019, 238 rulings were rendered, bringing the total number of convictions to 962 and acquittals to 157.

Some 25 years since Argentina's worst-ever terrorist attack, no one had been convicted of the bombing of the Argentine Israelite Mutual Association (AMIA) centre, in which 85 people died and hundreds were injured. At the end of an oral trial lasting almost four years related to a cover-up operation, eight people were convicted and five people were acquitted for their roles in obstructing the investigation into the 1994 attack.

In September, the Federal Chamber of Appeals of Comodoro Rivadavia decided to reopen the investigation into the disappearance and death of Santiago Maldonado. His body had been found in 2017 in a river on Mapuche territory in the Province of Chubut, 78 days after the security forces carried out an operation in the area.

<sup>1</sup> Americas: Latin America must stop forcing pregnant girls into deadly situations (News story, 5 March)

<sup>2</sup> Argentina: Authorities deny 11-year-old's right to terminate forced pregnancy (News story, 28 February)

<sup>3</sup> Argentina: Estado de situación de la ley de emergencia territorial indígena 26.160, 9 August (available in spanish only)

## POLICE AND SECURITY FORCES

In January, in the context of increasingly harsh security measures, the Ministry of Security authorized the use of electro-shock weapons by the national security forces in situations that did not respect international standards on the use of such weapons (Resolution 395).

In September the Ministry published Resolution 845/2019 authorizing police and security forces to verify the identity of users of the national train service, apparently for crime prevention, with no previous reason justifying the measure and in clear violation of human rights standards.

Both resolutions were repealed in December 2019 (Res. 1231). Concerns remained over the announcement of new rules concerning the use of electro-shock weapons.

## ARBITRARY ARRESTS AND DETENTIONS

In October, Jorge González Nieva, who had been in pre-trial detention for over 12 years, was transferred to house arrest. He was still awaiting a final decision by the Supreme Court of justice in the proceedings against him at the end of the year.

## RIGHTS OF REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

The government adopted a set of regressive measures, through regulations and practices, that restrict the rights of migrants and facilitate discrimination and xenophobia. Despite having been deemed unconstitutional and criticized by several human rights mechanisms, Executive Order 70/2017, which modified the Migration Act, continued to be applied. An increasing number of deportations carried out under this Order targeted migrants with irregular status and/or criminal records without affording them procedural guarantees and in violation of migrants' rights to family unity and the best interest of the child. Vanessa Gómez Cueva, a Peruvian mother of three, was deported from Argentina with her 2-year-old son and forced to leave her other two children behind. After seven months, she received permission to return.

The UN Committee on Migrant Workers called on Argentina to withdraw Executive Order 70/2017, refrain from carrying out deportations that separate families, further strengthen efforts to prevent violence against vulnerable groups of migrants and take steps to prevent xenophobic rhetoric that undermines the dignity of migrants.

By the end of the year, more than 180,000 Venezuelans had arrived in Argentina, most of them fleeing the humanitarian crisis in that country.

Through an innovative community sponsorship scheme, the Syria Programme, more than 445 Syrian refugees had arrived in Argentina in total by the end of 2019.

## CLIMATE CHANGE

Argentina had yet to ratify the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, which it had signed in 2018.

In 2019, the National Congress approved the Law on minimum budgets for adaptation and mitigation to global climate change (N°27.520). Argentina missed the opportunity to update its commitments on national determined contributions (NDC) at the Conference of Parties (COP25).



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# BOLIVIA

/ Plurinational State  
of Bolivia

HEAD OF STATE AND GOVERNMENT:

**EVO MORALES AYMA**  
(resigned on 10 November)

**JEANINE AÑEZ CHÁVEZ**  
(interim from 12 November)



A series of devastating fires affected Bolivia's Chiquitano forest causing an environmental and human rights crisis. Those defending human rights and the rights of Indigenous Peoples continued to be threatened and harassed. Bolivia is experiencing a social, economic, political and human rights crisis since the 20 October elections.

## BACKGROUND

In October, amid protests and allegations of electoral fraud, President Evo Morales declared he had won the elections by a margin that eliminated the possibility of a runoff with the opposition candidate. In response to the protests, President Morales declared a state of emergency during which there were allegations of excessive and unnecessary use of force by the National Police. On the election day, human rights defender, Waldo Albarracín, was injured after being hit with a tear-gas canister.

On 8 November, after days of violent protests, the Police of Sucre, Cochabamba and Santa Cruz declared themselves in mutiny against the government and on 9 November they were joined by the La Paz Police. The same day, President Morales called upon all of Bolivia's political forces to engage in dialogue to pacify the country.

On 10 November, the OAS released the results of its audit citing serious irregularities in the election and called for new polls to be held. The same day, supporters of the President urged him to step down and the Armed Forces released a statement suggesting that the President should resign in order to bring peace to the country. Later that day, President Morales resigned and violent protests intensified.

There were public reports of attacks and arson attempts against property belonging to journalists and human rights defenders, such as the burning down of the house of Waldo Albarracín, by mobs of supporters from Morales' Movement for Socialism (MAS) party, as well as reports of attacks against the property of families of authorities of the resigning government. The National Police requested support from the Armed Forces to carry out joint operations to restore order.

On 12 November Jeanine Añez took office as interim president with a mandate to call for new presidential elections. Protests by supporters of the MAS continued and on 14 November, the government issued Decree 4078 which provides for the participation of the Armed Forces in “the defence of society and maintenance of public order” and exempts from criminal responsibility Armed Forces personnel participating in operations to re-establish internal order and public security “when, in carrying out their constitutional duties, they act in legitimate defence or out of necessity, while observing the principles of legality, absolute necessity and proportionality”.

With the decree in force, the National Police and Armed Forces carried out joint operations to control demonstrations and there were allegations of excessive and unnecessary use of force, as well as reports of armed protesters such as in Sacaba and Senkata where deaths and dozens of injured people were reported. The Institute of Forensic Research reported that between 20 October and 22 November, it carried out 27 autopsies of people who died in the context of the protests. According to publicly available information from the Office of the Ombudsperson, 35 people died between 30 October and 28 November, and 832 were wounded between 24 October and 21 November. On 27 November, interim President Añez repealed Decree 4078.

During the crisis several cities were rendered inaccessible, resulting in food and gas shortages. There were also allegations of threats and attacks against journalists and other violations of the right to freedom of expression. On 24 November the interim president promulgated a law annulling the 20 October elections and calling for a new electoral process. The elections are due to be held on 3 May 2020.

From 22 to 25 November 2019, at the invitation of the State, a delegation from the Inter-American Commission on Human Rights (IACHR) carried out an observation visit to Bolivia.

On 12 December 2019, the IACHR and the State signed an agreement to create an Interdisciplinary Group of Independent Experts to support investigations into the acts of violence and human rights violations that took place in Bolivia between 1 September and 31 December 2019.

## INTERNATIONAL SCRUTINY

In November, the UN Human Rights Committee examined Bolivia's human rights record under the Universal Periodic Review process and received 238 recommendations. In July, Bolivia ratified the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

## HUMAN RIGHTS DEFENDERS

Concerns remained regarding the deteriorating situation faced by human rights defenders. The authorities, including former President Morales, made statements questioning the work of national and international civil society organizations. The requirements, introduced in 2013, for NGOs, foundations and other not-for-profit entities working in more than one department to operate legally remained in force. The lack of clarity surrounding these requirements put civil society organizations at risk of losing their legal status and prevented them from operating effectively.

## INDIGENOUS PEOPLES' RIGHTS

Indigenous Peoples' rights, particularly their right to participate in decision making on matters that affect their rights, continue to be threatened by the licensing of economic projects, such as oil concessions, on community lands without obtaining their free, prior and informed consent.

## RIGHT TO A HEALTHY ENVIRONMENT

Starting in July, a series of forest fires raged in the Chiquitanía. The fires occurred after former President Morales enacted Supreme Decree No. 3973 on 10 July. This authorizes “the clearing of land for agricultural activities on private and communal land” and “controlled burns in accordance with current regulations” in the provinces of Santa Cruz and Beni, both of which were affected by forest fires. No investigation was initiated by the Bolivian government to establish the causes of the fires and any possible link with the Decree. The Decree remained in force and continued to be applied at the end of the year.

## REFUGEES AND ASYLUM-SEEKERS

On 17 March, police and immigration officers arbitrarily detained 14 Venezuelans (three women and 11 men) at a shelter in La Paz. They had participated in a peaceful demonstration at the Cuban Embassy against human rights violations in Venezuela on 15 March. They were taken to an immigration office, interrogated and accused of “conspiracy” and “political activities in exchange for money”, violating their right to due process. According to local organizations and witnesses, many were ill-treated and threatened by police officers. Six were arbitrarily deported to Peru the same day. The other eight, who had applied for asylum, were released but five subsequently fled to Peru fearing further persecution. The three who remained in Bolivia at the end of the year feared persecution and arbitrary deportation.

## IMPUNITY

In April, the Truth Commission investigating human rights violations between 1964 and 1982 received declassified documents from the Ministry of Foreign Relations and the Ministry of Justice and historical files from the Plurinational Assembly. The Commission was due to present a final report in 2020.

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# BRAZIL

/ Federative Republic of Brazil

HEAD OF STATE AND GOVERNMENT:  
**JAIR BOLSONARO**



The openly anti-human rights rhetoric developed by President Bolsonaro in the 2018 electoral campaign was put into practice through administrative and legislative measures by federal and state governments. The year also saw an increase in the number of killings by police on active duty; severe environmental crises in the Amazon disproportionately affecting Indigenous peoples, Quilombolas and other local traditional communities; attempts to curtail the activities of civil society organizations; and threats against and killings of human rights defenders. The authorities failed to provide an adequate response to a whole range of human rights violations.

## BACKGROUND

The president and other high-ranking officials maintained an openly anti-human rights discourse that included statements aimed at weakening the Inter-American human rights system.

## LEGAL, CONSTITUTIONAL AND INSTITUTIONAL DEVELOPMENTS

The federal authorities promoted a number of executive orders, provisional measures, draft bills and other legal instruments that threatened to have a negative impact on human rights in the country. For example, a series of anti-corruption and public security measures were introduced which contained a vague and broad definition of self-defence that fell far short of international human rights law and standards and could be used to justify excessive use of lethal force by state agents. Regulations on the possession and transport of firearms were relaxed and measures were adopted to block the investigation of crimes under international law committed during the military regime.

## ENVIRONMENTAL CRISIS IN THE AMAZON

By the end of the year, there was no consistent public policy for the prevention of deforestation and fires, nor for the protection and remedies for affected populations. There were also no independent investigations and comprehensive measures for the accountability of all those involved in the burning of the Amazon rainforest in 2019. According to the Social and Environmental Institute (Instituto Socioambiental, ISA), some 435,000 hectares were burned in eight months, affecting the livelihoods and health of rural and urban communities, especially Indigenous peoples and Quilombola communities living in the region. According to the National Institute for Space Research / INPE, a Brazilian government agency that monitors the situation of the Amazon by satellite, the estimated deforestation rate for the nine states of the Brazilian Legal Amazon was 9,762 km<sup>2</sup> for the period of August 2018 to July 2019. This value represents an increase of 29.54% in relation to the deforestation rate calculated in the previous year, which was 7,536 km<sup>2</sup>. This same Institute confirmed that there was a 30% increase in forest fires in 2019, with 89,178 fire outbreaks detected by satellite.

The devastating fires in the Amazon were the symptom of the larger crisis of illegal deforestation and land seizures. There was evidence that burning was associated with the interests of agribusiness, especially for clearing the forest for cattle farming, and in some cases with the collusion of authorities. Brazilian law contains strong provisions for the protection of Indigenous people's territories and environmental reserves. However, President Bolsonaro actively sought to undermine those protections. On 29 August, he enacted a decree prohibiting land clearance fires for 60 days as part of the government's response to the crisis. An official working for Brazil's national environmental agency expressed concern that the decree would have only limited effect because most of the recent fires were already prohibited by existing laws. Representatives of NGOs and local officials alleged that many of those starting the fires had been encouraged to occupy plots of land in Indigenous territories and environmental reserves by local farmers and politicians.<sup>4</sup>

A consistent pattern emerged whereby plots of land in the forest were identified and illegally seized, trees were cut down and cleared, then fires were lit (often repeatedly in the same area) before grass was planted and cattle eventually introduced. For example, the area around a fire that raged in Indigenous Manoki territory in Mato Grosso state in August had been fenced off and Manoki leaders told Amnesty International that they believed the fire was intended to pave the way to create pasture for cattle.

In November, President Bolsonaro stated that he expected the destruction of the world's largest tropical rainforest to continue, in reference to his presidential campaign promise to open the Amazon to more agriculture and mining. While the Environment Minister stated that the government hoped to reduce illegal deforestation in 2020, he did not indicate any concrete goal.

## INDIGENOUS PEOPLES' RIGHTS

The Bolsonaro administration failed to fulfil its obligations to protect Indigenous peoples and indeed several measures it adopted increased the risks they faced.

For example, the National Foundation for Indigenous People (FUNAI) was stripped of some of its powers. President Bolsonaro also made repeated statements aimed at discrediting and undermining the Brazilian Institute for Environment and Renewable Natural Resources. Both organizations had played a crucial role in monitoring and protecting the Amazon and the weakening of their powers and influence increased the risks faced by Indigenous peoples and their leaders.

Official recognition and demarcation of the territories of Indigenous peoples remained slow and largely ineffective. Indeed, the situation was aggravated by the introduction of Provisional Measure No. 870/2019 which transferred FUNAI's powers of demarcation to the Ministry of Agriculture and threatened to bring the demarcation of Indigenous lands and resolving the titles to land of Quilombola communities to a halt. The Provisional Measure was criticized by the UN Special Rapporteur on the rights of Indigenous peoples for undermining FUNAI's role in protecting Indigenous peoples. In June of 2019, the Measure was reversed following the approval of Law 13.844 and control of FUNAI was returned to the Ministry of Justice.

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<sup>4</sup> Brazil: Authorities must investigate and prosecute those responsible for destruction of the Amazon (News story, 2 September)

According to a report by the Indigenous Missionary Council (CIMI), between January and November at least 21 Indigenous territories where the presence of peoples in voluntary isolation has been recorded were invaded by loggers, prospectors, hunters, fishers and people seeking to appropriate lands to exploit its natural resources. The survey did not include territories where peoples were present but where their lands had yet to be demarcated and protected.

Indigenous peoples and Afro-descendant communities came under increasing pressure from illegal land invasions by loggers and other commercial interests. Government oversight of these isolated communities was scaled back and, in some cases, non-existent. In addition, community leaders and human rights defenders were threatened and attacked.

For example, Indigenous peoples in three territories in northern Brazil, the Karipuna and Uru-Eu-Wau-Wau in Rondônia state and the Arara in Pará state, reported illegal seizures of their ancestral lands. They described how illegal intruders had cut new paths into the forest near their villages. In all three sites, Indigenous leaders repeatedly reported illegal land seizures and logging to the authorities, but the authorities' response was limited and illegal land seizures and logging continued. For example, between January and April 2019, the Federal Public Prosecutor's Office sent at least four letters to the Ministries of Justice and Public Security – the Ministry responsible for FUNAI – and Women, Family and Human Rights describing the deterioration in the security situation in the Karipuna and Uru-Eu-Wau-Wau territories, warning of a risk of conflict and requesting immediate support from the National Security Force. By the end of the year, the Ministries of Justice and Public Security and Women, Family and Human Rights had not coordinated with the National Security Force to protect the Karipuna and Uru-Eu-Wau-Wau territories and long-term protection plan remains unresolved. In addition, Karipuna and Uru-Eu-Wau-Wau leaders received death threats.<sup>5</sup>

According to CIMI, land invasions in Indigenous territories, which had risen from 96 in 2017 to 109 in 2018, increased dramatically in 2019 with 160 cases recorded in the nine months to September alone. Killings of Indigenous people, which rose from 110 in 2017 to 135 in 2018, looked set to reach record levels in 2019. A report by Global Witness pointed to the growing number of killings of environmental activists, including Indigenous leaders, linked to extraction of natural resources.

One of the latest victims was Paulo Paulino Guajajara, a 26-years-old Guajajara leader, who was killed in November in the Araribóia Indigenous Reserve, Maranhão state. He was the fourth “Guardian of the Forest”, a group of 120 Guajajara activists fighting illegal logging in the Araribóia reserve, to be killed.

The Brazilian government failed to take effective steps to ensure justice for these killings and continued to criminalize human rights defenders, especially those working on issues related to the environment, land and territory, creating an environment of fear and making Brazil an even more dangerous place to defend human rights.

## POLICE AND SECURITY FORCES

Federal and state authorities adopted a hard-line rhetoric that fuelled increasing violence directed at the public in general and human rights defenders in particular.

Rio de Janeiro State Governor Wilson Witzel made statements and carried out actions related to the so-called “war on drugs” which continued to be used as a pretext for militarized police interventions marked by high levels of police violence, crimes under international law and human rights violations. In this context, killings of alleged offenders, especially those that security officials claimed to be involved in drug trafficking, rose.

Between January and July, according to official figures, 1,249 people were killed by police in Rio de Janeiro. According to a study by the Rio de Janeiro State Prosecutor's Office, this represented a 16% increase over the same period in 2018 (1,075). Among those killed by police on active duty were five black children living in favelas and deprived communities on the outskirts of cities in the metropolitan region of Rio de Janeiro. The study led the Rio de Janeiro Public Prosecutor's Office to state that “Rio has the deadliest police in Brazil, although it is not among the ten most violent states in the country.”

The generalized violence also resulted in high levels of police deaths. According to the Military Police of the State of Rio de Janeiro, between January and September 2019, 39 police officers were killed in the state, constituting a decrease in the number of police deaths in Rio de Janeiro.

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<sup>5</sup> Brazil: Risk of bloodshed in the Amazon unless government protects Indigenous peoples from illegal land seizures and logging (News story, 7 May)



## HUMAN RIGHTS DEFENDERS

In line with statements made during the presidential election campaign in which he repeatedly criticized the work of NGOs, President Bolsonaro created the Department for Relations with Non-Governmental Organizations through the introduction of legislative measures, such as Provisional Measure 870 and the Decree No. 9,669/2019, which appeared designed to interfere unduly in the activities of the civil society organizations operating in Brazil or create onerous bureaucratic procedures that would make it more difficult for them to operate. These measures were amended by the National Congress in the wake of mobilizations by civil society organizations.

The president's vilification of NGOs continued during 2019. For example, on 21 August in a statement to reporters against a background of the 82% increase in forest fires in the Amazon, he accused civil society organizations of being responsible for fires in the Amazon: "So, there may be, yes, there may, I am not saying, criminal action by these 'ongueiros' [members of NGOs] to draw attention against myself, against the government of Brazil. This is the war we face".

In a similar vein, on 25 October, Environment Minister Ricardo Salles insinuated, in a social media post, that the international organization Greenpeace could be responsible for the oil spill affecting Brazilian waters and more than 2,250km of coastline in northeastern Brazil, causing another environmental and human rights crisis in the country. When questioned by journalists about the Environment Minister's statements, President Bolsonaro stated: "For me this is a terrorist act. For me, this Greenpeace only hinders us". On 30 October, Greenpeace filed a lawsuit in the Federal Supreme Court against the Minister of the Environment for defamation. The outcome of the lawsuit was pending at the end of the year.

## IMPUNITY

One year after human rights defender Marielle Franco and her driver Anderson Gomes were killed in the city of Rio de Janeiro, the Rio de Janeiro State Civil Police arrested retired police officer Ronie Lessa and former police officer Elcio de Queiroz for the killings. On 14 March, fourteen experts and rapporteurs from the United Nations and the Inter-American Commission on Human Rights, in a note released in Geneva, acknowledged the work carried out by police investigators and prosecutors to uncover the truth and the progress made in the case. However, they stressed that more needed to be done to establish the motives for the attack and uncover those behind it and they urged the authorities to conclude the investigation as soon as possible by bringing all those suspected of criminal responsibility for the crime, including those superiors who may have ordered, authorized or consented the crime, to justice in fair trials and providing reparation for the families.

Marielle Franco had been an outspoken supporter of the rights of black youth, women, those living in poverty, lesbian, gay, bisexual, transgender and intersex people, and the victims of police violence in Rio de Janeiro. Allegations that President Bolsonaro's family had links with those responsible for the killing were dismissed by the authorities. Nevertheless, the delay in resolving the case fuelled concerns that senior governmental figures could be implicated in the killing.

In July, the UN High Commissioner for Human Rights wrote to the Brazilian authorities regarding the case of 16-year-old Davi Fiuza, who was the victim of enforced disappearance in Salvador, Bahia state, in 2014. The Commissioner reiterated previous recommendations in the case and requested information to explain why the results of investigations concluded by the Civil Police Unit in April 2016 were transmitted to the Public Prosecutor's Office only on 7 July 2017 and again on 2 August 2018. The trial was transferred to the military court and there was no information on the process.

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# CANADA

/ Canada

HEAD OF STATE:  
**QUEEN ELIZABETH II**  
represented in Canada by  
Governor General Julie Payette

HEAD OF GOVERNMENT:  
**JUSTIN TRUDEAU**



Despite frequent promises, new laws and a long-awaited national inquiry report on missing and murdered Indigenous women and girls, extensive violations of the rights of Indigenous Peoples continued. The government refused to lift the designation of the USA as a “safe” third country for refugee protection.

## INDIGENOUS PEOPLES

In May, the Minister of Indigenous Services visited the Grassy Narrows First Nation but failed to establish a specialized health care facility to address decades of mercury contamination in the community.

A proposed law to incorporate the UN Declaration on the Rights of Indigenous Peoples (Declaration) into Canadian law, which had been passed by the House of Commons, was blocked in the Senate and was not adopted before the previous parliamentary session ended in June. In November the province of British Columbia unanimously adopted a new law implementing the Declaration.

In June, a new law recognized Indigenous peoples’ jurisdiction over child and family services. A judicial review of a Canadian Human Rights Tribunal ruling that First Nations children had been subject to “wilful and reckless” discrimination and awarding CDN\$40,000 to children taken into care since 2006 was ongoing at the end of the year.

In June, a law to “reclaim, revitalize, strengthen and maintain” Indigenous languages in Canada was passed.

In September, a public inquiry in Quebec concluded Indigenous Peoples faced systemic discrimination in accessing public services in the province.

In December, the UN Committee on the Elimination of Racial Discrimination (UN CERD) called on Canada to halt the construction of the Trans Mountain Expansion Pipeline, Site C dam and Coastal GasLink pipeline in the province of British Columbia unless the free, prior and informed consent of Indigenous peoples impacted by these projects was obtained.

## CLIMATE CRISIS

National efforts to address the climate crisis remained inconsistent and inadequate. Saskatchewan and Ontario appeal courts ruled that national carbon pricing legislation was within the federal government's constitutional authority. A similar challenge was pending in Alberta and a further appeal before the Supreme Court of Canada was scheduled for March 2020. The federal government approved the expansion of the Trans Mountain Pipeline to carry bitumen from oil sands in Alberta to a marine terminal in British Columbia. The Federal Court of Appeal agreed to hear an appeal of that approval from Indigenous communities regarding inadequate consultation.

## WOMEN'S RIGHTS

In June, the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls was released. The federal government committed to develop a national action plan to address violence against Indigenous women, girls and two-spirit people, and enacted an overdue amendment to end sex discrimination in the Indian Act, but did not make any other commitments in response to the Inquiry.

In June, legislation requiring assessment of the gender and Indigenous rights impacts of major resource development projects under federal jurisdiction was adopted.

In October, the only clinic in the province of New Brunswick providing abortion services outside a hospital announced it would close because of a lack of government funding, significantly restricting access to abortion services.

Canada failed to implement the UN Committee against Torture's 2018 recommendations to investigate forced and coerced sterilization of Indigenous women and girls, and take concrete steps to halt the practice and ensure justice for survivors.

## FREEDOM OF RELIGION

Four legal challenges were pending regarding a Quebec provincial law, adopted in June, banning certain public servants in positions of authority, including teachers, police officers and judges, from wearing religious symbols such as the hijab, turban, kippah or crucifix while at work. The lawsuits raise concerns about gender equality, discrimination, religious freedom and freedom of expression.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

In December, the federal government committed to amending the Criminal Code to ban conversion therapy, and to work in conjunction with provinces and territories to end the practice. Conversion therapy seeks to change people's sexual orientation, or suppress a person's gender identity or expression.

Canada failed to take steps to end medically unnecessary surgeries on intersex children without their free, full and informed consent.

## REFUGEES AND ASYLUM-SEEKERS

In April, the government of Ontario ended legal aid for refugee and immigration proceedings. In August, the federal government covered that funding gap on a temporary basis.

In May, the Supreme Court of Canada ruled in the China case that immigration detainees have the right to bring habeas corpus applications before provincial courts.

In June, a new law excluded refugee claimants who have previously claimed refugee status in countries with which Canada maintains intelligence sharing agreements from hearings before the independent Immigration and Refugee Board. Their claims are instead referred to the Pre-Removal Risk Assessment process carried out by government officials.

A legal challenge to the Canada/US Safe Third Country Agreement (STCA) launched in 2017 by Amnesty International, the Canadian Council for Refugees, the Canadian Council of Churches and individual refugee claimants was heard in November. Under the STCA refugee claimants are turned back from official Canada/US border posts because Canada considers the US asylum system to meet international human rights requirements.

## CRIMINAL JUSTICE SYSTEM

Independent reports released by the Nova Scotia Human Rights Commission in March and the City of Montreal in October, building on similar reports in Ontario in 2018, added new urgency to calls to address discrimination against Black and Indigenous people in policing and the justice system, including a ban on random street checks.

Concerns about prolonged solitary confinement in federal prisons were not fully addressed by a law adopted in June, which replaced past practice with “structured intervention units”.

## COUNTER-TERROR AND SECURITY

National security reforms in June established a National Security and Intelligence Review Agency, strengthened oversight of Canada’s no-fly list and reversed some restrictive measures adopted in 2015, but also granted new mass surveillance powers to intelligence agencies.

In July, an external review of the 2014 extradition of Canadian citizen Hassan Diab to France, where he was detained without charge for over three years, concluded that the federal government had complied with Canadian law, renewing calls for a full judicial inquiry.

The government refused to facilitate the return to Canada of over 40 Canadian citizens, accused of being ISIS fighters or their family members, who are detained or trapped in Syria.

## CORPORATE ACCOUNTABILITY

In February, mining company Tahoe Resources was acquired by Pan American Silver, which was followed in July by settlement of a lawsuit brought against Tahoe by Guatemalans shot and injured by company security forces in 2013. Pan American Silver publicly apologized and acknowledged the shootings infringed the human rights of protesters.

In April, the federal government appointed the first Canadian Ombudsperson for Responsible Enterprise but failed to grant them necessary powers to carry out independent investigations into alleged human rights abuses associated with Canadian companies operating abroad, undermining the effectiveness of this new body from the outset.

Despite a recommendation from investigators, no charges were laid for the 2014 Mount Polley mine disaster and the government failed to implement UN CERD and UN Working Group on Business and Human Rights recommendations regarding the health impact of the disaster on Indigenous peoples.

## HUMAN RIGHTS DEFENDERS

In June, the government released updated guidelines detailing support to be provided by Canadian diplomats to human rights defenders in other countries.

In July, the government of Alberta launched a public inquiry into alleged foreign funding of the province's environmental movement and in October established the privately incorporated Canadian Energy Centre, which exposed human rights defenders critical of the province's oil and gas industry to harassment.

## ARMS TRADE

In September, Canada's accession to the UN Arms Trade Treaty took legal effect. A government review of an ongoing CDN\$15 billion 2014 deal to sell light armoured vehicles to Saudi Arabia, made public in November, concluded that there was "no credible evidence linking Canadian exports of military equipment or other controlled items" to the commission of violations of international human rights and international humanitarian law by Saudi Arabia, paving the way for the approval of 48 pending export permits.



Chile closed 2019 with the worst human rights crisis since General Augusto Pinochet's regime. Massive demonstrations began in mid-October in response to an increase on public transport fares. Given the context of the high levels of inequality in the country, the protests (most of them peaceful) expanded to include demands for a more just society in which the state guarantees rights such as health, water, education and social security. Nevertheless, demonstrations were faced with severe levels of repression by state forces that attempted to justify their use of violence against protesters by claiming that these measures were necessary to protect infrastructure and private property from being damaged or vandalised.

As a reaction to protests, all political parties in Congress reached an agreement to draft a new constitution. As part of this agreement, a preliminary referendum will be held in April to vote on the need for the new document and the mechanism necessary for its ratification.

No substantive progress was made on other long-standing concerns such as the criminalization of abortion, the impunity for the crimes of past, the criminalization of the Mapuche People and the lack of advancement in environmental rights.

## **SOCIAL PROTEST AND STATE REPRESSION**

In early 2019, the government increased police control mostly to deal with student protests. Among the measures were identity checks on children from age 14. During this period, several cases of excessive use of force were reported, with secondary school students and Indigenous Mapuche people as the main victims.

After the social outburst, President Sebastián Piñera declared on October 18 a state of emergency in some areas of the country. For ten days, certain rights and freedoms were suspended, and the army was deployed on the streets to carry out citizen control and public security. During this period the state abuses drastically increased, and 31 people lost their lives, at least four of whom at the hands of state forces. By the end of 2019, protests continued and the number of victims of human rights violations, mainly by National Police (Carabineros), reached into the thousands.

According to the Ministry of Health, more than 13,000 people were injured during the first two months of protests and the Attorney General's Office registered more than 2,500 complaints for human rights violations, of which more than 1,500 referred to torture and other cruel, inhuman or degrading treatment, as well as more than 100 to crimes of sexual nature committed by public officials. According to Carabineros, none of its officials died, but more than 2,000 were injured.

During protests the army was often observed using lethal weapons against protesters. At least three in four of the deaths caused by the security forces were at the hands of army officers and one by a member of the Carabineros. One was the result of military grade weaponry and dozens were injured with live ammunition.

Additionally, Carabineros made constant and inappropriate use of less lethal weapons, firing on several occasions potentially lethal ammunition in an unjustified, widespread and indiscriminate manner and in many cases aiming at people's heads. By December, the National Human Rights Institution (INDH) counted more than 350 cases of eye trauma mainly as a result of shotgun pellets.

On multiple events Carabineros used tear gas excessively and unnecessarily launching this chemical at hospitals, universities, homes and even schools, seriously affecting children and people with disabilities.

These attacks also affected members of the public without justification and for no apparent reason, as well as journalists and bystanders documenting the events. Violence was also used against people who had already been detained and some officers used vehicles to run over or attempt to run over protesters. One of the deaths at hands of security forces was due to police beatings and a second one was by a soldier who run over a demonstrator.<sup>6</sup>

As part of the reparation measures agreed upon the Inter-American Commission on Human Rights in relation to the killing of a young Mapuche man, Alex Lemún, by the police in 2002, the government put together and published protocols for policing demonstrations on March 2019. However, these protocols were poorly implemented, a fact that came to light with the crisis that began in October where law enforcement officials committed crimes under international law and serious human rights violations.

The trial for Camilo Catrillanca's death, a young Mapuche killed by a policeman in November 2018, was scheduled for November 2019, but was postponed due to security concerns.

## IMPUNITY FOR CRIMES OF THE PAST

The government revised the National Human Rights Plan, to free itself of the commitment to "promote the inapplicability" of the 1978 Amnesty Decree Law (which allows amnesty for crimes against humanity committed between 1973 and 1978). It also removed a commitment to create a permanent commission to assess cases of victims of political torture. Various proposals against impunity for crimes of the past remained stalled in Congress at the end of the year.

## UNFAIR TRIALS

The authorities continued to use a controversial anti-terrorism law against the Mapuche People and Congress continued discussing its reform unsuccessfully.

Nonetheless, the Supreme Court overturned the guilty verdict made by a national court in the Norín Catrín case (where eight Mapuche people were condemned for terrorism in 2002). In so doing the Supreme Court complied with the 2014 Inter-American Court for Human Rights ruling that stated that the Chilean state had violated the right to due process, presumption of innocence, and equality and non-discrimination, amongst others.

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<sup>6</sup> Chile: Decisión de cancelar APEC Y COP25 no desviarán la atención de la comunidad internacional ante violaciones a los derechos humanos (noticia, 31 de octubre)



The investigation on Carabineros tampering evidence to accuse eight Mapuche people of terrorism charges (known as “Operación Huracán”) is still open.

## INDIGENOUS PEOPLES AND ENVIRONMENTAL RIGHTS

Development projects continued to go ahead without the free, prior and informed consent of affected Indigenous peoples and the so-called “sacrifice zone” communities continued to face environmental devastation due to industrial activity. The government proposed reforms to the Indigenous Law and initiated a process of consultation with Indigenous peoples throughout Chile. Nevertheless, this process was criticized for not being conducted in good faith or respecting Indigenous cultures, which led to a suspension of the process.

Despite pressure from environmentalists, the government refused to sign the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, and then cancelled the UN Climate Change Conference (COP25), scheduled to take place in Chile in December, due to the internal social crisis.

## HUMAN RIGHTS DEFENDERS

Alberto Curamil, a Mapuche leader (lonko), who has worked to defend his community's access to water, was awarded the 2019 Goldman Environmental Prize for his environmental activism while in prison. He had been accused by an anonymous witness of involvement in an armed robbery and was acquitted in December after being held in pre-trial detention for over a year.

During the social crisis, human rights defenders were beaten or shot with pellets and injured while they were providing first aid, as well as activists and defenders were threatened for carrying out their work. On several occasions the authorities hindered the work of lawyers, and medical personnel, preventing them from accessing police stations, hospitals and medical centres.

## SEXUAL AND REPRODUCTIVE RIGHTS

The 2017 law permitting three grounds for legal abortion (where the woman's life is at risk, where the foetus is not viable and where pregnancy is a result of rape) was poorly implemented and information available to the public on sexual and reproductive rights remained scarce. Additionally, the government extended the right to “conscientious objection” to abortion of both individuals and institutions, posing a further barrier to access to safe abortions. A bill to fully decriminalise abortion in the first 14 weeks of pregnancy was filed in Congress but was not discussed.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

The Gender Identity Law entered into force allowing people aged 18 and over to change their registered names and gender through administrative processes; those aged 14 to 17 can do so through the courts. Congress discussed bills on marriage, adoption and parenting for same-sex couples, but none passed into law during the year.

## RIGHTS OF MIGRANTS, REFUGEES AND ASYLUM-SEEKERS

Triggered by the entrance of a significant number of migrants and refugees the government implemented an “extraordinary regularization” process, ending in October 2019, to facilitate the acquisition of a residence visa for people with irregular migration status. The process was criticized because of lack of clarity of the information provided and the fact that it resulted in some expulsions.

Chilean immigration officials arbitrarily carried out pre-screening interviews with asylum seekers and later denied them access to lodge a request for asylum, a practice which has been questioned by national Courts and likely undermines the principle of non-refoulement.

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<sup>7</sup> Chile: Decision to cancel APEC and COP25 will not divert the international community's attention from human rights violations (News story, 31 October)

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# COLOMBIA

/ Republic of Colombia

HEAD OF STATE AND GOVERNMENT:  
**IVÁN DUQUE MÁRQUEZ**



Hundreds of thousands of people took to the streets to show discontent over possible austerity measures in November and December. The committee representing the protesters has handed President Duque a list of 13 demands. Among them are that the government fully meet its obligations under the terms of the peace agreement and that it do more to prevent the killings of social activists and former FARC-EP members. The protests were mainly peaceful. Eighteen-year-old Dilan Cruz was shot dead by a police officer during a protest in Bogotá.

Violence from the ongoing internal armed conflict and disputes over territorial control following the signing of the 2016 Peace Agreement raged on. The main victims continued to be Indigenous Peoples, Afro-descendant and campesino (peasant farmer) communities and human rights defenders. Concerns remained about impunity for crimes committed during the armed conflict and threats against and killings of human rights defenders. Violence against women, particularly sexual violence, persisted.

The absence of state authorities and their neglect of territories controlled by the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) left a power vacuum in areas historically disputed by various armed groups for their natural resources or strategic locations. This, exacerbated the structural problems of inequality, exclusion and extreme poverty affecting the majority campesino population, Afro-descendant and Indigenous communities, with a gender-differentiated impact. In this context, killings of human rights activists and defenders reached historic levels in 2019.

## BACKGROUND

In March, President Duque objected six of the 159 articles of the Statutory Law of the Special Justice for Peace (JEP). In May, the Constitutional Court dismissed the objection and the law had to be signed by the President.

In September, more than 500 social organizations and NGOs presented a report, after President Duque's first year in office. They stated that the State was imposing a different agenda of rural reform, crop substitution and victim assistance to the one set out in the Peace Agreement and was reducing financing for the Agreement. They also highlighted the government's failure to support laws to implement provisions of the Agreement, its legislative proposals that ran contrary to the Agreement and its undermining of the "Truth, Justice and Reparation and Non-repetition System".

On 5 October, the Supreme Court of Justice formally linked former president Álvaro Uribe to a criminal investigation for procedural fraud and bribery. Days later, Álvaro Uribe unjustly accused the Political Prisoners Solidarity Committee (Fundación Comité de Solidaridad con los Presos Políticos; FCSPP) of "paying to manipulate witnesses" against him.

In October, the Office of the UN High Commissioner for Human Rights and the government signed an agreement to renew the Office's mandate in the country.

Claudia López has become the first woman and gay person to be elected mayor of Bogotá in October's elections.

In November the Minister of Defence was forced to renounce after the Congress interrogated him about the death of children in a bombing of a dissident FARC-EP camp. President Ivan Duque had assured that the attack was the result of "strategic, meticulous and impeccable" work by the Armed Forces, whose members he defined as "heroes" of his country for their performance against a "gang of narco-terrorists". The Minister was also accused of knowingly killing the children and then hiding the information.

## INTERNAL ARMED CONFLICT

In January, the International Committee of the Red Cross stated that there were at least five non-international armed conflicts in Colombia: four involving the Colombian government against the National Liberation Army (ELN), the Popular Liberation Army (EPL), the Gaitanist Self-Defence of Colombia (AGC) and elements of the former Bloque Oriental (Eastern Bloc) of the FARC-EP that did not accept the peace process. The fifth non-international armed conflict involved the ELN and the EPL and centred on the Catatumbo region.

On 17 January, a car bomb at the General Santander School in Bogotá left 23 people dead and more than 80 injured. After the ELN claimed responsibility for the bombing, President Duque immediately declared an end to the peace negotiations with the guerrilla group, which had begun in February 2017.

In August, the Army bombed what it claimed to be a guerrilla camp in which their leader, Rogelio Bolívar Córdoba, aka Gildardo Cucho, and 13 of his followers were killed, according to official information. At the end of the year it was established that there were children in the place who died in the attack. According to forensic examinations presented in Congress, the deceased included a 12-year-old girl, a 15-year-old teenager and a 16-year-old girl. Other information point that there could be sixteen the children who died in the attack. This revelation and the fact that the government had concealed it ended up with the resignation of Defense Minister Guillermo Botero in November.

Clashes between the different armed groups continued and were the main cause of displacement and forced confinement. Between January and July, more than 32,000 people were forcibly displaced and more than 350,000 were affected by severe restrictions on movement and access to basic services. The impact was felt principally by Indigenous and Afro-descendant communities.

Of particular concern were clashes between the armed forces; the ELN; groups arising from former paramilitary groups, such as the Gaitanista Self-Defense Forces of Colombia, the Black Eagles and the Gulf Clan; and new armed groups such as FARC-EP dissidents in regions including Chocó, Norte de Santander, Antioquia and Nariño. The disputes between the ELN and the EPL in Norte de Santander intensified and led to increased fighting with the army in a region already suffering from social exclusion and accumulated history of violence.

Norte de Santander was one of the most affected regions. During the first six months of 2019 alone, 309 civilians in the region were impacted by the conflict, almost double the total number registered in 2018. Of these 309, 62% were intentional killings and 13% were enforced disappearances and other serious crimes. In 85% of these cases, no one had been brought to justice by the end of the year.

On December 31st, 300 members of the Autodefensas Gaitanistas de Colombia placed four communities of Bojayá, Chocó, under forced confinement and threatened human rights defender Leyner Palacios, who has been vocal about the presence of these illegal armed groups in their territories.

## RECYCLING OF OLD TACTICS

In mid-2019, the New York Times claimed to have information that the government had pressured the Colombian Army to intensify military attacks to increase the number of so-called “criminals and guerrillas” killed. The leak of the possible reintroduction of such a shoot-to-kill strategy, which had reached a peak during the 2000s with the so-called “false positives” (civilian killings by state agents falsely presented as combat casualties), sparked outrage in the country, particularly as some communities had already highlighted the return of such a policy of extrajudicial executions in previous months.

One of these cases was that of the former militiaman Dimar Torres, who was killed by the Army in Convención, Norte de Santander, as he was about to cross a checkpoint. Although army personnel denied any knowledge of his whereabouts at the time of his disappearance, neighbours found his body shortly afterwards in a hole where he had been thrown in an attempt to cover up the killing. Although the army accepted responsibility a week later, they initially justified the killing by claiming that Dimar Torres had threatened a soldier with a firearm during a fight. Criminal proceedings against those charged in the case were continuing at the end of the year.

In addition, there was condemnation of the confrontational strategy adopted with of increased militarization in regions where armed groups were present. This, combined with a plan to restart the use of aerial fumigation with glyphosate to eradicate coca bushes, was in clear defiance of Constitutional Court rulings and Peace Agreement provisions on the substitution of illicit crops, which include the signing of collective agreements with families who express their intention to replace coca with another crop.

## NEW PHASE OF ARMED CONFLICT

At the end of August, several members of the FARC-EP, including its leaders Iván Márquez, Jesús Santrich and “El Paisa”, released a video on social media announcing that they were arming to begin a “new stage of struggle...in response to the state's betrayal of the Havana peace accords.”

Prior to the broadcast of this video, the whereabouts of Iván Márquez and “El Paisa” had been unknown since August 2018 and those of Jesús Santrich since June 2019. Jesús Santrich had been released in May after serving a year in prison and after the Special Jurisdiction for Peace (JEP) refused a request for his extradition from the USA for alleged drug-trafficking activities. Both, Iván Márquez and Jesús Santrich were among the 8 men and 2 women FARC political party representatives automatically elected to Congress.

The number of FARC-EP dissidents is unclear but official reports agree it is growing.



## PEACE AGREEMENT

According to the Kroc Institute, by February 2019, only 23% of the measures required by the Peace Agreement between the government and the FARC-EP had been fully implemented.

As of September 2019, the Office of the High Commissioner for the Peace had identified 13,202 people as guerrilla members, 12,978 of whom had begun a process of reintegration. A total of 3,038 were living in Territorial Spaces of Capacitation and Reintegration (ETCR). The UN reported there was a larger group of former guerrilla members (9,138 people) who preferred urban reintegration, principally because it offered greater employment opportunities. However, a significant number of people was also leaving the ETCRs because they were not benefiting from productive projects and were being neglected and driven into poverty.

Furthermore, as of June 2019, the FARC political party stated that more than 130 former guerrilla members had died and 11 had disappeared.

The Technical Secretariat of the International Verification Component of the Peace Agreement noted worrying delays and serious setbacks as a result of the passing of laws and decrees that were contrary to the provisions of the Agreement.

The Technical Secretariat also considered the government's reticence in implementing the chapter in the Agreement on land reform to be especially problematic. The problem of land tenure and distribution were factors leading to armed conflict in Colombia and, therefore, land reform was key to creating a sustainable peace and guaranteeing protection for rural communities at risk.

The "Truth, Justice and Reparation and Non-repetition System" created by the Agreement was where the greatest progress was identified, despite a reduction in its budget of approximately 30% by 2020 (from US\$90 billion to US\$67 billion) and multiple attacks on its legitimacy. The judicial element of this system, the Special Jurisdiction for Peace (JEP), was the institution most often targeted for criticism by President Iván Duque, his party and some media. One of the obstacles hampering the functioning of the JEP were objections to the institution's statutory law presented by the President; these were eventually dismissed by the Constitutional Court in May. Some victims also expressed concerns that the process was not victim centred and failed to ensure the security of witnesses.

The Attorney General's Office started criminal proceedings against JEP officials on the grounds that they had engaged in disseminating falsehoods and procedural fraud. The Accusation Committee of the House of Representatives opened a preliminary investigation against the President of the JEP and a magistrate who had been singled out by a member of the President's political party, Democratic Centre, and accused of corruption and conflict of interest. The investigation was continuing at the end of the year.

The JEP initiated two cases during the year relating to the victimization of members of the Patriotic Union and the recruitment and use of children in the armed conflict. Five major cases opened by the JEP in previous years related to illegal detention by the FARC-EP; the human rights situation in Nariño municipalities; killings by state agents falsely presented as combat casualties ("false positives"); the humanitarian situation in Urabá municipalities; and the territorial situation in municipalities of Norte del Cauca.

In December 2019, the Forensic institute found a mass grave in the city of Dabeiba, in between Medellin and the Caribbean Coast, with approximately 50 bodies of people that might have had been extrajudicially executed. The JEP is conducting an investigation on the case. According to the Forensic Institute, there are currently 200.00 unidentified bodies of disappeared people from 2005 and 2007, victims of the army in "false positives" operations.

By the end of the year 12,234 people had submitted themselves to the JEP: 9,721 are former FARC members; 2,429 are members of the security forces. Only 57 public officials other than the security forces had submitted to JEP jurisdiction. During the year, the JEP excluded dozens of former FARC-EP members, including well known guerrilla commanders, such as Iván Márquez, Jesús Santrich, "El Paisa" and "Romaña".

## HUMAN RIGHTS DEFENDERS

Human rights defenders, in particular those defending rights linked to land, territory and the environment, continued to be the targets of a large number of attacks and threats because of their work. The risks they faced were directly related to the structural causes of the armed conflict, such as disputes over land and natural resources. Many defenders were involved in claiming collective rights related to the recognition and protection of the territory of Indigenous Peoples, and Afro-descendants and campesino communities. These territories were often disputed between armed groups for economic interest and social control.

In October, 15 people, including five indigenous leaders, were murdered in Cauca in five days. The Indigenous National Organization of Colombia (ONIC) declared that one indigenous person is killed every three days in the country.

The situation of human rights defenders and communities that continued to resist the armed conflict was aggravated by the new dynamics that followed the signing of the Peace Agreement whereby new armed groups disputed control over areas previously held by the FARC-EP. In some cases, FARC-EP dissidents clashed with other armed groups over territory that had historically been under their control. The minimal presence of state authorities in many rural parts of the country left communities without effective protection. Social leaders reported a rise in threats against them and the Ombudsman's Office documented that, between the signature of the Peace Agreement in 2016 and June 2019, 482 defenders had been killed. The NGO Somos Defensores registered 591 attacks on defenders (29% women and 71% men) between January and June 2019, comprising 59 killings and 477 death threats. A UN report recorded 86 HRD killed in the year. Impunity for those attacks continue to be the norm. The lack of comprehensive and effective protection for human rights defenders was evident in 2019. In reaction to this, state authorities created an action plan to coordinate the crisis response of state institutions on issues related to protecting human rights defenders and preventing killings, until a proper public policy is in place. At the end of the year, the Ministry of the Interior stated that a series of workshops had been initiated to create a comprehensive policy for the protection of human rights defenders.

However, other existing measures, including those created by the Peace Agreement, aimed at eradicating the root causes of the dangers facing human rights defenders, were weakened. For example, the Security Guarantees Commission, a Peace Agreement mechanism to dismantle illegal armed groups in Colombia, held only two formal meetings throughout 2019.

Institutions in charge of protecting human rights defenders, such as the National Protection Unit, continued to implement reactive and individual measures crucial to the protection of some human rights defenders in cities, but which were largely inappropriate in the context of rural communities. Apart from four pilot projects reported by the Ministry of the Interior, collective measures for the protection of communities and their leaders were rare.

Women defenders faced particular risks. Although most attacks continued to target men, attacks on women defenders rose. Of the 59 defenders killed between January and June 2019, 10 (17%) were women; the equivalent figure for 2018 was three women killed.

According to a report by Oxfam, several factors increased the dangers faced by women defenders. Many were either Afro-descendant or Indigenous women living in highly marginalized areas. As a result, they were impacted disproportionately by violence, not only against them individually, but also against their communities. The increasingly complex process for reporting attacks also had the effect of deterring reporting and increasing impunity for attackers.

## VENEZUELANAS SEEKING INTERNATIONAL PROTECTION

The crisis in Venezuela in recent years continued to have an impact on countries in the region and particularly on Colombia, which was host to the largest number of people fleeing Venezuela. Many of those arriving in Colombia had travelled through irregular gang-controlled land routes and were in a poor state of health. Victims of forced recruitment, trafficking in women and exploitation of children continued to be reported.

At the end of June, the official number of Venezuelans residing in Colombia was 1.4 million. Bogotá, Norte de Santander, La Guajira, Atlántico and Antioquia were home to more than 60% of this population.

According to official figures, as of October, Colombia had granted almost 600,000 Special Stay Permits, which authorize people who fulfil specific requirements to stay in the country for a period of two years. Border Mobility Cards were also granted to allow people to access border areas for up to seven days to purchase basic goods and services before returning to Venezuela. According to media reports, between February and September, the number of Venezuelans with a Border Mobility Card rose from 2,908,336 to 4,315,000, an increase of 70.04% in just six months.

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# COSTA RICA

/ Republic of Costa Rica

HEAD OF STATE AND GOVERNMENT:  
**CARLOS ALVARADO QUESADA**



The government took some, but limited, steps to ensure women and girls' sexual and reproductive rights. Guaranteeing the rights of thousands of people who fled the serious, ongoing human rights crisis that erupted in Nicaragua in April 2018 and sought protection in Costa Rica remained a challenge. By the end of year, Costa Rica had yet to ratify the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

## SEXUAL AND REPRODUCTIVE RIGHTS

In April, the Ministry of Health authorized the sanitary certificate for emergency contraception, which became available for purchase in the country without prescription. The law continued to restrict abortion to therapeutic abortion (to preserve the life or physical health of the woman). In December, after months of promising it, the government finally issued a decree containing technical guidelines for the implementation of therapeutic abortion in public and private health centers. The decree, however, was criticized by women's rights defenders, who claimed its provisions were insufficient and inadequate to overcome the obstacles faced by women in relation to this procedure.

## DISCRIMINATION

By the end of the year, Congress had not approved changes to the national legal framework to allow same-sex marriage, as required by an August 2018 Supreme Court ruling. The current ban is due to become null and void in May 2020.

## MIGRANTS AND REFUGEES

According to the Costa Rican government, as of December 2019 more than 70,000 people had sought protection in Costa Rica following the outbreak of the crisis in Nicaragua. While the Costa Rican authorities continued to respond positively by allowing entry of migrants and refugees without mass deportations, important challenges remained to guaranteeing their human rights and access to basic services. According to the Inter-American Commission on Human Rights, these challenges included the significant cost of accessing the asylum procedure through phone calls; the lack of legal advice and information on rights and the asylum procedure; and the length of time taken to process applications, in some cases up to a year. These challenges, combined with the failure to provide asylum-seekers with provisional documentation, resulted in people not being able to access their economic, social and cultural rights, such as formal employment, education, adequate housing and public health services.

## HUMAN RIGHTS DEFENDERS

Local organizations reported smear campaigns and attacks against human rights defenders on social media, particularly against those defending women's rights, LGBTI people, the territory, land and environment or trade union members.

Indigenous leader and human rights defender, Sergio Rojas, was killed in March. He had reported threats and attacks against himself and other members of the Bribri and Boran communities in the context of land conflicts. By the end of the year no progress in investigating the killing had been reported and the precautionary measures ordered by the Inter-American Commission on Human Rights for the protection of the communities had not been implemented.

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<sup>8</sup> Costa Rica: Authorities must guarantee the human rights of people fleeing the crisis in Nicaragua (News story, 25 March)



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# CUBA

/ Republic of Cuba

HEAD OF STATE AND GOVERNMENT:

**MIGUEL MARIO DÍAZ-CANEL BERMÚDEZ**



A year after President Díaz-Canel took office, the authorities continued to employ long-standing mechanisms of control to silence critical voices. The Cuban authorities continued to arbitrarily detain and imprison independent artists and journalists, and members of the political opposition. During the year, Amnesty International named six people prisoners of conscience, representing only a fraction of those likely to be detained solely because of the peaceful expression of their opinions or beliefs. The island remained mostly closed to independent human rights monitors.

## BACKGROUND

Cuba's new administration failed to ratify key international human rights treaties and refused to strengthen the independence of the judiciary or to bring Cuba's criminal laws into line with international human rights law and standards.

In February, Cuba approved a new Constitution which, among other things, commits the country to confronting climate change. After initial text recognizing same-sex unions, the relevant provision was removed from the approved text following opposition from churches.

In May, the government cancelled the official annual parade against homophobia and arrested activists who participated in an alternative march, according to media reports.

The US government continued to revert to Cold War rhetoric and tighten the decades-old embargo, which undermines economic and social rights in Cuba.

## INTERNATIONAL SCRUTINY

Cuba remained the only country in the Americas that Amnesty International and most other independent human rights monitors were not allowed to visit to carry out human rights monitoring.

## REPRESSION OF DISSENT

Cuba's new administration continued to use a range of different mechanisms of control to repress critical voices and dissent.<sup>9</sup>

In February, according to the Open Observatory of Network Interference (OONI), the Cuban authorities blocked several independent media websites during the constitutional referendum and began to use more sophisticated online censorship techniques.

In September, according to news reports, Twitter temporarily suspended the accounts of several state officials, including that of former president Raúl Castro, and other state-run media outlets. While the Cuban authorities accused Twitter of censorship, Twitter pointed to its rules that prohibit the amplification or disruption of (online) conversations using multiple accounts. The move came amid ongoing reports by independent Cuban bloggers and media that the Cuban authorities utilize fake accounts and bots to control online debates.

While independent media projects continued to operate, those working at alternative online news sources were at risk of harassment and arbitrary detention. In October, over a dozen independent Cuban media sites issued a statement calling for an end to a “wave of repression” against the independent press.

Meanwhile, throughout the year, the authorities harassed and detained independent artists opposing Decree 349, a dystopian law approved in April 2018 that requires artists to seek prior approval to carry out their work.

In October, José Daniel Ferrer García, leader of the unofficial political opposition group Patriotic Union of Cuba (UNPACU) was detained and remained in prison at the end of the year, provoking international criticism.<sup>10</sup>

## PRISONERS OF CONSCIENCE

Just over a year after President Miguel Díaz-Canel assumed office, the NGO Cuban Prisoners Defenders, which has connections to UNPACU, claimed that at least 71 people were imprisoned on politically motivated charges.

In August, after reviewing just a handful those cases, Amnesty International named five people prisoners of conscience detained solely for their participation in political opposition groups not recognized by the authorities. They were all charged with offences that are not internationally recognizable – such as “contempt” or “dangerousness” – or which have been used for decades in Cuba to silence critical voices.<sup>11</sup>

In September, Roberto Quiñones Haces, a journalist with the independent newspaper Cubanet, was convicted of resistance and disobedience and sentenced to one year in prison. He is a prisoner of conscience detained solely for exercising his right to freedom of expression.<sup>12</sup> The Committee to Protect Journalists and the human rights organization Article 19 also condemned his imprisonment.

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<sup>9</sup> ‘We are continuity’: What the president’s hashtag tells us about human rights in Cuba today (News story, 14 August 2019).

<sup>10</sup> Cuba: Opposition leader detained (AMR 25/1163/2019)

<sup>11</sup> Cuba: A snapshot of prisoners of conscience under the government of President Miguel Díaz-Canel (AMR 25/0936/2019)

<sup>12</sup> Cuba: Independent Journalist Arrested (AMR 25/1047/2019)

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Against this backdrop of repression, and in the context of the Trump administration's renewed tightening of the US economic embargo, coupled with reduced financial aid from Cuba's key ally Venezuela, economic hardship on the island intensified, according to media reports.

By the end of the year, Cubans were living with scarcity of food, medicines and fuel. Many commentators compared the situation to the economic crisis referred to as the "Special Period" of the 1990s, which coincided with the collapse of the former Soviet Union.

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# DOMINICAN REPUBLIC

/ Dominican Republic

HEAD OF STATE AND GOVERNMENT:  
**DANILO MEDINA SÁNCHEZ**



The police routinely raped, beat and humiliated women engaged in sex work in acts that may amount to gender-based torture or other ill-treatment. The response to the statelessness crisis remained insufficient. Civil society expressed concern over the lack of adequate international protection for Venezuelan refugees. Abortion remained criminalized in all circumstances.

## BACKGROUND

General elections were set for 2020.

A National Human Rights Plan was approved for 2018-2022 which included plans to present comprehensive anti-discrimination legislation to Congress between October and December 2019. At the end of the year, this commitment was not fulfilled. In August, a process began to appoint a new Ombudsman.

Between January and September, 58 women were killed because of their gender. The killing of lawyer Anibel González, reportedly by her former partner, reignited regular protests calling for an improved response to gender-based violence.

Between January and September, there were 5,417 reports of sexual offences, including 1,106 reports of rape, according to the General Prosecutor's Office, compared with more than 6,300 reports of sexual offences and 1,290 reports of rape in 2018.

## TORTURE AND OTHER ILL-TREATMENT

Within this context of gender-based violence, cisgender and transgender women sex workers were routinely targeted for rape at gunpoint, beatings and humiliation by the police, as punishment for transgressing socially constructed views around gender and as a form of social control.<sup>13</sup>

The criminalized status of sex workers fuelled arbitrary detentions and enabled police officers to commit human rights violations with impunity. Women sex workers faced significant structural barriers in reporting violence by the police and the authorities failed to investigate possible cases of gender-based torture or other ill-treatment, as required by international law.

Women sex workers with multiple discriminated identities — such as transgender women — experienced even more pronounced exclusion and remained at greater risk of torture or other ill-treatment.<sup>14</sup>

Civil society coalitions advocated for comprehensive anti-discrimination legislation, as well as a national protocol to investigate allegations of gender-based torture, such as rape.

In September, sex workers advocates held a side event during the ordinary period of sessions of the Inter-American Commission on Human Rights at which the Rapporteur on the Rights of LGBTI Persons acknowledged that rape by the police of women who sell sex can amount to torture.

## DISCRIMINATION — STATELESS PERSONS

Civil society organizations continued to report that many Dominicans born to foreign parents who were registered as Dominicans at birth but later unrecognized as nationals (known as Group A) — most recently through a 2013 ruling that left thousands without nationality — had been unable to obtain Dominican identity documents, leaving them unable to prove their nationality and at risk of expulsion.

Similarly, civil society continued to express concern that Dominicans born to foreign parents whose birth had never been registered (known as Group B) had been unable to obtain naturalization as Dominicans, despite having been required first to register as foreigners and later initiate a complex naturalization process.

During the year, the government did not make accessible updated public data on the number of people who had been able to obtain Dominican identity documents or to naturalize, which continued to make it difficult to assess the extent of the statelessness crisis and facilitated the government's ongoing denial of the problem.

## REFUGEES AND ASYLUM-SEEKERS

By October 2019, there were 30,000 Venezuelan migrants and refugees in the Dominican Republic, of whom 184 had lodged claims for asylum, according to the UN High Commissioner for Refugees. In January, the UN Human Rights Committee, in its examination of the country's human rights record under the Universal Periodic Review (UPR) process, expressed concern at the extremely low number of people granted asylum and other inefficiencies of the asylum system. Civil society specifically criticized the lack of adequate mechanisms to provide international protection for Venezuelan refugees.

## SEXUAL AND REPRODUCTIVE RIGHTS

The Dominican Republic continued to criminalize abortion in all circumstances. Importantly, during the UPR process the country accepted recommendations to ensure that women and girls seeking abortion services are not subject to criminal sanctions.<sup>15</sup> However, by the end of the year, no concrete steps had been taken towards that goal.

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<sup>13</sup> Dominican Republic: "If they can have her, why can't we?", Gender-based torture and other ill-treatment of women engaged in sex work in the Dominican Republic (AMR 27/0030/2019)

<sup>14</sup> Dominican Republic: 'I Dream of a Queer Future.' A Conversation Between Two Activists on International Transgender Day of Visibility, (News story, 1 April)

<sup>15</sup> Dominican Republic: Human rights guarantees must be respected (AMR 27/0687/2019)



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# ECUADOR

/ Republic of Ecuador

HEAD OF STATE AND GOVERNMENT:  
**LENÍN BOLTAIRE MORENO GARCÉS**



Despite formal promises, President Moreno had yet to put in place policies to regulate extractive industries that protect the rights of Indigenous Peoples. Concerns remained regarding the lack of appropriate protection mechanisms to safeguard the lives and physical safety of human rights defenders and to ensure effective investigations into threats and attacks against them, particularly those working to defend Indigenous People's rights, the territory and the environment.

## REPRESSION OF DISSENT

On 3 October, protests erupted in multiple cities in response to austerity measures announced by President Moreno. Hours later, the President declared a state of emergency throughout the country, authorizing the use of the armed forces and the National Police for public security operations. The President revoked these austerity measures on 14 October after days of violent repression of social discontent and evidence of excessive use of force by the security forces against protesters. According to the Ombudsman's Office, during the 10 days the measures were in place, 1,192 people were detained, eight people were killed and 1,340 were injured.<sup>16</sup> More than 70% of the detainees were released immediately and charges were pressed against the remaining.

On 31 December the Organic Law on Tax Simplification and Progressivity was published in the Official Gazette. The law sets out the government's tax plans in the context of broader economic changes that will be analysed in 2020.

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<sup>16</sup> Ecuador: OAS member states must demand that Ecuador investigate violent repression during the state of emergency (News story 15 October)

A delegation of the IACHR visited the country between 28 and 30 October to observe the human rights situation after the protests. Also, the UN High Commissioner for Human Rights sent a mission to Ecuador from 21 October to 8 November after which the High Commissioner called for independent, impartial and transparent investigations into allegations of human rights violations and abuses committed in Ecuador during the protests.

## HUMAN RIGHTS DEFENDERS

On 11 April, digital rights defender, Ola Bini, was detained by police after the Minister of the Interior, María Paula Romo, accused him of “cooperating with attempts to destabilize the government”. He was released after 70 days in pre-trial detention following a court order that acknowledged his detention was arbitrary and violated international law. Ola Bini was later charged with the crime of “unauthorized access to an information system” and was awaiting trial at the end of the year.<sup>17</sup>

The authorities had yet to design and implement a national policy for the protection of human rights defenders, including a protocol for the investigation of crimes committed against them. By the end of the year, no one had been brought to justice in connection with threats and attacks against Amazonian Women Collective Members Patricia Gualinga, Nema Grefa, Salomé Aranda and Margoth Escobar.<sup>18</sup>

## INDIGENOUS PEOPLES' RIGHTS

In July the UN Special Rapporteur on the rights of indigenous peoples issued a report on her visit to the country and recommended that Ecuador ensure no new concessions were granted to extractive industries without the free, prior and informed consent of Indigenous Peoples affected. She also recommended that any concessions already granted that were not in line with the Constitution and with international standards be reviewed and, if necessary, cancelled.

In October the Sarayaku People filed an action in local courts to demand the full implementation of a 2008 ruling by the Inter-American Court on Human Rights that they must be consulted.

## MIGRANTS AND REFUGEES

Concerns remained about the hardening of requirements for Venezuelan refugees seeking international protection in Ecuador. In January, the President publicly blamed Venezuelan immigrants for cases of gender-based violence and femicides. After the statement, the city of Ibarra registered several xenophobic attacks against Venezuelan nationals.

## VIOLENCE AGAINST WOMEN AND GIRLS

In September a proposed bill to modify the Criminal Code to decriminalize abortion in cases of foetal abnormalities and rape was rejected by the National Assembly, thereby continuing to put the lives of pregnant women and girls at risk.

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<sup>17</sup> Ecuador: Human rights violations in criminal proceedings against Ola Bini (AMR 28/0871/2019)

<sup>18</sup> Ecuador: “They will not stop us”: Justice and protection for Amazonian women defenders of the land, territory and environment (AMR 28/0039/2019)

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# EL SALVADOR

/ Republic of El Salvador

HEAD OF STATE AND GOVERNMENT:

**NAYIB ARMANDO BUKELE ORTÉZ**

(replaced Salvador Sánchez Cerén in June)



The rights of the victims of crimes under international law and human rights violations and abuses during the internal armed conflict were under threat. Levels of violence continued to provoke internal displacement and forced migration. The total ban on abortion remained in place. Restrictions on freedom of press and limited access to official information were reported throughout the year. Enforced disappearances remained a challenge and the Legislative Assembly ended the year without ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

## BACKGROUND

Presidential elections took place in February and Nayib Bukele, the new president, assumed office in June.<sup>19</sup>

In December, the Inter-American Commission on Human Rights (IACHR) visited the country, 32 years after its previous in loco visit. Its preliminary observations focused primarily on the issues of public security, transitional justice, people deprived of their freedom, migration and forced displacement, women's rights and LGBTI people.<sup>20</sup>

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<sup>19</sup> El Salvador: Memorandum to the President. Initial recommendation to the new government on human rights (24 June).

<sup>20</sup> El Salvador: After IACHR's visit, the government must make major changes to guarantee human rights (News story, 5 December).

## IMPUNITY

The rights to justice, truth and reparation of victims of crimes under international law and human rights violations and abuses committed during El Salvador's armed conflict from 1980 to 1992 were not recognized, bar in a few exceptional cases.

In May, a draft Special Law for Transitional and Restorative Justice for National Reconciliation was discussed in the Legislative Assembly. The text of the proposed bill was described by human rights groups as a threat to the right of access to justice for victims and a mechanism for perpetuating impunity.<sup>21</sup> Further, the President of the Inter-American Court of Human Rights asked El Salvador to suspend the legislative progress of the bill and the UN High Commissioner for Human Rights warned that the draft bill contained a series of provisions that could translate into a de facto amnesty. Also in May the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence concluded his official visit to the country and expressed concerns about the slow pace of action by the Attorney General's Office in investigating crimes under international law and human rights violations and abuses during the armed conflict, obstacles to accessing military files from the years of the conflict, and the insufficiency of the reparation and historical memory process.

In September, human rights organizations and victims' groups informed the IACHR that state programmes for victims' reparations, created in 2013, had been disestablished as a result of an institutional reorganization implemented by the new government.

In December, the IACHR reiterated the need for the new national reconciliation law, which is expected to be approved next February, to fully comply with El Salvador's international obligations with respect to transitional justice, and also to take into account the voices of the victims.

## POLICE AND SECURITY FORCES

In June, the Human Rights Institute of the Central American University "José Simeón Cañas" expressed concerns about the suitability of some of those newly appointed to senior positions in the Civil National Police. In addition, they reported that in the previous two years they had received information about six cases of human rights abuses, including cases of possible extrajudicial executions and torture, allegedly perpetrated by members of the police force. Also, in June, the government launched the Plan for Territorial Control designed to tackle organized crime. An important decrease in homicide rates was reported by the government and media outlets. However, the use of military forces in public security operations, prison conditions and the absence of substantial information about the government security plan were among the concerns reported by local NGOs.

In December, the IACHR noted that despite a previous ruling by the Constitutional Chamber of the Supreme Court that established that the military should not participate in public security tasks in El Salvador, the current Plan for Territorial Control continues to involve such forces in public security operations. As a consequence, it recommended that El Salvador strengthen its police force in order to incrementally relieve the armed forces of public security duties, in line with international human rights standards. The IACHR also recommended that El Salvador publish the content of the Plan for Territorial Control, widely circulate information about public security policies and include spaces for civil society participation.

## WOMEN'S RIGHTS

Abortion continued to be prohibited in all circumstances and carried criminal penalties for women. Women from disadvantaged backgrounds were disproportionately affected. In August, Evelyn Beatriz Hernández Cruz, sentenced to 30 years' imprisonment for aggravated homicide after suffering obstetric complications, was declared innocent after a retrial. However, in September the Salvadoran Public Prosecutor's Office announced that it would lodge an appeal against her acquittal.<sup>22</sup>

In October, the IACHR presented before the Inter-American Court the case of Manuela, a woman convicted of homicide after having a miscarriage, who died of cancer in prison while serving her sentence.

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<sup>22</sup> El Salvador: Memorandum to the President. Initial recommendation to the new government on human rights (24 June).

## HUMAN RIGHTS DEFENDERS AND JOURNALISTS

Throughout the year, local NGOs denounced the lack of an official record of violations against human rights defenders and the Legislative Assembly's failure to approve two proposed bills – the Law for the recognition and comprehensive protection of human rights defenders and for the guarantee of the right to defend human rights and the Special law for the comprehensive protection of journalists and media and information workers. Both had been presented before the Assembly in 2018. Restrictions on press freedom and limitations on access of official information were reported by the Forum for the Protection of Journalists in August.

In December the IACHR recommended that state authorities avoid stigmatizing and discrediting journalists and human rights defenders and ensure that the declarations of public authorities are respectful of their work.

## MIGRANTS, REFUGEES AND INTERNALLY DISPLACED PEOPLE

Many of those who left their local communities or the country were fleeing the effects of the control of territory by criminal gangs and the impact this had on their rights to life, physical integrity and freedom of movement in many parts of the country. In that context, in September the governments of El Salvador and the USA signed an Asylum Cooperative Agreement, also known as a "safe third country" agreement, provoking well-founded concerns about how a country with high levels of crime and violence would ensure the protection of people forced to seek asylum or international protection in El Salvador.

Following its in loco visit, the IACHR recommended that authorities reject measures, policies or agreements that would designate El Salvador as a safe third country and that they adopt comprehensive programs and specific measures aimed at guaranteeing the rights of internally displaced people.



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# GUATEMALA

/ Republic of Guatemala

HEAD OF STATE AND GOVERNMENT:  
**JIMMY MORALES CABRERA**



Levels of impunity and insecurity remained high. The authorities continued to obstruct the fight against impunity, putting justice and the rule of law at risk. The government succeeded in definitively shutting down the International Commission against Impunity in Guatemala (CICIG). Congress moved forward with the discussion of regressive bills, taking them closer to adoption. Attacks against human rights defenders intensified, in a context of shrinking spaces for civil society. By the end of year, Guatemala had yet to ratify the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean and the International Convention for the Protection of All Persons from Enforced Disappearance.

## BACKGROUND

General elections were held in June and the newly elected president, Alejandro Giammattei, was due to take office in January 2020.

In September the government decreed a state of emergency for 30 days in 22 municipalities in the east of the country after the killing of three soldiers; the state of emergency was extended for a further 30 days during which raids were reported by community organizations and radio stations.

## IMPUNITY

The highest authorities systematically undermined significant justice and human rights achievements of the last decade.

The government continued to obstruct the work of the CICIG, in breach of the orders of the Constitutional Court, the country's highest court, and refused to renew its mandate, leading to its definitive closure. The CICIG closed in September after 12 years of work. Together with the Public Prosecutor's Office, the CICIG investigated and identified more than 70 criminal structures in more than 120 high-profile corruption cases, several of them related to human rights violations. The inadequate response of the Public Prosecutor's Office to the government's breaches of the Constitutional Court rulings and the lack of a transition plan for the CICIG's closure weakened the rule of law and the fight against impunity.<sup>23</sup>

Discussions progressed in Congress on regressive legislation, such as Bill 5377, which would grant an amnesty to those accused of and even those convicted of crimes under international law and human rights violations perpetrated during the armed conflict (1960-1996).

## HUMAN RIGHTS DEFENDERS

The situation of human rights defenders continued to deteriorate. Those at particular risk were people focusing on the defence of the land, territory and environment, the fight against impunity in cases related to the internal armed conflict or corruption cases taken up by the CICIG. The Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA), a local human rights organization, registered 467 attacks against human rights defenders, including at least 20 killings and attempted killings, in rural areas mostly. The vast majority of these attacks remained unpunished and implementation of internal protocol 5-2018 of the Public Prosecutor's Office for the investigation of these attacks remained inadequate.

Defenders also continued to face smear campaigns on social media, in the national media and by senior officials, including members of the government and Congress, aimed at discrediting their legitimate activities. UDEFEQUA also reported an increased misuse of the criminal justice system through unfounded criminal complaints whose sole purpose was to harass and restrict their legitimate activities. Some such complaints were filed by officials at the highest level.

Congress also moved forward with the discussion of Bill 5257, which could have led to the arbitrary closure and further criminalization of civil society organizations, however, despite numerous attempts, by the end of the year had been unable to pass it into law.

The Human Rights Ombudsperson also faced several criminal complaints and motions by Congress for his removal as a consequence of his defence of human rights. His office also faced severe budget restrictions that limited its ability to carry out its functions.

By the end of 2019, Guatemala had yet to adopt the public policy for the protection of human rights defenders ordered by the Inter-American Court of Human Rights in 2014.

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<sup>23</sup> Guatemala: Last chance for justice – dangerous setbacks for human rights and the fight against impunity in Guatemala (AMR 34/0611/2019)

## JUSTICE SYSTEM

Serious challenges remained to the independence of prosecutors, judges and magistrates in Guatemala, particularly those working on high-profile cases such as those taken up by the CICIG and cases relating to the internal armed conflict. Judicial officials reported security incidents and faced constant smear campaigns and stigmatization, as well as dozens of criminal, disciplinary and other complaints aimed at punishing them for rulings in favour of human rights and the fight against impunity or at deterring them from taking on such cases. In October, the Inter-American Commission on Human Rights granted precautionary measures to Judge Erika Aifán and three other Constitutional Court magistrates.

In September the Constitutional Court ordered that the selection process for magistrates be suspended and repeated because of serious irregularities, including a lack of performance evaluations of judges and magistrates, which the Judicial Career Council was responsible for carrying out.

## MIGRANTS AND REFUGEES

Violence, inequality and poverty remained the main push factors for forced migration from the country, leading thousands of Guatemalans to seek protection in Mexico and the United States.

Despite this and deficiencies in Guatemala's refugee protection system, in July, the governments of Guatemala and the United States signed an Asylum Cooperative Agreement, also known as a "safe third country" agreement. Under this scheme, from November, the US started return asylum seekers from Honduras and El Salvador to Guatemala, generating serious concerns regarding risks to their rights to life and integrity, and protection from deportation.

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# HAITI

/ Republic of Haiti

HEAD OF STATE:  
**JOVENEL MOÏSE**

HEAD OF GOVERNMENT:  
**JEAN-HENRY CÉANTA**

(until March 2019); Parliament failed to ratify nominated Prime Ministers Jean-Michel Lapin (acting) and Fritz-William Michel.



In the context of ongoing protests, at least 83 people died in two peak moments during the year (February and mid-September to end of October), many at the hands of the police, according to the UN Office of the High Commissioner for Human Rights (OHCHR). Amnesty International verified videos demonstrating instances of excessive use of force by law enforcement officials. A number of journalists were injured and killed.

## BACKGROUND

Protests went on throughout the year, principally sparked by allegations that senior officials, including President Jovenel Moïse, were implicated in the diversion of up to US\$2 billion in proceeds from oil provided to Haiti by Venezuela on favourable terms.

In February, the Inter-American Commission on Human Rights (IACHR) expressed concern about the political and economic situation and increased violence and problems in the supply of food, fuel, drinking water, and healthcare, and set up a unit to monitor the situation.

In October, the UN peacekeeping mission in Haiti came to an end and the UN Integrated Office in Haiti started operations.

That same month, the UN Secretary-General expressed concern about the political crisis, urged stakeholders to engage in dialogue and called on the Haitian National Police to carry out its duties with regard for human rights.

## EXCESSIVE USE OF FORCE

In February, 41 people died and 100 were injured in the context of protests, according to the OHCHR.<sup>24</sup>

Following weeks of protests between mid-September and the end of October, the OHCHR documented at least 42 deaths, and 86 injuries in the context of protests, with an estimated 19 of those killed by the security forces.

During that same period, Amnesty International's researchers and Digital Verification Corps verified videos of several incidents where police used less-lethal weapons indiscriminately and unlawfully, including by launching tear gas out of a moving police vehicle towards peaceful protesters, firing on protesters with less-lethal ammunition at extremely close range and beating a protester.

Amnesty International also verified instances in which police armed with semi-automatic rifles fired live ammunition during protests, in violation of international policing and human rights standards.<sup>25</sup>

In November, the European Parliament issued an urgent resolution calling on Haiti to refrain from unlawful use of force against peaceful protesters.

## HUMAN RIGHTS DEFENDERS AND JOURNALISTS

In May, human rights defender Pierre Espérance, Executive Director of the National Human Rights Defence Network (Réseau National de Défense des Droits Humains, RNDDH), reported that different sources had advised him that death threats had been made against him.<sup>26</sup>

In September, the Committee to Protect Journalists condemned the shooting of journalist Chery Dieu-Nalio, who was injured after a Senator fired a shot in the air near the senate building.

In October, the IACHR Special Rapporteur on Freedom of Expression stated he was particularly concerned about attacks and killings of journalists.

## ECONOMIC, SOCIAL, CULTURAL RIGHTS

According to the World Bank, more than 6 million Haitians were living below the poverty line and more than 2.5 million fell below the extreme poverty line out of a population of approximately 11 million.

At various points in the year, especially during protest periods, hospitals ran out of essential medicines and treatments and there were cuts in water and electricity supplies, according to media reports.

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<sup>24</sup> Haiti: Authorities must protect protesters' right to life and deal with underlying causes of the crisis (News story, 18 February)

<sup>25</sup> Haiti: Amnesty International verifies evidence of excessive use of force against protesters (News story, 31 October)

<sup>26</sup> Haiti: Human rights defender – fears for safety (AMR 36/0343/2019)



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# HONDURAS

/ Republic of Honduras

HEAD OF STATE AND GOVERNMENT:  
**JUAN ORLANDO HERNÁNDEZ**



The Honduran security forces brutally repressed protests between April and June. Human rights defenders continued to be subjected to attacks, including killings and the misuse of criminal proceedings against them. This raised further concerns over the shrinking space for civil society in the country. Persistent high levels of crime and violence, impunity, inequality and poverty led thousands of people to flee Honduras, either individually or as part of several “caravans” seeking refuge in the USA and Mexico. However, in September the governments of Honduras and the United States signed an Asylum Cooperative Agreement, also known as a “safe third country” agreement, provoking well-founded concerns about Honduras’ capacity to ensure the protection of people forced to seek asylum there instead of the US.

## EXCESSIVE USE OF FORCE

The Honduran authorities failed to guarantee the rights to peaceful assembly and freedom of expression during protests against reforms to national health and education services. The security forces used unnecessary and excessive force to repress protests and, on 20 June, the government deployed the army to police demonstrations. At least six people died and dozens more were injured between April and June. Security forces used firearms or less-than-lethal weapons, such as tear gas or rubber bullets, against protesters. Among those killed were 37-year-old Erik Peralta and 17-year-old Eblin Noel Correa Maradiaga, both of whom were shot by members of the Honduran army in June. Military police also opened fire on student protesters in the National Autonomous

University of Honduras on 24 June.<sup>27</sup> Attacks against human rights defenders and journalists covering the protests were also reported.

Impunity prevailed in these cases and for the human rights violations committed in the context of the repression of 2017's post-election protests.

## HUMAN RIGHTS DEFENDERS

Human rights defenders, particularly those working on issues related to the land, territory and the environment, continued to face high levels of violence, including threats, intimidation and killings, as well as stigmatization and smear campaigns on social media. Many also faced unfounded judicial proceedings designed to intimidate and harass them and hamper their human rights work. For example, members of the Municipal Committee for the Defence of Common and Public Assets (Comité Municipal por la Defensa de los Bienes Comunes y Públicos, CMDBCP) faced criminal proceedings before courts that normally deal with cases involving organized crime.<sup>28</sup> The case against 12 of them was dismissed in February. However, in September, seven other human rights defenders were charged and detained pending trial. . After two months in a high security jail, they were transferred in November to the Olanchito detention centre, where they remained at the end of the year.

Most attacks against human rights defenders remained unpunished. Major delays and irregularities continued to hamper the pursuit of justice for the killing on 2 March 2016 of Berta Cáceres of the National Council of Popular and Indigenous Organizations of Honduras (Consejo Cívico de Organizaciones Populares e Indígenas de Honduras, COPINH). On December 2, one year after seven individuals were found guilty of the murder of Berta Cáceres, a court finally handed down prison sentences against them. At the end of the year, David Castillo, a businessman arrested on 2 March 2018 on suspicion of being behind the killing, was still awaiting trial and there had been no progress in the investigation of others believed to be responsible for planning and ordering the killing.

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<sup>27</sup> Honduras: Exercising the right to protest has a high cost for those who dare take to the streets (News story, 5 July)

<sup>28</sup> Honduras: Autoridades deben garantizar debido proceso a personas defensoras (AMR 37/9929/2019, February)

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# JAMAICA

/ Jamaica

HEAD OF STATE:  
**QUEEN ELIZABETH II**  
represented by  
Patrick Linton Allen

HEAD OF GOVERNMENT:  
**ANDREW MICHAEL HOLNESS**



The number of killings by law enforcement officials remained high, despite improved investigations and prosecutions of such cases. LGBTI people continued to experience human rights violations.

## BACKGROUND

States of emergency were imposed in several parishes. Throughout the year, the NGO Jamaicans for Justice (JFJ) received reports of arbitrary detention, physical abuse and inhumane detention conditions under the states of emergency.

Jamaica was vocal in the international community in calling for measures to address the climate crisis. In September it signed the Escazú Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, but had yet to ratify it by the end of the year.

Amid alarming reports of violence against children, including in institutions, JFJ, in partnership with the government of Jamaica, launched a Child Protection Programme to improve the identification and reporting of child abuse.

## POLICE AND SECURITY FORCES

Killings by the police, some of which could amount to extrajudicial executions, and other human rights violations by law enforcement officials remained a serious concern. While the number of killings by police had dropped in recent years, in 2019, law enforcement officials shot and killed 86 people and shot and injured 83 people, according the Independent Commission of Investigations (INDECOM), an independent police oversight body.

INDECOM continued to challenge impunity for such killings through its investigations and prosecutions. As of October 2019, 49 officers were awaiting trial for murder or manslaughter and as of April 2019, 21 convictions had been secured against law enforcement officials – three for murder and three for manslaughter – according to INDECOM.

In August, following a six-and-a-half-year investigation into the fatal shooting of Matthew Lee, INDECOM brought charges against six members of the Jamaica Constabulary Force, an important step for truth, justice and reparation for the many families awaiting access to justice for the cases of their relatives.<sup>29</sup>

Nevertheless, INDECOM's powers to arrest, charge or prosecute continued to be tested through the courts, an issue which could be clarified by Parliament.

In a positive development, in March, Jamaica's highest court of appeal – the Privy Council – ruled in favour of JFJ who challenged the decision of the Police Service Commission (PSC) to promote an officer who was allegedly implicated in dozens of unlawful killings. The court held that the PSC had a duty to conduct investigations into allegations of human rights violations in relation to police officers who are recommended for promotions, especially where there are allegations of police killings.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

Jamaica continued to criminalize same-sex relations and failed to pass comprehensive anti-discrimination legislation. The NGO J-FLAG continued to receive reports of discrimination, exclusion, violent attacks, displacement and police abuse targeted against LGBTI people. Transgender people remained unable to legally change their gender markers and name.

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<sup>29</sup> Jamaica: Six police officers charged over killing of Matthew Lee (News story, 16 August)

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# MEXICO

/ United Mexican States

HEAD OF STATE AND GOVERNMENT:  
**ANDRÉS MANUEL LÓPEZ OBRADOR**



A new National Guard was created. Although it was formally a civilian law enforcement body, it was primarily composed of military personnel and headed by an army general. A new law on the use of force did not adequately regulate the use of lethal force and firearms by law enforcement officials, as well as threatening the right to freedom of assembly. Mandatory pre-trial detention was expanded to new criminal offences. Human rights defenders and journalists were harassed, attacked and killed. Women and girls continued to face gender-based violence, including killings. Mexico promised to adopt a human rights-based approach to migration, but, under threat of commercial tariffs by the USA, reversed course, with severe consequences for migrants and asylum-seekers. Impunity persisted for human rights violations and crimes under international law.

## BACKGROUND

The new administration adopted an austerity plan that was strictly applied, affecting various federal government programmes. Initial reports by health workers and civil society have noted how this has risked compromising access to health care for people, in particular, those living with HIV and cancer.

In June, the President declined to attend the presentation of the National Human Rights Commission's annual report, the first President to do so since the Commission was created 28 years ago. Later the same month, the federal government officially rejected the Commission's recommendation in response to a reduction in childcare available for working parents.

Several times during the year, the President publicly belittled the work of civil society organizations. He also banned federal public funding of such organizations affecting, among others, migrant shelters, shelters for women experiencing gender-based violence and human rights organizations.



In March, the Mexican Social Security Institute launched a pilot project, ordered in 2018 by the Supreme Court, to guarantee access to social security for domestic workers. In April, Congress passed a reform to the federal labour law to the same effect. By the end of the year, Mexico had not ratified the Convention Concerning Decent Work for Domestic Workers (ILO Convention No. 189).

During the year, the government held public apology ceremonies for emblematic cases of human rights violations, such as the extrajudicial execution of two students in 2010 and for a case of enforced disappearance, torture and extrajudicial execution of different members of a family in 1977.

## POLICE AND SECURITY FORCES

The new federal administration maintained the militarized approach to policing that had failed under previous governments. In March, a constitutional amendment instituted a civilian National Guard. Although the National Guard was under the civilian Ministry of Security and Citizen Protection, it consisted mostly of members of the armed forces, who received insufficient training to act as law enforcement officials. In addition, the government appointed an army general as its senior commander.

The law on the National Guard entered into force in May and granted the new body broad powers regarding law enforcement, use of force, the investigation of crimes, including the interception of private communications, and migration control.

The government disestablished the Federal Police at the end of 2019 and the Army was tasked with assessing members of the Federal Police to determine whether they were fit to serve in the National Guard or should be transferred to other federal bodies, such as the National Migration Institute.

In May, Congress passed a national law on the use of force that fell short of international human rights law and standards. The law did not accurately incorporate the principles of legality, necessity, proportionality, prevention and protection of life and would allow for the use of lethal force in circumstances not provided for in international law. The National Human Rights Commission challenged the law before the Supreme Court; the Court's decision was pending at the end of the year.

## ARBITRARY ARRESTS AND DETENTIONS

Arbitrary arrests and detentions remained widespread and often led to further human rights violations, such as torture and other ill-treatment. Law enforcement officials continued to disregard the rights of the detainees, including by failing to inform them of the reason for their detention. The constitutional provision allowing detention without charge (*arraigo*) was not repealed.

In April, a constitutional amendment extended the list of offences for which mandatory pre-trial detention applies. This legislation prevented judges from evaluating whether pre-trial detention was necessary in each case and avoided periodic review of the detention, thus violating the principle of the presumption of innocence in criminal proceedings.

In May, Congress passed a law requiring the creation of a national unified register to record every detention by law enforcement officials. However, federal and state governments had not fully implemented the law at the end of the year.

## ENFORCED DISAPPEARANCES

Enforced disappearances by state agents and disappearances committed by non-state actors continued to be a concern; those responsible enjoyed almost total impunity. Federal authorities declared that by 31 December at least 61,637 people were missing.

During the year, the government focused on a strategy to address the lack of capacity to carry out forensic examinations of unidentified bodies. In March, the President announced the reinstatement of the National People Search System. The government reported that from December 2018 until December 2019, 873 clandestine graves containing 1,124 bodies had been found. On 30 August, the government announced that Mexico would recognize the competence of the UN Committee on Enforced Disappearances to consider individual cases. By the end the year, this recognition had not yet been implemented.

The government set up a special commission into the case of 43 Ayotzinapa college students forcibly disappeared in 2014 and the Attorney General's Office created a special unit to investigate the case. The President ordered the resumption of international assistance on the case. Federal judges ordered the release from pre-trial detention of several people accused in this case after finding that much of the evidence against them was inadmissible; some of the evidence presented was obtained through torture and other ill-treatment.

Mexico made no substantive progress in complying with the 2018 judgment of the Inter-American Court of Human Rights in the case of Alvarado Espinoza that found Mexico responsible for the enforced disappearance of three people by the Mexican army.

In August, the UN Human Rights Committee ruled that Mexico was responsible for the 2010 enforced disappearance of Christian Téllez Padilla, in Veracruz state. It was the first time a UN body issued a binding resolution on disappearances in Mexico.

## TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment continued to be a major concern. Investigation into reports of torture were generally flawed and those responsible were rarely brought to justice.

Starting in April, the government and NGOs drafted the National Programme for the Prevention and Punishment of Torture and Ill-treatment; the document had not been published by the end of the year.

In May, the UN Committee against Torture published its findings on Mexico and expressed concern at the very high incidence of torture and other ill-treatment, including sexual violence, by members of the security forces and investigating officers.

## VIOLENCE AGAINST WOMEN AND GIRLS

Gender-based violence against women and girls continued to be widespread. The authorities failed to investigate these crimes and perpetrators were rarely brought to justice. The authorities opened 1,006 investigations into gender-based killings (feminicides).

Sufficient and up-to-date data on gender-based killings and violence was not available. However, official data for 2018 was published indicating that 3,752 women were considered to have been the victims of homicide, pending further investigations. The most recent official statistics on gender-based violence, those for 2016, estimated that 66.1% of women and girls aged 15 or above had experienced gender-based violence at least once in their lives and that 43.5% of women had experienced gender-based intimate-partner violence.

The authorities kept 20 protocols known as “Alerts of gender-based violence against women” operational in 18 states. Established by the General Law on Women’s Access to a Life Free from Violence, the Alert mechanisms rely on coordinated efforts to confront and eradicate violence against women and girls. By the end of the year, there was no indication that the Alert mechanisms had reduced gender-based violence.

In August, several cases of sexual violence against women and girls sparked outrage and demonstrations in Mexico City and other cities. The Mexico City government initially dismissed the protests as acts of provocation and stated that it would initiate criminal investigations against demonstrators for damage to buildings. Subsequently, apparently in reaction to public outrage, the government changed its position and stated that it would respect the right to freedom of assembly and investigate cases of violence against women and girls.

In September, the Congress of the State of Oaxaca, approved a bill that decriminalized abortion during the first twelve weeks of pregnancy. In October, the bill was published in the Official Gazette.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

Same-sex couples were able to marry in Mexico City and 18 states. Couples in states where laws or administrative practice did not allow for same-sex marriage had to file a constitutional complaint (amparo) before federal tribunals to have their cases reviewed and their rights recognized. Same-sex marriage was approved by changes in the laws of Baja California Sur, Hidalgo, San Luis Potosí and Oaxaca and by Supreme Court orders in the states of Aguascalientes, Nuevo León and Sinaloa.

In April and again in July, the Yucatán Congress rejected, through an unlawful secret ballot, a legal reform to allow same-sex marriage. In October, the Congress of Puebla also rejected a legal reform. From May, same-sex couples were able to marry in Mexico's consulates and diplomatic premises, following an order of the Ministry of Foreign Affairs.

## HUMAN RIGHTS DEFENDERS

Human rights defenders continued to be threatened, harassed, and attacked because of their work; at least 23 were killed according to Frontline Defenders, 14 were Territory, Land and Environmental Rights Defenders (TLERDs). The authorities made no significant progress in the investigations into these killings. Two people were detained awaiting trial for the 2018 murder of Julián Carrillo, an Indigenous human rights defender in Chihuahua state.

On 20 February, in Morelos state, Samir Flores Soberanes was shot dead after receiving death threats in connection with his human rights work. He was a member of the grassroots organization the Peoples' Front for the Defence of the Land and Water.

On 3 August, unidentified armed men forcibly abducted Aarón Méndez and Alfredo Castillo, both members of the migrants' shelter Casa AMAR, in Tamaulipas state; their fate and whereabouts remained unknown at the end of the year.

After a sustained campaign by civil society, the Attorney General's Office and the Federal Electricity Commission (CFE) dropped the charges against human rights defenders from the Tosepan Cooperative Union, the Independent Rural and Urban Popular Movement for Workers and Farmers, and the Committee on Holistic Land Use Planning of Cuetzalan, which had been brought over their involvement in public demonstrations against a CFE project that sought to build an electricity substation in Cuetzalan, Puebla state.

The National Protection Mechanism for human rights defenders and journalists provided protective measures to 1,086 people: 721 human rights defenders and 365 journalists. The Mexican government accepted the recommendations of an analysis presented by the Office of the UN High Commissioner for Human Rights regarding the Mechanism and made a public commitment to implement them.

Mexico had not yet ratified the Regional Agreement on Access to Information, Public Participation and Justice on Environmental Matters in Latin America and the Caribbean (the Escazú Agreement), which provides for protection for environmental defenders.

## MIGRANTS, REFUGEES AND ASYLUM-SEEKERS

The authorities started the year, as part of a human rights-based approach to migration, by providing thousands of humanitarian visas to people who arrived in "caravans" from Central America. However, by June, the policy had been reversed and 6,000 National Guard officers were deployed to the Mexico-Guatemala border. This followed threats from the USA to impose commercial tariffs on Mexico unless increased migration controls were put in place. The use of the National Guard to control migration was challenged in the Supreme Court by the National Human Rights Commission and the UN Committee on the Elimination of Racial Discrimination, which highlighted the risk of discriminatory actions by the security forces.

Migration detention centres registered record levels of overcrowding and at least three people died in the custody of the National Migration Institute in circumstances related to their detention, among them a ten-year-old girl. Across 2019, at least 51,999 children had been held in immigration centres, in violation of Mexican law and international standards.

There were several mass arbitrary arrests and detentions, including the apprehension of approximately 400 people in June on a highway near Tapachula, Chiapas state. COMAR, the federal refugee agency, received 70,302 asylum claims, up from 29,630 in 2018. The largest number of asylum-seekers were from Honduras, followed by El Salvador, Cuba and Venezuela. The authorities were underequipped to process claims and waiting times increased. Mexico received nearly 60,000 asylum-seekers returned by the USA under the "Migration Protection Protocols" or "Remain in Mexico" plan. Mexico provided them with simple paper permits to stay in the country yet returned many to their countries of origin in possible violation of the principle of non-refoulement. Up to December, migration authorities detained 186,750 irregular migrants and deported 123,239. The vast majority (98%) of those deported were from Central America and nearly half were from Honduras.

## FREEDOM OF EXPRESSION AND ASSEMBLY

Journalists continued to be threatened, harassed, attacked and even killed. At least 10 journalists were killed. The authorities made no significant progress in investigating these crimes. No substantial plan to protect journalists was announced by the federal government during the year. Journalists expressed concern about the president's disparaging of journalists and media outlets that criticized his policies, which could cause a chilling effect.

The national law on the use of force provided protection during demonstrations only if law enforcement officials considered the protests to have a legitimate purpose. The law did not indicate that, during public assemblies, the use of force should be restricted to situations where it was necessary to contain violent individuals or to disperse participants if the violence is widespread and no alternative is available. The law did not provide for an obligation to try to de-escalate tensions and to seek alternatives to avoid the use of force.

In July, the Congress of the state of Tabasco passed a reform to the state criminal code that criminalized public demonstrations. It provided for lengthy prison terms for actions opposing any public or private project or works and for obstructing roads or other means of communication. Various state officials, including the President, publicly applauded the law.

In October, the Supreme Court of Mexico City condemned journalist Sergio Aguayo to payment of 10 million Mexican pesos (USD 520,000) in damages for the publication in 2016 of an opinion piece concerning the former governor of Coahuila, Humberto Moreira Valdés. The ruling constitutes a form of punishment and intimidation, improperly affecting freedom of expression in public debate.

# NICARAGUA

/ Republic of Nicaragua

HEAD OF STATE AND GOVERNMENT:

**DANIEL ORTEGA SAAVEDRA**



Nicaragua's worst human rights crisis in decades continued throughout 2019. Widespread social protests, triggered by a series of social security reforms announced in April 2018, continued across the country. In response to demonstrations, the authorities adopted a strategy of violent repression. By the end of 2019, at least 328 people had been killed, primarily by state security forces and pro-government armed groups, and more than 2,000 others had been injured since the start of the crisis. Hundreds of people were arbitrarily detained and tens of thousands were forced to flee to Costa Rica. Gender-based killings continued and a total ban on abortion remained in place. Impunity persisted for perpetrators of violence against Indigenous Peoples and other human rights violations.

## INTERNATIONAL SCRUTINY

During the first months of the crisis in 2018, the Nicaraguan government granted the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights (IACHR) access to the country. However, by the end of 2018, the authorities had expelled both mechanisms and withdrawn permission for them to enter the country.

During 2019, the government remained closed to international scrutiny and did not allow international human rights bodies to enter. In September 2019, during the session of the UN Human Rights Council, the Nicaraguan government rejected the report presented by the UN High Commissioner for Human Rights, Michelle Bachelet. It also rejected 124 of the 259 recommendations made by the UN Human Rights Committee in the framework of its examination of the country's human rights record under the



Universal Periodic Review (UPR) process; the rejected recommendations were mainly related to the current crisis. Also, in September, the authorities decided to deny the Commission on Nicaragua, created by the Permanent Council of the Organization of American States, access to the country.<sup>30</sup>

## FREEDOM OF EXPRESSION AND ASSEMBLY

During the year, the exercise of rights to freedom of expression and peaceful assembly were met with violent repression.<sup>31</sup> In October 2018, the National Police announced that any demonstration or mobilization must obtain prior authorization from the police authorities. In this context, local groups reported the systematic denial of permits for peaceful demonstrations by the National Police, arbitrary arrests of protesters and excessive police presence during demonstrations and religious celebrations as a form of intimidation.<sup>32</sup>

As a result of the strategy of repression against protests and dissenting voices, at least 65 people remained in detention for political reasons at the end of 2019.<sup>33</sup>

The director and chief of information of the media outlet 100% Noticias were released in June 2019. The two journalists had been detained in December 2018 and charged with hate speech and ‘terrorism’-related crimes. However, according to media reports, in October the government informed the Inter-American Commission on Human Rights that it would not return the facilities of 100% Noticias confiscated at the time of their arrest in December 2018.

Printed newspapers faced a precarious situation due to a decision by customs offices to continue impounding imported paper and ink.

By the end of 2019, at least 100 journalists and media workers had fled the country.

## UNFAIR TRIALS

Violation of due process against those facing politically motivated charges persisted. Ineffective legal remedies and violations of the right to an adequate legal defence continued to be reported. In June 2019, an Amnesty Law was adopted which was widely criticized as posing a potential obstacle to freedom of expression and peaceful assembly, and endangering victims’ right to an effective remedy.

In addition, there were serious concerns among former detainees and national organizations regarding the legal situation of released detainees who had been apprehended in the context of the protests. Widespread concern persisted that cases were not filed or closed. Moreover, intimidation and harassment by the police, pro-government armed groups and local surveillance networks linked to the government were constantly reported by those released and their families.

On 14 November 2019, the Nicaraguan police detained 16 activists as they left the San Miguel Church in Masaya. The activists, who were later charged by the Attorney General’s Office with illegal arms trafficking, were giving water to a group of relatives and activists who were on a hunger strike to demand the release of people detained for participating in the protests. In December, 91 people were released from prison, among them the 13 activists. Local NGOs reported that those released were not acquitted and that the 16 activists still faced charges.

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<sup>30</sup> Nicaragua: OAS member states must continue to work tenaciously against repression (News, 1 October 2019).

<sup>31</sup> Nicaragua: Still governing by repression a year after crisis began (News, 25 April 2019).

<sup>32</sup> Nicaragua: Human Rights Council must respond to gravity of OHCHR report (AMR 43/1023/2019).

<sup>33</sup> Nicaragua: Más de 130 personas continúan detenidas (AMR 43/1249/2019)

## RIGHT TO LIFE AND PHYSICAL INTEGRITY

There were continuing reports of torture and other cruel, inhuman or degrading treatment of prisoners detained in the context of the protests that started in April 2018.

In May, a policeman shot and killed a 57-year-old detainee, Eddy Montes, following a protest at La Modelo prison. At least 11 other detainees and six police officers were injured during this protest. Although the authorities claimed that Eddy Montes had attempted to steal an officer's gun, the UN High Commissioner for Human Rights reported receiving information indicating that he was shot from a distance of approximately 4m.

According to the Nicaraguan Centre for Human Rights (CENIDH), there was an increase in the number of targeted killings of campesinos who had been identified as participants in the protests or opponents of the government. CENIDH reported that up to August at least 17 people were killed, allegedly as a result of increased activity by pro-government armed groups in rural areas.

## HUMAN RIGHTS DEFENDERS AND FREEDOM OF ASSOCIATION

The Nicaraguan authorities continued targeting journalists, human rights defenders and local NGOs. In September, the UN High Commissioner for Human Rights stated that government officials continued to discredit and harass human rights defenders, journalists and those who were critical of the government, leading to a further significant restriction of civic space.

The work of local NGOs was seriously hindered during the year. By the end of 2019, the legal registration of nine human rights organizations, which had been cancelled by the National Assembly in December 2018, had not been restored. The authorities had withdrawn registration and confiscated their assets. In October, the Inter-American Court of Human Rights granted provisional measures to protect members of the CENIDH and the Permanent Commission of Human Rights, because of the serious risks to their lives and physical integrity.

In November, the Inter-American Court of Human Rights issued its decision on Nicaragua's compliance with the 2017 *Acosta et al. v. Nicaragua* judgement. In 2017, the Court had found the state responsible for having violated the rights to access to justice, truth and physical integrity of human rights defender María Luisa Acosta, following the murder of her husband, Francisco García Valle. More than two years later, in the 2019 judgment, the Court indicated that the State has not taken any action nor made progress towards overcoming partial impunity in the case, and that Nicaragua's express position not to comply with its obligation to investigate constitutes contempt. Moreover, the Court added that far from observing a substantial improvement in protection of human rights defenders since the 2017 judgement, it noted that the situation has significantly worsened.

In December, the Inter-American Commission on Human Rights granted precautionary measures in favor of 17 women human rights defenders in Nicaragua that, in the current context of the crisis, have been subjected to harassment, intimidation, death threats and attacks.

## FORCED MIGRATION

Tens of thousands of Nicaraguans were forced to flee the country during the crisis. According to the IACHR, more than 96,000 people had left Nicaragua by the end of 2019.

On 15 April, Nicaragua's government reported that it had established a "Programme on the Assisted Voluntary Return of Nicaraguans who left the country in the context of events that occurred after 18 April 2018". The programme was created without the consensus of the ongoing negotiating forum set up by the government and the Civic Alliance for Justice and Democracy, a civil society body. The Civic Alliance described the decision to establish the programme as unilateral and stated that it was not in line with the agreements signed with the government as it does not grant personal and family security to all exiles.

Local NGOs and media outlets reported that some of those who had returned from exile had been subjected to harassment by the authorities and pro-government groups.

## WOMEN'S RIGHTS

Abortion remained banned in all circumstances and violence against women continued to be a fundamental obstacle to women's rights.

In 2019, there were at least 60 gender-based killings of women, according to media reports and the NGO Catholics for the Right to Decide. In September, the Articulation of Social Movements, a local network, reported that a decision by the authorities to limit the definition of femicide solely to intimate-partner killings committed in the private sphere had led to the apparent reduction in femicides reflected in official data.

## INDIGENOUS PEOPLES' RIGHTS

Impunity persisted for crimes such as killings, rapes, kidnappings, enforced disappearances and death threats against communities in the context of territorial disputes between Indigenous peoples and non-indigenous settlers attempting to illegally occupy Indigenous territories in the North Atlantic Autonomous Region.

In May, community authorities and NGOs informed the IACHR that the government has failed to fulfil the precautionary measures issued by the Inter-American Court of Human Rights in favour of Indigenous peoples and that non-indigenous settlers continued to occupy ancestral territories and exploit their natural resources, with the acquiescence of the state. As a result, forced displacement continued to affect communities' access to their rights to food, education and means of subsistence.

In August, local media reported that during a public event President Ortega stated that his administration remained committed to promoting the construction of the Grand Inter-oceanic Canal. This statement sparked renewed fears and concerns among Indigenous Peoples about the lack of respect for their right to free, prior and informed consent on this mega-project.

According to media reports and local groups, violence also flared in the South Atlantic Autonomous Region where members of Indigenous communities were attacked and killed in the context of illegal occupations of their territories.

In December, the Alliance of Indigenous and Afrodescendant People of Nicaragua denounced that a majority of Indigenous and Afrodescendant government structures had been supplanted by parallel structures imposed by authorities from the governing party.

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# PARAGUAY

/ Republic of Paraguay

HEAD OF STATE AND GOVERNMENT:

**MARIO ABDO BENÍTEZ**



On 2 December, the President withdrew from Congress a bill to ratify the Escazú Agreement<sup>34</sup> on environmental matters.

Discrimination and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued. Despite some progress on access to justice, truth and reparation, Indigenous Peoples continued to be subjected to forced eviction and displacement. Human rights defenders continued to be criminalized. The independence of the judiciary remained a concern.

## INDIGENOUS PEOPLES' RIGHTS

On 3 March, about 50 people, including armed individuals, entered the ancestral lands of the Ysati “July 3” community in the Itakyry district, burning crops and six of their houses containing all their belongings. Fifty-five people, including 38 children, were displaced and forced to seek shelter in precarious conditions in a nearby community. The local prosecutor opened an investigation into these attacks which was continuing at the end of the year.<sup>35</sup>

On 27 June, the authorities handed over 140 homes and the first part of a development fund to the Sawhoyamaya community, as part of its compliance with a 2006 ruling by the Inter-American Court of Human Rights. On 10 December, after approval by the Congress, the President issued Law 6.465/19 to expropriate a piece of land necessary to build a road that would allow the Yakye Axa Indigenous community, beneficiary of a 2005 ruling by the Inter-American Court of Human Rights, to access their lands.

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<sup>34</sup> Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

<sup>35</sup> Paraguay: Attacks on Ysati community under investigation (AMR 45/0734/2019)

In July 2019, the Paraguayan Indigenous Institute reported a fiscal agent with Criminal Unit No. 3 in Hernandarias to the State Attorney General. It alleged she had misused the criminal justice system against Indigenous Ava Guaraní communities in Itakry district in the context of a dispute over land titles with individuals. The Prosecutor's Office had yet to appoint a prosecutor to investigate this complaint by the end of the year.<sup>36</sup>

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

On 27 September, the Mayor of Hernandarias issued Resolution 3076/19 which prohibited a march called by Diversxs Alto Paraná, an LGBTI collective, on the grounds that he considered it contrary to "public morals". He also confirmed Resolution 036/19, which declared Hernandarias a "Pro-Life and Pro-Family City".

Despite this ban, Diversxs decided to go ahead with the march. Members of the collective were verbally and physically assaulted by anti-rights groups and the National Police failed to intervene to protect them or detain the attackers. Some members of Diversxs filed criminal complaints about these incidents.

On 14 October, Amnesty International and Diversxs, with the support of REPADIS and It Gets Better Paraguay, filed an action of unconstitutionality against both resolutions on the grounds that they violate the rights to freedom of expression, assembly, peaceful protest and equality, among others.<sup>37</sup>

## INDEPENDENCE OF THE JUDICIARY

On 13 August, the Jury for the Prosecution of Magistrates decided to sanction Judge Emiliano Rolón. The decision followed a complaint filed by the Attorney General, head of the Public Prosecutor's Office, in October 2018 against him and Judge Arnaldo Martínez, for allegedly failing to discharge their obligations properly. On 30 May, Judge Arnaldo Martínez resigned his post stating that this process was unconstitutional and interfered with judicial independence.

In July 2018, both judges had voted to acquit 11 campesinos who had previously been convicted in the Curuguaty case and not to initiate a new trial, after identifying serious violations of due process in the Public Prosecutor's investigation. In addition, the Public Prosecutor's Office only investigated the deaths of the six police officers, excluding the deaths of 11 campesinos, which remained unpunished at the end of the year.

In September 2019, Amnesty International noted the need to address with due diligence, independently and impartially, cases of sexual harassment reported in Paraguay. This followed a case brought by María Belén Whittingslow Castañé against her teacher, member of the Jury for the Prosecution of Magistrates, which was dismissed without a detailed analysis of the evidence she provided describing the acts of harassment. Her allegations were dismissed as "courtship and wooing" and the defendant's word was accepted as evidence without analysing the texts of the messages or the evident asymmetry of power between María Belén and the teacher.

## RIGHT TO HOUSING AND FORCED EVICTIONS

On 19 September, the Public Prosecutor's Office and the Ministry of the Interior left the Joint Action Plan for Cases to Deal with the Offence of Trespass without effect. Nevertheless, the proposed alternative intends that evictions are carried out more quickly and without complying with international human rights standards.

On 27 August, the Tekoha Sauce Indigenous community was notified of an eviction process being pursued by the Itaipu Binacional hydroelectric company (Paraguay-Brazil) against its members, including leaders Cristóbal Martínez and Amada Martínez. The company claimed that the community had illegally settled on its property.<sup>38</sup>

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<sup>36</sup> Paraguay: Amnesty International brings unconstitutionality proceedings against resolutions that discriminate against LGBTI people (News story, 14 October)

<sup>37</sup> Paraguay: Amnesty International brings unconstitutionality proceedings against resolutions that discriminate against LGBTI people (News story, 14 October)

<sup>38</sup> Paraguay: Indigenous community at risk of eviction (AMR 45/0614/2019)



The authorities had yet to respond to the request for the restitution of territory to the community, which had been displaced in the 1970s by the construction of the Itaipú Hydroelectric Plant. However, a draft bill was proposed by the Indigenous Peoples' Commission of the Senate to determine, within the Limoy Reserve, a protected area that could be used as Indigenous conservation territory, which would allow the community to practice traditional hunting and fishing.

## HUMAN RIGHTS DEFENDERS

On 12 July, the last criminal proceedings against Andrés Brizuela, defender of land-related rights of the Guahary campesino community, ended as the result of an agreed court settlement. He had been accused of breaking into the house of someone who had claimed ownership of community land.

On 28 August, a court acquitted human rights activist Ernesto Ojeda of charges of “coercion, aggravated coercion, deprivation of liberty and resistance” in the city Fernando de la Mora. The charges related to events in September 2017, when Ernesto was 17 years old and was executive coordinator of the National Federation of Students. The proceedings were a disproportionate response by the criminal justice system, criminalizing human rights activism.

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# PERU

/ Republic of Peru

HEAD OF STATE AND GOVERNMENT:  
**MARTÍN VIZCARRA CORNEJO**



Land and territory-related rights remained at risk and a lack of effective regulations undermined Indigenous People's rights to free, prior and informed consent. Socio-environmental issues continued to be a major cause of social conflicts. The state failed to respond effectively to continuing high rates of violence against women and pregnancy among girls.

## BACKGROUND

The political crisis continued, characterized by a confrontation between the Executive and Legislative branches of government. In September, in the context of this ongoing crisis, President Vizcarra dissolved Congress, where the majority Fuerza Popular Party was led by Keiko Fujimori, who was held in pretrial detention for over a year and remains under investigation for money laundering. Elections were scheduled for January 2020.

## IMPUNITY

In January, the medical panel that evaluated the health of former President Alberto Fujimori as a result of a court order, concluded that he was healthy enough to be released from the local hospital where he had been treated and he was returned to prison to complete his 25-year sentence for crimes against humanity. The pardon granted to him in 2017 was annulled in 2018.<sup>39</sup> Alberto Fujimori was also under investigation in connection with the forced sterilization of more than 2,000 women without their consent in the 1990s.

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<sup>39</sup> Peru: Supreme Court confirms annulment of Fujimori's pardon and supports victims' rights (News story, 13 February)

## FREEDOM OF EXPRESSION AND ASSEMBLY

In August, in response to peaceful protests against the Tía María mining project, President Vizcarra authorized the deployment of the armed forces to maintain public order in the port of Matarani in the province of Arequipa. This response was counter to international human rights standards which set out strict limits on the use of the armed forces in public order operations.

There were continuing concerns about the imposition of states of emergency to respond to peaceful protests against oil, mining and other infrastructure projects in the country. In October, the government declared a state of emergency for 30 days in the “southern mining corridor” in response to a protest against the Las Bambas mining project. The decree, which allowed for the deployment of the armed forces to police protests, prevented local communities in the area from holding communal assemblies.

## HUMAN RIGHTS DEFENDERS

Concerns remained regarding the misuse of the justice system against human rights defenders, often in the absence of credible evidence to support the charges against them. In May, after almost five years of criminal proceedings, the trial of 19 members of campesino communities in the Apurímac region began. They had been charged in connection with protests in 2015 against the Las Bambas mining project.

In September, the second trial of Oscar Mollohuanca, Herbert Huaman and Sergio Huamani started. The three men were charged with leading a social protest in May 2012 in Espinar province in the Department of Cusco. The protest was in support of the people of Espinar’s demands for the protection of their right to a healthy environment and for the agreement between the mining company and the municipality of Espinar to be revised.

In 2019, criminal proceedings against journalists Paola Ugaz and Pedro Salinas were adjourned. They had been charged in connection with complaints of defamation filed by José Antonio Eguren, Archbishop of Piura y Tumbes, regarding the publication of reports based on their investigations into the Sodalitium Christianae Vitae (Sodalitium of Christian Life) society. However, Paola Ugaz continued to be the target of other defamation complaints and campaigns by anti-rights groups.

## RIGHT TO HEALTH

The National Platform of Affected Persons created in 2017 continued to demand public policies to ensure medical care for those exposed to toxic metals and other toxic substances; no such policies were in place by the end of 2019.

## INDIGENOUS PEOPLES’ RIGHTS

The exposure of Indigenous Peoples and their communities, as for example in Cuninico and Espinar, to toxic metals and contaminated water continued to be a concern. In Cuninico, the 2018 court ruling ordering the Ministry of Health and the Loreto Regional Health Directorate to provide health care to the communities affected by a 2014 oil spill had not been complied with by the end of 2019.

In August, the prior consultation process regarding the Rules of Procedure of the Framework Law on Climate Change was completed. The regulation was approved on 31 December.

## WOMEN’S RIGHTS

Policies and laws promoting women rights continued to come under sustained attack. In March, the Supreme Court of Justice dismissed a suit filed by anti-rights groups seeking to eliminate gender equality from the national educational curriculum.

## VIOLENCE AGAINST WOMEN AND GIRLS

According to the National Homes Survey 2018 (ENDES), 68.2% of women in Peru have been victims at least once in their lives of psychological, physical and/or sexual violence committed by their husband or partner. Between January and September 2019, the Ministry of Women and Vulnerable Populations stated that 133,123 cases of violence against women, violence within the family and sexual violence had been reported to their Women’s Emergency Centres nationally. The Ministry of Women and Vulnerable Populations recorded 166 feminicides and 404 attempted feminicides in 2019.

## SEXUAL AND REPRODUCTIVE RIGHTS

Pregnancy rates among adolescent girls remained high. According to the 2018 ENDES survey, 13 out of 100 teenage girls aged between 15 and 19 had children or were pregnant for the first time. The law continued to criminalize abortion in cases of rape.

## LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX RIGHTS (LGBTI)

More than two years after it was presented in Congress, the bill to recognize same-sex marriage had yet to be approved.

Transgender people continued to be denied social and legal recognition of their gender identity, affecting their rights to work, housing, education, free transit and health, among others.

## MIGRANTS AND REFUGEES

Peru became the country with the second largest population of Venezuelans fleeing their country and with the largest number of Venezuelans seeking asylum. According to official reports, by the end of the year, there were 863,613 Venezuelans in Peru, 377,047 of whom were seeking asylum. During 2019, the government imposed stricter requirements on Venezuelans seeking safety, and changes to asylum procedures at the Peru-Ecuador border appeared to amount to a deliberate policy of rejection of new arrivals. In addition, several Peruvian authorities at the national, regional and municipal levels issued xenophobic statements, such as requesting the deportation of all Venezuelans.

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# PUERTO RICO

/ Commonwealth of Puerto Rico

HEAD OF STATE:  
**DONALD TRUMP**

HEAD OF GOVERNMENT:  
**WANDA VÁZQUEZ GARCED**  
(replaced Ricardo Rosselló in July)



Two years after hurricane Maria, tens of thousands of people remained living under blue tarpaulin sheets. The authorities tried to limit freedom of expression and association through excessive use of force. Civil society organizations were forced to litigate to access public information. Activists mobilized around the climate crisis and around bills which, if passed, stood to undermine lesbian, gay, bisexual, transgender and intersex (LGBTI) rights. Governor Wanda Vázquez Garced declared a state of national alert due to the high levels of gender-based violence.

## BACKGROUND

In July, Ricardo Rosselló resigned as governor following days of mass protests. The protests, prompted by the leak of a Telegram chat between the governor and members of his inner circle, included, among other things, homophobic and sexist slurs and dismissive comments about those who had died during hurricane Maria.

## FREEDOM OF EXPRESSION AND ASSOCIATION

During the two weeks of protests which led to Governor Rosselló's resignation, 20 people were injured and 17 arrested, according to the NGO Kilómetro 0. The New York Times verified video footage which showed that the Puerto Rican police had used tear gas on crowds in confined streets, fired rubber bullets at close range and beaten protesters not posing a threat, in circumstances that amounted to unnecessary or excessive use of force.

## LACK OF ACCOUNTABILITY

Throughout the year, civil society organizations were forced to litigate to access public information, adding additional obstacles to their work.



In June, Kilómetro 0 won its case to access police reports which registered the use of force by agents.

In August, following widespread criticism, a disaster plan – setting out how the government and other actors would respond in the event of another catastrophic hurricane or earthquake – was also finally made public. This was only after litigation in 2018 by the Centre for Investigative Journalism, which had forced the authorities to release a partial, unfinalized plan.

## CLIMATE CRISIS

A 2018 US Global Change Research Program report to the US Congress indicated that Puerto Rico's coasts stand to be seriously affected by rising sea levels caused by climate change, including because the island's dependence on imports makes it more vulnerable to climate-related impacts.

In October, civil society organizations held a public forum to discuss action on climate change, rising sea levels and their impact on communities at greatest risk of the impacts of climate change, entitled, "The sea is rising, and so are we".

## RIGHT TO HOUSING

Two years after hurricane Maria, tens of thousands of people continued to live under blue tarpaulin sheets, initially provided by the Federal Emergency Management Agency (FEMA) as a temporary emergency solution for families who had lost their homes during the hurricane.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

In May, Governor Rosselló presented Senate Bills 1254 and 1253. The first sought to prohibit health professionals from offering so-called "conversion therapies", which falsely allege they can change an individual's sexual orientation or gender identity. However, the Bill failed to explicitly prohibit the provision of such therapies by religious organizations.

The second Bill sought to protect the right to act, or to abstain from acting, based on an individual's religious beliefs and, like similar "religious freedom" bills introduced in the USA, could have allowed the notion of so-called "religious freedom" to be used to discriminate against LGBTI people.

In April, more than 30 civil society organizations expressed concern over both bills.

In June, Governor Rosselló retracted the bills after widespread public debate and controversy.

## VIOLENCE AGAINST WOMEN AND GIRLS

In the first six months of the year, the police received 3,880 reports of domestic violence and by August nine women had been killed in contexts of domestic violence, according to the Women's Advocate Office.

According to news reports, in September, the Department of Forensic Science had a backlog of at least 2,000 unprocessed rape kits.

In September, following repeated demands by civil society organizations to implement a state of emergency due to the high number of cases of gender-based violence, Governor Vázquez declared a state of national alert. While the measure fell short of the demands made by women's organizations, the move was an important step which recognized the extent of gender-based violence on the island.

# TRINIDAD AND TOBAGO

/ Republic of Trinidad and Tobago

HEAD OF STATE:

**PAULA-MAE WEEKES**

HEAD OF GOVERNMENT:

**KEITH CHRISTOPHER ROWLEY**



The authorities registered more than 16,500 Venezuelans who were given temporary visas. However, following the registration process, the government continued to criminalize the irregular entry of migrants and refugees, contrary to international standards; failed to pass national refugee legislation; and continued to return Venezuelans, in circumstances which may amount to refoulement. There remained no legal protections against discrimination based on sexual orientation and gender identity. Trinidad and Tobago retained the mandatory death penalty for murder.

## BACKGROUND

Between April and May, two boats carrying Venezuelans seeking safety were shipwrecked on route to Trinidad, leaving at least 50 people missing and 10 survivors, according to news reports.

In October, dozens of people were found chained and in cages in a so-called rehabilitation centre, allegedly run by a religious group for former prisoners and people who use drugs, according to media reports.

## REFUGEES AND ASYLUM-SEEKERS

By the end of October, almost 14,000 Venezuelans had lodged asylum claims, according to the UN High Commissioner for Refugees (UNHCR), the body mandated to process such claims. Despite this, the authorities in Trinidad and Tobago refused to recognize the seriousness of the human rights violations taking place in neighbouring Venezuela. State officials continued to refer to those fleeing as “economic migrants”, despite UNHCR indicating that “the majority” of those fleeing Venezuela needed international protection.

An outlier in the region, Trinidad and Tobago remained one of the few Latin American countries, also confronted with Venezuelans fleeing human rights violations, to have no national legislation on refugees, meaning in practice that people who apply for asylum or who are granted refugee status have no access to many of the rights granted under the Convention relating to the Status of Refugees (1951 Refugee Convention) and its Protocol (1967), to which Trinidad and Tobago is party.<sup>40</sup>

In May and June, during a two-week period, the government opened a so-called “amnesty” process for Venezuelans to apply for legal residency. According to government data, approximately 16,500 Venezuelans were registered during the period and later given temporary visas and the right to work.

However, following the closing of the process, the authorities continued to enforce immigration laws which criminalize irregular entry, contrary to international standards; closed ports of entry by sea to Venezuelans; and implemented new visa requirements for Venezuelans.

Nevertheless, Venezuelans continued to take dangerous risks to arrive by sea.

In October, according to media reports, the authorities returned at least 17 Venezuelans who had arrived by boat, which may amount to refoulement.

During the year, Cubans lodged the second highest number of asylum claims.

Asylum-seeking and refugee children were unable to access public education, despite the country having ratified the Convention on the Rights of the Child and being party to the Refugee Convention which, in Article 22, requires states to provide refugees “the same treatment as is accorded to nationals with respect to elementary education.”

Throughout the year, and especially during the registration process, faith-based organizations across the country provided Venezuelan migrants and refugees with food, water and shelter.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

A landmark judgment from a High Court in 2018 decriminalized sexual activity between consenting adults of the same sex. However, the government appealed the judgment, stating it intends to have this case heard by the country’s highest appellate court, the Judicial Committee of the Privy Council in the UK.

There remained no legal protection against discrimination based on sexual orientation or gender identity. The NGO Coalition Advocating for Inclusion of Sexual Orientation-Trinidad and Tobago received reports of some incidents of discrimination and violence towards LGBTI people.

## DEATH PENALTY

Trinidad and Tobago remained the only country in the Americas region to retain the mandatory death penalty for murder. New death sentences were imposed during the year for this offence, but no execution has taken place since 1999.

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<sup>40</sup> Open Letter to Keith Christopher Rowley, Prime Minister of Trinidad and Tobago (AMR 49/0448/2019)

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# UNITED STATES OF AMERICA

/ United States of America

HEAD OF STATE AND GOVERNMENT:  
**DONALD TRUMP**



In 2019, the Trump administration launched discriminatory attacks, through both policy and practice, against the human rights of some of the most vulnerable individuals and communities in the USA. At the national and international levels, the US government sought to narrow human rights protections for sexual and reproductive rights and protections against discrimination for lesbian, gay, bisexual, transgender and intersex (LGBTI) people and others. At the US-Mexico border, in violation of national and international laws, the US authorities detained, ill-treated and turned away tens of thousands of asylum-seekers who requested international protection. As a result, unaccompanied children, families, LGBTI people and others faced abuses once stranded in northern Mexico as well as in US immigration detention centres. The Trump administration also increasingly misused the criminal justice system to threaten and harass human rights defenders, political opponents, whistleblowers and others.

## BACKGROUND

In September, the US House of Representatives opened an impeachment inquiry to investigate multiple alleged abuses of power by President Trump. In advance of the 2020 general elections, political discourse became increasingly partisan and vitriolic, often targeting the human rights of vulnerable groups.

## INTERNATIONAL HUMAN RIGHTS MECHANISMS

The US government has broadly disengaged from the international human rights system, including by forfeiting its membership of the UN Human Rights Council and reducing its financial contributions to the UN as a whole. Since January 2018, the USA has failed to respond to numerous communications from UN experts or accept their requests for invitations for official visits. In a July 2019 letter to Amnesty International, the US government indicated it now engages UN human rights procedures only when they “advance US foreign policy objectives”, thereby declining to cooperate with their examination of the human rights situation within the USA.

The US government also disengaged from the Inter-American Commission on Human Rights. In July, the US Department of State announced the creation of a Commission on Unalienable Rights, which met for the first time in October. The US government established the commission with the stated intent to narrow US support for internationally recognized human rights. Its efforts are likely to unilaterally redefine human rights concepts, contrary to their definitions under international law, including by stripping protections from discrimination for women, LGBTI people and others.

In April, the USA also revoked the visa of the International Criminal Court (ICC) prosecutor who was investigating possible war crimes by US forces and their allies in Afghanistan. This followed previous threats by the US Secretary of State in 2019 and the National Security Advisor in 2018 to target ICC officials with visa revocations, asset seizures or criminal prosecution were they to investigate US war crimes.

## REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

### DISMANTLING REFUGEE RESETTLEMENT

The resettlement of refugees in the USA plummeted in the wake of the Trump Administration’s adoption of policies targeting refugees from Muslim-majority countries and Central America, such as the discriminatory “Muslim ban”, the implementation of enhanced vetting procedures and cuts to resettlement goals.<sup>41</sup> In September, the Administration announced its intention to decrease annual refugee admissions for Fiscal Year 2020 to 18,000, the lowest refugee admissions goal in the programme’s nearly 40-year history. The USA resettled zero refugees in October 2019, which is the first month of Fiscal Year 2020.

### EXTERNALIZATION OF ASYLUM PROCESS AT THE SOUTHERN BORDER

The USA continued to implement increasingly draconian immigration policies to drastically limit access to asylum procedures at the US-Mexico border, resulting in irreparable harm to thousands of individuals and families. These policies included ongoing unlawful mass pushbacks of tens of thousands of asylum-seekers at the US-Mexico border (constituting refoulement); and the forced return to Mexico of tens of thousands of asylum-seekers under the so-called “Migrant Protection Protocols” (also known as the “Remain in Mexico” policy). In 2019, the authorities forced over 50,000 asylum-seekers to return to and stay in Mexico during the adjudication of their asylum claims, which can take months or years to complete. These policies placed asylum-seekers at unnecessary risk of potentially lethal violence and “chain refoulement” by the US and Mexican authorities, and violated their right to seek asylum.<sup>42</sup>

### ARBITRARY DETENTION AND ILL-TREATMENT OF ASYLUM SEEKERS

The US authorities forcibly separated thousands of families seeking asylum, deliberately inflicting extreme suffering that was tantamount to torture in some cases. In January 2019, a government watchdog confirmed Amnesty International’s findings that the Administration had forcibly separated thousands more asylum-seeking families than it had previously admitted.

The authorities also detained asylum-seekers arbitrarily and indefinitely as a means of deterring them from seeking protection and/or compelling them to give up their asylum claims, thereby inflicting cruel, inhuman or degrading treatment or punishment. Children, women, older people, LGBTI people and persons with disabilities or acute medical conditions were at particular risk of such ill-treatment from the agony of arbitrary detention and inadequate detention facilities. Asylum-seekers were detained for up to several years without the opportunity for parole, as parole requests were subject to blanket denials by US immigration authorities.<sup>43</sup>

<sup>41</sup> Middle East: ‘The mountain is in front of us and the sea is behind us’. The impact of US policies on refugees in Lebanon and Jordan (MDE 02/0538/2019)

<sup>42</sup> USA: ‘You Don’t Have Any Rights Here’: Illegal Pushbacks, Arbitrary Detention, and Ill-treatment of Asylum-Seekers in the United States (AMR 51/9280/2018)

<sup>43</sup> USA: Government must stop illegal pushbacks of asylum seekers to Mexico (News story, 11 April)

## PROLONGED AND INDEFINITE DETENTION OF CHILD ASYLUM-SEEKERS

Children detained at the Homestead “temporary influx” facility in Florida were held in prolonged and indefinite detention. In many cases, children were held at Homestead far beyond the 20 days permitted in the USA.<sup>44</sup>

In January, following pressure from members of Congress, Amnesty International and other organizations, the Administration closed its only other unlicensed facility for unaccompanied children, the Tornillo tent shelter in Texas. At the same time, authorities doubled the number of children held at the Homestead facility to over 2,000, who were subsequently transferred to other facilities in August. In June, a new “emergency influx shelter” was established in Carrizo Springs, Texas, which could house up to 1,300 unaccompanied migrant children until they are released to sponsors, including adult family members who already reside in the USA.

A new regulation issued by the Administration on 23 August could lead to the indefinite detention of children and families for immigration enforcement purposes.

## GENDER, SEXUALITY, AND IDENTITY

### SEXUAL AND REPRODUCTIVE RIGHTS

Federal and state governments intensified efforts to curtail sexual and reproductive rights by seeking to criminalize pregnancy and abortion and limiting access to reproductive health services.<sup>45</sup> This risked increasing already high maternal mortality rates in the country.

### VIOLENCE AGAINST WOMEN AND GIRLS

Indigenous women continued to experience disproportionately high levels of rape and sexual violence. A recent study by the Urban Indian Health Institute documented the cases of more than 500 Indigenous women and girls missing or killed in 71 cities throughout the USA. However, this figure is likely to understate the problem due to deficiencies in the data of both law enforcement and news media on this issue.

### RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

According to official data, incidents of hate crimes based on sexual orientation or gender identity increased slightly for a fourth consecutive year in 2018. Trans women of colour were especially targeted for violent hate crimes. Many states failed to include sexual orientation and gender identity in their laws providing enhanced penalties for crimes including a hate motive.

There were no federal protections against discrimination in hiring and employment on the basis of sexual orientation or gender identity. The Administration sought through policy and the courts to dismantle protections against discrimination based on sexual orientation in education, the military, employment and other areas of the federal government.

## HUMAN RIGHTS DEFENDERS

The US government conducted an unlawful and politically motivated campaign of intimidation, threats, harassment and criminal investigations against dozens of people who defended the human rights of migrants, refugees and asylum-seekers on the US-Mexico border, violating their right to freedom from discrimination based on political or other opinion. The US Department of Homeland Security and the US Department of Justice misused the criminal justice system to deter and punish those documenting or challenging systematic human rights violations by US authorities against migrants and asylum-seekers.<sup>46</sup>

In July, federal prosecutors announced that Dr. Scott Warren, a geography lecturer and humanitarian volunteer with the NGO No More Deaths, would face a retrial on two charges of “human smuggling” for providing people with humanitarian aid in the form of food, water, clean clothing and bedding in the desert town of Ajo, Arizona, where he lives. The retrial followed an earlier trial in June which resulted in a hung jury. If convicted, Dr. Warren could have faced up to 10 years in prison. In November, a jury found Dr. Warren to be “not guilty” on both charges. In a separate case, a judge found Dr. Warren to be not guilty of several misdemeanour charges against him for leaving water and humanitarian aid in the desert for migrants.

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<sup>44</sup> USA: No home for children: The Homestead ‘temporary emergency’ facility (AMR 51/0714/2019)

<sup>45</sup> USA: Trump’s Global Gag Rule a Blow for Women’s Rights and Lives (News story, 5 January)

<sup>46</sup> USA: ‘Saving lives is not a crime’: Politically motivated legal harassment against migrant human rights defenders by the USA (AMR 51/0583/2019)



## FREEDOM OF EXPRESSION

In September, President Trump sought to reveal the identity of a whistleblower in a US intelligence agency after an anonymous report of abuse of power by the President. He also suggested that such whistleblowers constitute “spies and treason” and should be executed.

In May, Wikileaks founder Julian Assange was charged with 17 new counts under the Espionage Act by the US authorities, who continued to lobby for his extradition from the UK to face criminal prosecution in the USA. The charges against Julian Assange relate to the kinds of conduct that investigative journalists regularly undertake, risking a chilling effect on the right to freedom of expression.

## COUNTER-TERROR AND SECURITY

Forty individuals remained arbitrarily and indefinitely detained by the US military in the detention facility at the US Naval Base in Guantánamo Bay, Cuba, in violation of international law. Only one person had been transferred out of the facility since the transfer in January 2017 of 18 individuals to countries willing to accept them. Five prisoners cleared for transfer from Guantánamo since at least 2016 remained detained at the end of 2019 and the Trump administration eliminated the system that was previously created to arrange for their transfer. None of the remaining 40 men had access to adequate medical treatment and those who survived torture by US agents were not given adequate rehabilitative services.

### TRIALS BY MILITARY COMMISSION

Seven of those held in Guantánamo faced trial by military commission. The trial of civilians by military tribunals is inconsistent with international law and standards. Furthermore, applying inferior trial protections on the basis of nationality – US nationals cannot be tried by military commissions – violates the right to equality before the law. Those facing trial by military commission could face the death penalty if convicted. The use of capital punishment in these cases, after proceedings that do not meet international standards for a fair trial, would constitute arbitrary deprivation of life. The trial of those accused of crimes related to the 11 September 2001 attacks was scheduled to begin on 11 January 2021.

### CIVILIAN CASUALTIES AND POTENTIALLY UNLAWFUL KILLINGS

Under its flawed “global war” doctrine, the USA repeatedly resorted to lethal force in countries around the world, including using armed drones, in violation of its obligations under international human rights law and, where applicable, international humanitarian law. NGOs, UN experts and the news media documented how such strikes inside and outside of zones of active armed conflict arbitrarily deprived protected individuals, including civilians, of their right to life and may have resulted in unlawful killings and injuries, in some cases constituting war crimes.

The weakening by the US government of protections for civilians during lethal operations increased the likelihood of unlawful killings, impeded the assessment of the legality of strikes and prevented accountability and access to justice and effective remedies for victims of unlawful killings and civilian harm. For instance, despite the tripling of airstrikes in Somalia in 2018, the US government claimed that no civilians had been killed or injured. It only admitted to having caused such casualties in April 2019, following the publication of an Amnesty International report setting out irrefutable evidence of such killings.<sup>48</sup> Despite calls by UN human rights experts and others for clarifications of the legal and policy standards and criteria the USA applies when using lethal force outside of the USA, the government continued to be neither transparent nor forthcoming.<sup>49</sup>

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<sup>48</sup> Somalia: The hidden US war in Somalia: civilian casualties from airstrikes in Lower Shabelle (AFR 52/9952/2019).

<sup>49</sup> War in Raqqa: Rhetoric versus Reality (2019)

## TORTURE AND OTHER ILL-TREATMENT

A decade after dozens of detainees were held in a CIA-operated secret detention programme – authorized from 2001 to 2009 – during which systematic human rights violations were committed, including enforced disappearance and torture, no person suspected of criminal responsibility had been brought to justice for these crimes and the limited investigations conducted were closed with no charges brought against anyone.

## GUN VIOLENCE

The government's ongoing failure to protect individuals from persistent gun violence continued to deny people their human rights, including the rights to life, to security of the person and to freedom from discrimination. The USA had both the highest absolute and highest per capita rates of gun ownership in the world. Unfettered access to firearms and a lack of comprehensive gun safety laws and effective regulation of firearm acquisition, possession and use continued to perpetuate this violence.

In 2017, the most recent year for which data was available, some 39,773 individuals died from gunshot injuries and a further 134,000 sustained gunshot injuries and survived. The USA lacked special programmes to provide for the specific health and rehabilitation needs of gunshot survivors, who faced numerous challenges in accessing ongoing health care, particularly mental health support and rehabilitation, due to both high cost and lack of availability, and had limited recourse to compensation.<sup>50</sup>

Firearm homicides continued to disproportionately impact communities of colour, particularly young black men, with African Americans comprising 58.5% of all gun homicides, but only 13% of the population; firearm homicides remained the leading cause of death for black men and boys aged 15 to 34.

## EXCESSIVE USE OF FORCE

Nearly 1,000 individuals were killed by law enforcement personnel using firearms in 2018, and preliminary statistics indicate an equally high number of such killings in 2019. The limited data available suggested that African Americans were disproportionately impacted by police use of lethal force, comprising 23% of those killed but only 13% of the population. The government continued to fail to track how many such deaths occur annually. The 2014 Death in Custody Reporting Act, which would require the collection and dissemination of such data nationally, had not been fully implemented.

An Amnesty International review of state laws – where they exist – governing the use of lethal force by law enforcement officials found that none comply with international law and standards regarding the use of lethal force, which require that lethal force be used only as a last resort against an imminent threat of death or serious injury.

## DEATH PENALTY

While individual states continued to move towards abolition, in 2019 the US Attorney General set five federal executions following a 16-year hiatus.

Since judicial killing resumed in the USA under revised statutes in 1977, more than 1,500 people have been executed, over 100 of them since 2015. Studies demonstrate that race, particularly of the murder victim, plays a role in who is sentenced to death.

At least 156 prisoners have been released from death row since 1977 on grounds of innocence – more than half of them ethnic minorities. In numerous cases, prisoners have gone to their deaths despite serious doubts about the proceedings that led to their convictions, including the lack of adequate legal representation. People with serious mental and intellectual disabilities continued to be subjected to the death penalty in violation of international law.

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<sup>48</sup> Somalia: The hidden US war in Somalia: civilian casualties from airstrikes in Lower Shabelle (AFR 52/9952/2019).

<sup>49</sup> War in Raqqa: Rhetoric versus Reality (2019)

<sup>50</sup> USA: Scars of survival: Gun violence and barriers to reparations in the USA (AMR 51/0566/2019)

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# URUGUAY

/ Eastern Republic of Uruguay

HEAD OF STATE AND GOVERNMENT:  
**TABARÉ VÁZQUEZ**



Impunity for past crimes against humanity continued to be a concern. Prison conditions remained poor, exacerbated by the extensive use of pre-trial detention. The rights of people in vulnerable situations, including women, girls and lesbian, gay, bisexual, transgender and intersex (LGBTI) people, continued to be threatened. Institutional flaws enabled the repetition of human rights violations.

## IMPUNITY

The failure to ensure justice, truth and reparation for crimes against humanity committed under the former military regime (1973-1985) remained an outstanding concern. Of the 187 criminal investigations opened on these crimes, 91% had not been prosecuted and convictions had been secured in only 14 cases.

Out of the 196 enforced disappearances acknowledged by state authorities, the fate of 163 people remained unresolved. Only eight of the 44 people forcibly disappeared inside Uruguay had been located.

The Supreme Court upheld again the statute of limitations for crimes against humanity committed between 1973 and 1985, in breach of international law.

Special Reparatory Pension to victims of state violence between 1973-1985 was denied for those who receive other pensions or social benefits.

## PUBLIC SECURITY AND PRISON CONDITIONS

Measures taken to improve the capacity and conditions in prisons failed to achieve rehabilitation and crime prevention. As of May, 53% of inmates were repeat offenders, while the imprisonment rate was 315 per 100,000 inhabitants, twice the global average. According to the Attorney General, in early 2019, 44% of those in prison were awaiting trial.

According to the Penitentiary Parliamentary Commissioner, a significant proportion of the prison population experienced very poor living conditions or high levels of violence amounting to ill-treatment.

## MIGRANTS AND ASYLUM-SEEKERS

An official action plan to guarantee equal access to rights to the growing number of migrants and refugees, especially those in vulnerable conditions, was still absent.

In 2019, 31% of all permanent residence visa applications were submitted by Venezuelans, 26% by Cubans and 2% by Dominicans. According to local organizations, migrants in vulnerable situations from those countries faced a heightened lack of protection of their rights to work under fair conditions, housing and education.

People with refugee status were not entitled to any specific assistance from the state in their resettlement process and in dealing with the consequences of persecution and violence, resulting in additional threats to their human rights.

## VIOLENCE AGAINST WOMEN

The National Observatory of Criminality and Violence reported 24 femicides in 2019. Of the total homicides of women between January and June, 55% were committed by their partners, former partners or relatives. On 30 December, President Vázquez issued a resolution declaring a national emergency on gender-based violence.

Despite the introduction of a law in 2017 to combat gender-based violence, there were still no basic nationwide mechanisms to prevent violence against women and provide services for victims.

Obstacles to fighting all forms of gender-based violence persisted, including insufficient public funding, frequent judicial sentences against the protection of women based on sexist and classist prejudices, and the failure by police to follow up reports.

## SEXUAL AND REPRODUCTIVE RIGHTS

In September, the government presented a roadmap for the comprehensive care of pregnant girls under age 15 as part of the National Strategy for the Prevention of Unintended Pregnancy among Adolescents.

Obstacles to voluntary termination of pregnancy persisted due to a lack of regulation of conscience-based refusals to provide abortion services by physicians and other medical personnel.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

There was no comprehensive anti-discrimination policy protecting LGBTI people from violence in schools and public spaces.

An attempt to overturn a 2018 law recognizing and protecting trans persons' rights was defeated in August.

# VENEZUELA

/ Bolivarian Republic of Venezuela

HEAD OF STATE AND GOVERNMENT:  
**NICOLÁS MADURO MOROS**



Venezuela continued to experience an unprecedented human rights crisis. Extrajudicial executions, arbitrary detentions, excessive use of force and unlawful killings by the security forces continued as part of a policy of repression to silence dissent. The political and institutional crisis deepened in the first months of the year, resulting in heightened tensions between the Executive under Nicolás Maduro and the Legislature headed by Juan Guaidó. Growing social protest was met with a wide range of human rights violations and an intensification of the policy of repression by the authorities. Prisoners of conscience faced unfair criminal proceedings. Freedom of assembly and expression remained under constant threat. Human rights defenders were stigmatized and faced increasing obstacles in carrying out their work.

Those suspected of criminal responsibility for crimes under international law, some of which may constitute crimes against humanity, and human rights violations enjoyed almost total impunity, resulting in a lack of trust in the judicial system. There are a number of civilians subject to military courts. Interference with judicial independence remained common and isolation from regional human rights forums left victims of human rights violation with few avenues to pursue justice.

The authorities refused to recognize the true scale of the humanitarian emergency and deteriorating living conditions. The population faced severe shortages of food, medicines, medical supplies, water and electricity. By the end of 2019, the total number of people who had fled the country in search of international protection had reached 4.8 million.

High Commissioner of Human Rights' written report, and Human Rights Council oversight were landmarks for the adoption of a Fact-Finding Mission to investigate extrajudicial executions, enforced disappearances, arbitrary detentions and torture and other cruel, inhumane or degrading treatment occurred since 2014, with a view to ensuring full accountability for perpetrators and justice for victims.

The situation of economic, social and cultural rights continued its dramatic decline, economic sanctions were adopted by the USA government on governmental entities on 5 August.

## EXTRAJUDICIAL EXECUTIONS

Extrajudicial executions by the security forces, primarily the Bolivarian National Police through its Special Actions Force, continued. Between 21 and 25 January, 11 young men were extrajudicially executed. The killings followed a consistent pattern. Those targeted were all young men who were or were perceived to be critical of the government and came from low-income areas and their participation in protests had been visible or publicized. The authorities claimed the deaths occurred during clashes with police officers and that the victims were "resisting authority". However, there was evidence that the crime scenes were tampered with.

Since extrajudicial executions appear to be part of a systematic attack against the civilian population, they may constitute crimes against humanity.

A report by the Office of High Commissioner for Human Rights (OCHCR) referred to official figures indicating that there had been 1,569 killings classified as "resistance to authority" between January and 19 May; other sources quoted higher numbers. The OCHCR stated that many of these killings may constitute extrajudicial executions - a crime under international law.

## ARBITRARY DETENTION

Arbitrary detentions continued as part of the policy of repression implemented by Nicolas Maduro's government. During protests in January, more than 900 people were detained in five days, 770 of them in a single day. These detentions may also constitute crimes against humanity, since they seem to be part of a widespread attack against those perceived as dissidents.

Those arbitrarily detained were often subjected to ill-treatment, torture and violations of due process. There were frequent reports of enforced disappearances whereby the authorities confirmed that individuals had been detained, but families and lawyers were unable to discover their fate or whereabouts.

Among those arbitrarily detained was Roberto Marrero, National Assembly President's chief of staff, who was arrested on 21 March and remained held by the Bolivarian National Intelligence Service (SEBIN) in El Helicoide, Caracas, at the end of the year. Member of Parliament Gilber Caro was arbitrarily detained again by SEBIN officers on 26 April and held incommunicado for almost two months before being released on 17 June. No reasons were given for his detention. Later on 2019, Caro was again arrested with journalist Victor Ugas, and brought to Court, allegedly on terrorism charges, although their whereabouts and fate were unknown since police officers denied several times they were under custody. Member of Parliament Edgar Zambrano, first Vice President of the National Assembly, was detained by SEBIN officers in May and held until his release in September.

According to the NGO Penal Forum, by October, 2,182 people had been arbitrarily detained. This NGO considered that 388 people were imprisoned for political reasons, including 18 women and 370 men.

Judicial release warrants were frequently disregarded.



## TORTURE AND OTHER ILL-TREATMENT

On 21 June, retired Navy Captain Rafael Acosta Arévalo was detained by the General Directorate of Military Counter-intelligence, although his family and lawyers were not notified of his fate and whereabouts. Eight days after his disappearance, he was taken before a military court bearing clear signs of torture; he died hours later in a military hospital. The Public Prosecutor's Office opened an investigation and two military officials were charged and convicted of manslaughter; no charges of torture were brought.

The OCHCR's report indicated that in most cases detainees were subjected to torture, including the application of electric shocks, suffocation with plastic bags, near drowning, or sexual violence, among others.

## EXCESSIVE USE OF FORCE

Military and police forces continued to use excessive and, in some cases, intentionally lethal force against demonstrators.

In January, at least 24 people died in violent events surrounding protests. At least 21 died at the hands of public security officials and armed civilians acting with their acquiescence. Given the widespread and systematic patterns of these killings, they may constitute crimes against humanity.

According to the OCHCR report, 66 people died as a result of excessive use of force by police and military officers during demonstrations between January and May.

Reports of illegal raids and arbitrary detentions of demonstrators by security forces were common.

## IMPUNITY

According to the OCHCR report, the Attorney General's Office regularly failed to investigate human rights violations and prosecute those suspected of criminal responsibility, and the Ombudsperson failed to speak out about such violations.

The authorities often discouraged victims from filing formal complaints and the police routinely tampered with crime scenes in cases of extrajudicial executions to ensure impunity for their actions.

## JUDICIAL INDEPENDENCE

The authorities continued to interfere in judicial decisions.

Misuse of the justice system to criminalize those perceived as critical of the government was common. High ranking officials routinely stigmatize human rights defenders, and activists.

Similar allegations of a lack of legitimacy regarding the Supreme Court and the National Assembly exacerbated the institutional crisis and lack of trust in the judiciary.

Civilians such as Ruben Gonzalez, a trade union leader, were subjected to military courts investigated and condemned under charges reserved to the military.

## INTERNATIONAL SCRUTINY

Venezuela continued refusing to allow the Inter-American Commission on Human Rights (IACHR) to visit the country and refused to comply with the decisions of the Inter-American Court of Human Rights and its other obligations under the Inter-American system. However, the IAHR issued 23 precautionary measures and continued to monitor the situation, setting up a Special Monitoring Mechanism for Venezuela (MESEVE).

The UN Human Rights Council appointed the OHCHR to report on the human rights situation in Venezuela. Maduro's government invited the High Commissioner to visit the country.

The OHCHR's report described a very alarming human rights situation and was severely criticized by the authorities who accused the OHCHR of bias.

In September, the UN Human Rights Council adopted two resolutions on Venezuela. The first renewed the OHCHR's mandate to investigate human rights violations and called for a permanent OHCHR presence to be established in Venezuela, which by the end of the year consisted of two officials in the ground. The second established an international Fact-Finding Mission to investigate extrajudicial executions, enforced disappearances, arbitrary detentions and torture and other cruel, inhuman or degrading treatment since 2014, with a view to ensuring full accountability for perpetrators and justice for victims. The Fact-Finding Mission was due publish its findings in September 2020.

## PRISONERS OF CONSCIENCE

At least six prisoners of conscience continued to be detained or face restrictions on their rights during the year.

The journalist and digital rights defender, Luis Carlos Díaz, was released on 12 March after being arbitrarily detained for 30 hours by SEBIN. He was transferred to a clandestine detention centre for eight hours, then taken to his house to witness a raid by SEBIN officers, interrogated and ill-treated. His wife was also threatened by officials. At the end of the year, Luis Carlos Díaz faced criminal charges and remained subject to restrictions, including a travel ban, a requirement to register at the local court every eight days and a prohibition on making public statements.

Leopoldo Lopez was released from house arrest by SEBIN officers during an uprising on April. His mobility is still restricted since he is residing as a guest of the Spanish embassy in Caracas, and his family fled the country.

The cases against Geraldine Chacón, Gregory Hinds and Rosmit Mantilla remain open. Villca Fernández continues banned from returning to Venezuela. At the end of the year, Maduro referred to Fernández as terrorist during a TV streaming and called the Peruvian government -as he is currently living in Peru- to arrest him.

## FREEDOM OF ASSEMBLY

Excessive force was routinely used to repress peaceful protests. The NGO Venezuelan Observatory of Social Conflict registered 16,739 protests this year, most of them related to economic, social, cultural and environmental rights, especially collective bargaining, food, health, water and other public services.

Armed groups used violence against peaceful protesters and dispersed assemblies commonly.

## FREEDOM OF EXPRESSION

Several media outlets critical of the government were the targets of censorship and cyberattacks, as were the websites of human rights organizations. NGOs reported that news sites such as El Pitazo and Efecto Cocuyo were blocked 975 times between January and November.

The local human rights organization Espacio Publico registered 1017 cases of violations of the right to freedom of expression between January and November.

The Press Workers' Union (SNTP) recorded 244 attacks on freedom of the press between January and June, including censorship, harassment, physical assaults on workers, arbitrary detention and theft of equipment.

By October, 193 people were detained for posting opinions or complaints on social media or in the press. Among them was Pedro Jaimes, who had been arbitrarily detained by SEBIN officers for posting public information about the presidential plane's route on his Twitter account. He was finally released with charges on 17 October after a year and five months in detention.

## HUMAN RIGHTS DEFENDERS

Criminalization, threats and attacks by government officials against human rights organizations that engaged with international protection mechanisms continued, particularly through state-owned media channels.

In January, Laura Gallo, head of the Political Prisoners Committee of the opposition Popular Will party and mother of the human rights defender Gabriel Gallo, coordinator of the Penal Forum in Yaracuy, was briefly detained and released on probation.

The online government portal Mision Verdad continued stigmatizing defender Marco Antonio Ponce, a beneficiary of precautionary measures from the Inter-American Commission on Human Rights since 2015. Organizations were targeted on the website of the Television show, Con El Mazo Dando, led by Diosdado Cabello, President of the National Constituent Assembly, were regularly used to attack dissidents and to criminalize and stigmatize human rights defenders and activists.

Trade union leader Rubén González was sentenced by a military court to five years and seven months' imprisonment on charges relating to a demonstration. He had been arbitrarily detained in November 2018 following his criticism of the government of Nicolás Maduro.

In September, human rights and humanitarian organizations denounced new barriers to obtaining legal status and operating freely. The Ministry of People's Power for Internal Relations, Justice and Peace, issued express instructions to impede their registration.

Overcompliance of sanctions imposed by US government to government entities affected NGOs capacity to use their funds freely, generating an additional obstacle to defend human rights in the country.

## MIGRANTS AND REFUGEES

In December, the UN High Commissioner for Refugees put the number of Venezuelans who had fled the country at 4.8 million in the past few years, more than 14% of the total population. Around three million had fled to other Latin American and Caribbean countries, mainly Colombia (1.4 million), Peru (860,000), Chile (371,000), Ecuador (330,000) and Argentina (145,000). However, this was likely to be an underestimate, as most official data did not include those living abroad without registration.

At least 606,000 Venezuelans had formally sought asylum, mostly in Peru, Brazil and the USA.

Some Latin American states established legal mechanisms to regularize the status of people seeking protection. In practice, however, these were inadequate, creating significant obstacles to legal migration. Many states did not have effective mechanisms for dealing with asylum requests and some, such as Chile and Peru, restricted Venezuelans' access to asylum processes, violating people's right to request international protection.

## HUMANITARIAN EMERGENCY

The humanitarian emergency persisted, while the economic measures taken by the authorities proved ineffective. The government continued to refuse to recognize the gravity of the crisis and accept assistance from humanitarian agencies. The flow of people forced to travel to neighbouring countries to access the most basic goods increased.

In August, the US imposed sanctions on Venezuelan government entities. Overcompliance, both within the USA and beyond, with these sanctions led to obstacles in accessing goods in Venezuela, exacerbating the existing scarcity of basic goods and services. According to the UN Office for the Coordination of Humanitarian Affairs, seven million people in Venezuela were in need of humanitarian assistance.

## RIGHT TO HEALTH

Serious shortages in basic health services and medicines, as well as the exodus of health personnel, adversely affected people's ability to access adequate health care. The increasingly frequent and sustained power cuts caused irreparable damage to health services and infrastructure. NGOs continued to report the re-emergence of diseases that had been under control or eradicated, including measles and diphtheria.

The National Hospital Survey found that, between November 2018 and February 2019, 1,557 people died due to lack of hospital supplies.

People living with HIV continued to highlight the dangers they faced due to the shortage and intermittent supply of antiretrovirals. NGOs reported that 70% of the more than 300,000 people in need of treatment for HIV, were affected by these shortages.

It is impossible to know the full scale of the challenges in accessing health, as the authorities have failed to publish health data in a timely manner. For example, no epidemiological data had been published by authorities since 2017.

## SEXUAL AND REPRODUCTIVE RIGHTS

Access to all types of contraception was extremely limited and, in some cities, non-existent. Adolescent pregnancies had increased by 65% since 2015, impacting girls' right to education, according to the OHCHR.

Maternal mortality remained a concern, with reports of deaths resulting from unsafe abortions. The lack of qualified personnel, shortages of medical supplies and poor conditions in hospitals prompted many women to leave the country to give birth.

## RIGHT TO FOOD

Hyperinflation and economic and social policies reduced food production and weakened distribution systems. The UN Food and Agriculture Organization reported that 6,8 million Venezuelans were undernourished. Purchasing power decreased drastically, resulting in severe constraints on access to food.

The humanitarian organization Caritas reported high levels of malnutrition among children and pregnant women.

Local organizations complained of violations of the right to food since the main food assistance programme did not cover people's nutritional needs, the quality of the food and the periodicity of its distribution were the main concerns. The authorities also did not allow access to information on the caloric content and quality of the programme.

## RIGHT TO WATER

Restricted access to drinking water and sanitation continued to affect a significant part of the population. NGOs reported that, on average, people had access to drinking water only for 48 hours per week, particularly in lower income areas. The degradation of the power grid also impacted on people's access to water during periods of power outages, which affected not only individuals but also health services and morgues, among others.

## PRISON CONDITIONS

Prison conditions remained very precarious and reports of inadequate conditions in police detention centres persisted. The Venezuelan Prison Observatory reported 59 deaths in prisons between January and June. Overcrowding and lack of medical attention were the main causes of the spread of disease in prisons.

## INDIGENOUS PEOPLES

The rights of Indigenous Peoples were not respected or guaranteed.

On 23 February, in the city of Santa Elena, bordering Venezuela and Brazil, the Bolivarian National Guard used excessive force against Indigenous people going to the border to receive humanitarian aid. The OHCHR confirmed that seven people died and 26 were injured by gunfire by military forces. In the absence of medical supplies, the injured were taken to a Brazilian hospital. No independent and impartial investigation had been initiated into the incident by the end of the year. Reports showed around 900 Pemon individuals forcibly displaced to Brazil, fleeing from the violence.



The presence of military personnel, organized criminal gangs and armed groups caused violence and insecurity in Indigenous territories in various parts of the country.

Reports of illegal mining continued. Indigenous communities continued to condemn the impact of mineral extraction on their communities and environment.





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