

INTRODUCTION

A. Origin, legal bases, structure, purposes and mandates

1. The Inter-American Commission on Human Rights (“IACHR” or “the Commission”) is an autonomous organ of the Organization of American States (OAS), headquartered in Washington, D.C. Its mandate is prescribed in the OAS Charter, the American Convention on Human Rights, and the Commission’s Statute. The IACHR is one of the two bodies in the Inter-American system responsible for the promotion and protection of human rights; the other is the Inter-American Court of Human Rights, based in San José, Costa Rica.

2. The IACHR consists of seven members who carry out their functions independently, without representing any particular country. Its members are elected by the General Assembly of the OAS for a period of four years and may be re-elected only once. The IACHR meets in regular and special sessions several times a year. The Executive Secretariat carries out the tasks delegated to it by the IACHR and provides the Commission with legal and administrative support in its pursuit of its functions.

3. In April 1948, in Bogotá, Colombia, the OAS adopted the American Declaration of the Rights and Duties of Man (“the American Declaration”), the first international human rights instrument of a general nature. The IACHR was created in 1959 and met for the first time in 1960.

4. In 1961, the IACHR began a series of visits to several countries for on-site observations of the human rights situation. Since then, the Commission has made more than 106 visits to the Organization’s member States. Based in part on these on-site investigations, to date the Commission has published 95 country reports and thematic reports.

5. In 1965, the IACHR was expressly authorized to examine complaints or petitions related to specific cases of human rights violations. The final reports on individual cases published by the IACHR may be found in the annual reports of the Inter-American Commission. They are also available on the IACHR website under the Petitions and Cases section.

6. The American Convention on Human Rights was adopted in 1969 and came into force in 1978. As of December 2014, a total of 23 member States were parties to the Convention: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname and Uruguay. In various occasions, the IACHR has expressed its deep concern over the effects of the denunciation of the American Convention by the Bolivarian Republic of Venezuela¹, as well as with regards to Trinidad and Tobago.

7. The Convention defines the human rights that the ratifying States have agreed to respect and guarantee. The Convention also created the Inter-American Court of Human Rights and established the functions and procedures of the Court and of the Commission. In addition to examining complaints of violations of the American Convention committed by the instrument’s States parties, the IACHR has competence, in accordance with the OAS Charter and with the Commission’s Statute, to consider alleged

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

violations of the American Declaration by OAS member States that are not yet parties to the American Convention.

8. In fulfillment of its mandate, the Commission:
 - (a) Receives, analyzes and investigates individual petitions alleging human rights violations pursuant to Articles 44 to 51 of the Convention, Articles 19 and 20 of its Statute, and Articles 23 to 52 of its Rules of Procedure.
 - (b) Observes the general human rights situation in the member States and, when it deems appropriate, publishes special reports on the existing situation in any member State.
 - (c) Conducts on-site visits to member States to carry out in-depth analyses of the general situation and/or to investigate a specific situation. In general, these visits lead to the preparation of a report on the human rights situation encountered, which is then published and submitted to the OAS Permanent Council and General Assembly.
 - (d) Fosters public awareness of human rights in the Americas. To that end, the Commission prepares and publishes studies on specific subjects, such as measures that should be adopted to guarantee greater access to justice; the impact of internal armed conflicts on certain groups of citizens; the human rights situation of children, women, LGBTI persons, migrant workers and their families, people deprived of their liberty, human rights defenders, indigenous peoples, and communities of African descent, racial discrimination, freedom of expression and economic, social and cultural rights.
 - (e) Organizes and carries out visits, conferences, seminars, and meetings with representatives from governments, academic institutions, nongovernmental organizations, and other bodies, to disseminate information and promote a broader understanding of the work of the Inter-American human rights system.
 - (f) Makes recommendations to OAS member States for the adoption of measures that will contribute to the protection of human rights in the countries of the Hemisphere.
 - (g) Requests that member States adopt “precautionary measures” in accordance with the provisions of Article 25 of its Rules of Procedure, to prevent irreparable harm to human rights in grave and urgent cases. Also, pursuant to Article 76 of its Rules, it can also request that the Inter-American Court order the adoption of “provisional measures” in cases of extreme gravity and urgency to prevent irreparable harm to persons.
 - (h) Submits cases to the Inter-American Court of Human Rights and appears in court during litigation.
 - (i) Requests advisory opinions from the Inter-American Court in accordance with the provisions of Article 64 of the American Convention.

9. Any person, group of persons, or nongovernmental entity that is legally recognized in one or more OAS member States may petition the Commission with regard to the violation of any right protected by the American Convention, by the American Declaration, or by any other pertinent instrument, in accordance with the applicable provisions and its Statute and Rules of Procedure. Also, under the terms of Article 45 of the American Convention, the IACHR may consider communications from a State alleging rights violations by another State. Petitions may be filed in any of the four official languages of the OAS (English, French, Spanish,

or Portuguese) by the alleged victim of the rights violation or by a third party, and, in the case of interstate petitions, by a government.

B. Status of ratification of inter-American instruments

CURRENT STATUS OF RATIFICATION OF THE AMERICAN CONVENTION AND ACCEPTANCE OF THE COURT'S CONTENTIOUS JURISDICTION

SIGNATORY COUNTRIES	DATE OF SIGNING	DATE OF RATIFICATION/ADHERENCE	DATE OF DEPOSIT	ACCEPTANCE OF THE COURT'S JURISDICTION
Antigua and Barbuda				
Argentina	02-02-84	08-14-84	RA 09-05-84	09-05-84
Bahamas				
Barbados	06-20-78	11-05-81	RA 11-27-82	06-04-00
Belize				
Bolivia		06-20-79	AD 07-19-79	07-27-63
Brazil		07-09-92	AD 09-25-92	12-10-98
Canada				
Chile	11-22-69	08-10-90	RA 08-21-90	08-21-90
Colombia	11-22-69	05-28-73	RA 07-31-73	06-21-85
Costa Rica	11-22-69	03-02-70	RA 04-08-70	07-02-80
Dominica		06-03-93	RA 06-11-93	
Ecuador	11-22-69	12-08-77	RA 12-28-77	07-27-84
El Salvador	11/22/69	06-20-78	RA 06-23-78	06-06-95
United States of America	06-01-77			
Grenada	07-14-78	07-14-78	RA 07-18-78	
Guatemala	11-22-69	04-27-78	RA 05-25-78	03-09-87
Guyana				
Haiti		09-14-77	AD 09-27-77	03-20-98
Honduras	11-22-69	09-05-77	RA 09-08-77	09-09-81
Jamaica	09-16-77	07-19-78	RA 08-07-78	
Mexico		03-02-81	AD 03-24-81	12-16-98
Nicaragua	11-22-69	09-25-79	RA 09-25-79	02-12-91
Panama	11-22-69	05-08-78	RA 06-22-78	05-09-90
Paraguay	11-22-69	08-18-89	RA 08-24-89	03-26-93
Peru	07-27-77	07-12-78	RA 07-28-78	01-21-81
Dominican Republic	09-07-77	01-21-78	RA 04-19-78	03-25-99
Saint Kitts and Nevis				
Saint Lucia				
St. Vincent & the Grenadines				
Suriname		11-12-87	AD 11-12-87	11-12-87
Trinidad & Tobago		04-03-91	AD 05-28-91*	05-28-91
Uruguay	11-22-69	03-26-85	RA 04-19-85	04-19-85
Venezuela	11-22-69	06-23-77	RA 08-09-77**	08-09-87

Source: Department of International Law of the General Secretariat of the OAS

* Denounce submitted in May 1998

** Denounce submitted in September 2012

RA = RATIFICATION

AD = ADHERENCE

10. Regarding the eight other treaties comprising the Inter-American System, the following Member States of OAS have ratified or adhered to them:

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

States	APACESCR ²	PACHRADP ³	IACPPT ⁴	IACFDP ⁵	IACPPEVW ⁶	IACEFDPD ⁷	IACAFDI ⁸	IACRRDRFI ⁹
Antigua and Barbuda					A 08-12-98			S 06-07-13
Argentina	R 03-30-03	R 06-18-06	R 11-18-88	R 10-31-95	R 04-09-96	R 09-28-00	S 06-07-13	S 06-07-13
Bahamas					A 05-03-95			
Barbados					R 02-08-95			
Belize					A 11-25-96			
Bolivia	R 07-12-06		R 08-26-96	R 09-19-96	R 10-26-94	R 02-27-03		
Brazil	A 08-08-96	R 07-31-96	R 06-09-89	R 07-26-13	R 11-16-95	R 07-17-01	S 06-07-13	S 06-07-13
Canada								
Chile		R 08-04-08	R 09-15-88	R 01-13-10	R 10-24-96	R 12-04-01		
Colombia	A 10-22-97		R 12-02-98	R 04-01-10	A 10-03-96	R 12-04-03	S 09-08-14	F 09-08-14
Costa Rica	R 09-29-99	R 03-30-98	R 11-25-99	R 03-20-96	R 07-05-95	R 12-08-99		S 06-07-13
Cuba								
Dominica					R 06-30-95			
Ecuador	R 02-10-93	R 02-05-98	R 09-30-99	R 07-07-96	R 06-30-95	R 03-01-04	S 06-07-13	S -06-07-13
El Salvador	R 05-04-95		R 10-17-94		R 11-13-95	R 01-15-02		
United States								
Grenada					R 11-29-00			
Guatemala	R 05-30-00		R 12-10-86	R 07-27-99	R 01-04-95	R 08-08-02		
Guyana					R 01-08-96			
Haiti					A 04-07-97	R 05-29-09	S 06-25-14	S 06-25-14
Honduras	A 09-14-11	A 09-14-11		R 04-28-05	R 07-04-95	A 09-14-11		
Jamaica					R 11-11-05			
Mexico	R 03-08-96	R 06-28-07	R 02-11-87	R 02-28-92	R 06-19-98	R 12-06-00		
Nicaragua	R 12-15-09	R 03-24-99	A 09-23-09		R 10-06-95	R 07-15-02		
Panama	R 10-28-92	R 06-27-91	R 06-27-91	R 07-31-95	R 04-26-95	R 01-24-01	S 06-05-14	S 06-05-14
Paraguay	R 05-28-97	R 10-31-00	R 02-12-90	R 08-26-96	R 09-29-95	R 06-28-02		

² Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights, adopted in San Salvador, El Salvador, November 17, 1988, 18th Regular Period of Sessions of the General Assembly.

³ Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted in Asunción, Paraguay, June 8, 1990, 20th Regular Period of Sessions of the General Assembly.

⁴ Inter-American Convention to Prevent and Punish Torture, adopted in Cartagena de Indias, Barranquilla, Colombia, December 9, 1985, 15th Regular Period of Sessions of the General Assembly.

⁵ Inter-American Convention on Forced Disappearance of Persons, adopted in Belém do Pará, Brazil, June 9, 1994, 24th Regular Period of Sessions of the General Assembly.

⁶ Inter-American Convention to on the Prevention, Punishment and Eradication of Violence against Women, adopted in Belém do Pará, Brazil, June 9, 1994, 24th Regular Period of Sessions of the General Assembly.

⁷ Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, adopted in Guatemala City, Guatemala, June 7, 1999, 29th Regular Period of Sessions of the General Assembly.

⁸ Inter-American Convention against All Forms of Discrimination and Intolerance, adopted in Guatemala City, June 5, 2013, 43rd Regular Period of Sessions of the General Assembly.

⁹ Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, adopted in Guatemala City, June 5, 2013, 43rd Regular Period of Sessions of the General Assembly.

Peru	R 05-17-95		R 02-27-90	R 02-08-92	R 04-02-96	R 07-10-01		
States	APACESCR	PACHRADP	IACPPT	IACFDP	IACPPEVW	IACEFDPD	IACAFDI	IACRRDRFI
Saint Kitts and Nevis					R 03-17-95			
Saint Lucia					R 03-08-95			
St. Vincent and the Grenadines					R 05-23-96			
Suriname	A 02-28-90		R 11-12-87		R 02-19-92			
Trinidad and Tobago					R 01-04-96			
Uruguay	R 11-21-95	R 02-08-94	R 09-23-92	R 02-06-96	R 01-04-96	R 05-24-01	S 06-07-13	S 06-07-13
Venezuela		R 04-06-94	R 06-25-91	R 07-06-98	R 01-16-95	R 06-06-06		

Source: Department of International Law of the General Secretariat of the OAS

R = RATIFICATION S = SIGNING

A = ADHERENCE

C. Progress achieved

11. This section will highlight several measures adopted during 2014 by member states of the OAS that show progress towards attaining the objectives enshrined in the American Declaration, the American Convention, and other international human rights instruments.

12. The IACHR welcomed the announcement on February 11, 2014, regarding the adoption of a moratorium on application of the **death penalty** in the state of Washington, United States, by the Governor of that state. The official announcement notes: “The use of the death penalty in this state is unequally applied, sometimes dependent on the budget of the county where the crime occurred.” The Governor of Washington also recognized that “There are too many flaws in the system” and that “when the ultimate decision is death there is too much at stake to accept an imperfect system.” The death penalty has been abolished in 18 states (Alaska, Connecticut, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin) plus the District of Columbia; and in some other states a moratorium has been imposed by the governor or the courts. The IACHR considers that it represents an important step forward, since the United States is currently the only country of the region in which the death penalty is applied.

13. Other positive news on the death penalty was the order by the Supreme Court of the United States to suspend the execution of Russell Bucklew in the state of Missouri pending a ruling on an appeal regarding the execution procedure. On May 20, 2014, the IACHR granted precautionary measures requesting that the United States refrain from carrying out the death penalty – which was scheduled for May 21, 2014 – until such time as it had an opportunity to decide on the petitioners’ claims regarding the alleged violations of the American Declaration. According to the information received, Russell Bucklew suffers from a condition known as cavernous hemangioma that has caused a tumor in his nose and throat, which poses a substantial risk of his respiratory tract becoming obstructed when he is executed, which would cause very sharp pain. The Inter-American Commission welcomes the decision of the Supreme Court to suspend that execution and recalls that in cases of capital punishment the state has a special obligation to ensure that the person sentenced to death has access to all relevant information about the way in which he or she will die.

14. As regards **measures adopted at the national level**, the IACHR lauds the approval in 2014, by the Mexican Congress, of reforms to the Code of Military Justice. According to these reforms, cases of human rights violations of civilians committed by members of the military will be tried exclusively by the civilian justice system. The IACHR considers that this reform is a major step forward to protect fundamental rights in Mexico and which implements the international obligations of the Mexican State in respect of human rights, mainly in relation to the guarantees of the right to the truth, justice, and reparation for victims and their family members. That legal reform has been adopted in the context of the implementation by the

Mexican State of the recommendations made by the IACHR in its 1998 report on the human rights situation in Mexico, and also the case of the González Pérez sisters, among others. The reforms also constitute implementation of the reparations established by the Inter-American Court of Human Rights in the judgments in the cases of Rosendo Radilla (2009), Rosendo Cantú and one other (2010), Fernández Ortega et al. (2010), and Cabrera García and Montiel Flores (2010).

15. Another important national development this year was the approval of laws in Argentina, Bolivia and Brazil that prohibit corporal punishment of children. The law reforms in Argentina and Bolivia have established the prohibition of using violence against children by parents in exercising their parental responsibilities, eliminating any possibility of justification based on the use of discipline. In Brazil, the law guarantees the right of children and adolescents to education without the use of corporal punishment as a means of correcting or disciplining students, or under any other pretext. The prohibition holds for parents, other family members, educators, public agents in charge of implementing socio-educational measures, and any other person entrusted with their care, treatment, education, or protection. In addition, the law establishes that the federal government, the state governments, the government of the Federal District, and the municipalities should act in a coordinated manner to draw up and implement public policies aimed at preventing the use of corporal punishment, and disseminate non-violent educational methods. This measure is consistent with the conclusions and recommendations of the IACHR of August 2009 in its “Report on Corporal Punishment and Human Rights of Children and Adolescents,” in particular the recommendation that refers to prohibiting “all forms of violence against children, in all settings, within the family, schools, alternative care institutions and detention facilities, places where children work and communities.” The Inter-American Commission welcomes the adoption of these laws since they represent an important step towards the objective of eradicating corporal punishment and making the Americas a region free of corporal punishment of children and adolescents.

16. In Mexico, the Supreme Court adopted a protocol to provide guidance to those who impart justice in cases that involve sexual orientation and gender identity, in keeping with binding and internationally-recognized human rights provisions. Although the judicial protocol is not binding, it offers key guiding principles for issuing a judgment in cases that involve sexual orientation or gender identity and, to a certain extent, bodily diversity. The protocol points out some common stereotypes and mistaken concepts that generally obstruct the right of LGBTI persons to have access to justice without discrimination, such as recognition of gender identity, family life and family relations, work and employment, violence and the criminal justice system, health, education, deprivation of liberty, and freedom of expression and association. The protocol offers important tools for detecting, combating, and eliminating from decision-making processes the prejudices that arise in the social interpretation of the attributes, behavior, or characteristics of LGBTI persons. The protocol urges judges to question the neutrality of the law applicable to a case if one observes a situation of disadvantage due to matters related to sexual orientation or gender identity, and to value evidence without any influence of stereotypes or prejudices related to sexual orientation or gender identity.

17. The Inter-American Commission welcomes the advances by several States of the region during 2014 to adopt laws and policies on drugs, which respect human rights standards and offer rational solutions to this problem. Specifically, mention must be made of legislative progress in Uruguay and in various states in the U.S. Pursuant to its functions, the IACHR has been analyzing through its diverse mechanisms the consequences of such laws and policies on fundamental rights of persons in the region. The matter has come up, among others, in the consideration of the situation of persons deprived of liberty, the application of criminal justice, the affectation of the culture and territories of indigenous peoples, as well as in the application of citizen security measures. In addition, in March 2014 the IACHR held a hearing on drug policies and human rights in the Americas, with participation by important organizations of civil society of the region. During the hearing, participants shared their experience in work with persons deprived of liberty, violence in marginalized zones, criminalization of consumption, right to health, corruption, repression and other consequences of the application of drug policies in the Americas. The organizations shared data and examples of countries such as Brazil, Colombia, Costa Rica, Ecuador, Honduras, Mexico, and Perú. The analysis included the identification of affectations to persons in the region due to the application of drug policies, including violations of the rights to life, personal integrity, personal liberty, presumption of

innocence, privacy, circulation and residence, and equal treatment before the law; as well as economic, social and cultural rights, especially the right to health.

18. During the 153 Sessions of the IACHR, the State of Peru presented its 2014-2016 National Human Rights Plan. Among its central pillars is the promotion of a human rights culture, and the design and strengthening of public policies to promote and protect human rights, with an emphasis on groups that need special protection. The plan aspires to turn all recommendations by international human rights bodies into guidelines for public policies in each branch of government. The Commission welcomes the Plan and underscores the importance it will have in terms of protecting and promoting human rights in Peru. At the same time, the IACHR must express its concern regarding the exclusion of LGBTI persons from the plan, and with respect to the provisions that establish the defense and promotion of private investment as a basic assumption to ensure the effective exercise of human rights. Human beings must be at the center of any human rights plan or policy, regardless of the implementation of any given economic model.

19. In December 2014, the Governments of the United States and of Cuba announced their decision to adopt several bilateral measures, including the re-establishment of diplomatic relations, which had been suspended since 1961. Other measures announced include the facilitation of an expansion of travel from the United States to Cuba, as well as authorization of expanded sales and exports of certain goods and services. The IACHR welcomes the announcement as a sign of strengthening of relations between two Member States of the OAS, and hopes that such measures will benefit the population of both countries. In an official statement, the United States “encourages all nations and organizations engaged in diplomatic dialogue with the Cuban government to take every opportunity both publicly and privately to support increased respect for human rights and fundamental freedoms in Cuba.” The Inter-American Commission hopes that the recent decision by the Cuban Government is followed by more measures to open up the country to international presence, including by human rights monitoring bodies, with a view to concrete advances in the protection of its inhabitants. As regards the United States, the IACHR reiterates its position that the economic embargo imposed by this country on Cuba has a negative impact on the human rights of the Cuban population; accordingly, it again calls on the U.S. Congress to lift the embargo, which could happen in the context of the renewed dialogue between both countries.

20. In terms of **fighting impunity**, the IACHR celebrates the decision made on February 20, 2014, by the Court of Appeals of Port-au-Prince, Haiti, in the case regarding the serious human rights violations committed under the regime of Jean-Claude Duvalier. In its decision, the Court of Appeals of Port-au-Prince concluded that international law is part of Haitian law, and that therefore crimes against humanity are imprescriptible. The Court also established that there were sufficient indicia to investigate Duvalier’s criminal liability, accordingly it ordered that in the course of the investigation all the parties be heard, and that all the accused be questioned. According to the consolidated case-law of the inter-American human rights system, the imprescriptible nature of crimes against humanity is a peremptory norm of international law that states cannot fail to abide by. The decision by the Court of Appeals of Port-au-Prince represents a fundamental step in strengthening the rule of law and reestablishing trust in the Haitian judicial system. The IACHR congratulates the Republic of Haiti for this important achievement and looks forward to the investigation being carried out in a context of respect for due process guarantees and based on the premise of justice, truth, and reparation for the victims of human rights violations.

21. In another important measure for moving against impunity, on September 16, 2014, the Minister of Defense of the Argentine Republic delivered to the IACHR records of the dictatorship that governed Argentina from 1976 to 1983 that reflect the contents of the meetings of the Military Junta that seized government power as of the March 1976 coup d’état. The records were found in an underground part of the Edificio Cóndor, headquarters of the Air Force of Argentina, and the find was reported to the Minister of Defense by the Chief of Staff of that force, which the Government of Argentina noted as a demonstration that at present the armed forces of the country “are looking to the future and are not anchored in the past.” The documents are of great historical and legal value, and the act of turning them over to the IACHR reflects a policy of seeking the truth, which represents a substantial consolidation of democracy.

22. Along the same lines, the Inter-American Commission congratulates the Brazilian State on the conclusion of the work of National Truth Commission, which represents a historic moment in Brazil. International human rights law recognizes the right of every person to know the truth; that is why the IACHR recognizes Brazil's contribution and effort to ensure that right and, consequently, to provide a form of reparation to the victims of human rights violations and their family members. The IACHR recognizes the crucial role that victims and their family members played in the work of the Truth Commission, since they gave almost a thousand statements to the Truth Commission over two-and-a-half years. The report by the Truth Commission, which was presented on December 10, 2014, contains important information on human rights violations committed in Brazil from 1946 to 1988. As regards Brazil's amnesty law, bearing in mind the position of both organs of the inter-American human rights system, the IACHR urges the Brazilian State to carry out the recommendations of the Truth Commission in order to keep that law from constituting an obstacle to the investigation of serious human rights violations, or for identifying and punishing the persons responsible.

23. During December 2014, the United States Senate Intelligence Committee issued a report on the program carried out by that country's Central Intelligence Agency to detain and interrogate persons suspected of terrorist acts after the attacks of Sept. 11, 2001. The IACHR welcomes the release of the Senate Intelligence Committee Report, and reiterates its calls on the United States to carry out a full investigation in order to clarify the facts, and prosecute and punish all persons within its jurisdiction responsible for acts of torture or other cruel, inhuman or degrading treatment or punishment; and to provide integral reparations to the victims, including restitution, compensation, rehabilitation, satisfaction and measures of non-repetition, pursuant to international standards. In this regard, it must be noted that the lack of punishment encourages practices that erode respect for integrity and human dignity. The Inter-American Commission has specified that an essential aspect of the right to personal integrity is the absolute prohibition of torture, a peremptory norm of international law creating *erga omnes* obligations. It has also qualified the universal prohibition of torture as a norm of *jus cogens*. According to principles of international law, the right to humane treatment cannot be suspended under any circumstance. International law establishes its non-derogable nature in time of war, public danger or other emergency that threatens the independence or security of the State, without any exceptions. The Commission has considered that this peremptory prohibition of all forms of torture is the corollary of the duty of the State to treat every person deprived of liberty humanely and with respect for his or her dignity.

24. As regards **international commitments** related to human rights, the Costa Rican State adopted the law on Creation of the National Mechanism for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Law No. 9204). The mechanism is aimed at protecting the rights of persons in the custody of the State by carrying out regular inspections of the centers where prisoners are apprehended, detained, and deprived of liberty. The Inter-American Commission values this action as an important step forward for protecting the fundamental rights of persons deprived of liberty and in implementing Costa Rica's international obligations in this respect. The IACHR emphasizes the special relevance of the monitoring mechanisms established by treaty, such as the National Prevention Mechanism provided for in the Optional Protocol to the United Nations Convention against Torture, and reiterates its appeal to the member states of the OAS to ratify and implement this treaty.

25. In addition, on January 14, 2014, Costa Rica ratified the Optional Protocol to the United Nations Convention on the Rights of the Child with respect to a communications procedure, which marked the entry into force of that Protocol three months later. The IACHR notes that implementation of the Optional Protocol expands the possibilities for international protection of the rights of the child as it makes it possible to file complaints with the United Nations Committee on the Rights of the Child for possible violations of their rights when they have not obtained justice and reparation nationally. The Protocol also allows the Committee on the Rights of the Child, at its own initiative and without any need for a complaint to be filed, to initiate a procedure to look into alleged grave or systematic violations of the rights set forth in the Convention and in its Protocols by a state party. This optional protocol accords special consideration to the need to adapt the procedures for gaining access to international protection for children such that the effective participation of children in the defense of their rights is guaranteed. The Inter-American Commission recalls that the Protocol had also been ratified previously by Bolivia, with which these are the two countries of the region that have

adopted the measure, and it reiterates its appeal to the other member states to take the same initiative to strengthen the protection of the rights of children and adolescents in the region.

26. In 2014 Mexico withdrew its reservations on three instruments adopted in the ambit of the Organization of American States. On July 11, 2014, Mexico's Permanent Representative to the OAS deposited the respective instruments of withdrawal of reservation that his country had made in due course with respect to the Convention on Status of Aliens, the Inter-American Convention on Forced Disappearance of Persons, and the Declaration Recognizing the Contentious Jurisdiction of the Inter-American Court on Human Rights. This action expands the possibilities of protecting those rights internationally recognized by Mexico, and, therefore, is a major step forward by Mexico to carry out the commitment it assumed to promote and protect those rights. The IACHR reiterated that universal ratification of the inter-American human rights instruments and incorporation of inter-American standards into domestic legislation are essential to fully respect and ensure human rights in the region.

27. In regards to **human mobility**, the IACHR welcomes the measures adopted by Brazil and Uruguay to offer a humanitarian response to the crisis of the refugees fleeing the conflict in Syria. The United Nations High Commissioner for Refugees (UNHCR) has noted that 6.5 million persons have been internally displaced by the conflict in Syria, and that more than 3 million have fled the country, the largest refugee population in the world today. On October 9, 2014, President José Mujica headed up the government delegation that received the first group of Syrian refugees, 42 persons from five families, including 33 children. The Uruguayan State has adopted a series of measures to ensure that these persons receive lodging, medical care, Spanish classes, an introduction to the culture and customs of Uruguay, and job training. The families will also have the support of a technical team during its first two years in the country, which includes at least one social worker and one psychologist. In anticipation of this insertion process, the teachers, students, and community of parents have been prepared with the use of videos texts aimed at fostering a culture of peace, cultural diversity, different languages, and different ways of life. The children will have the support of translators in the schools. In addition, the IACHR values the initiative of the Brazilian State to offer humanitarian visas for persons who have been forced to displace as a result of the armed conflict in Syria. According to official information, as of July 2014 the Brazilian consulates in the region had granted 4,189 humanitarian visas. In the last two years, Brazil has recognized 1,512 persons from Syria as refugees. The Inter-American Commission on Human Rights salutes and congratulates Uruguay and Brazil for these humanitarian gestures and for protecting the human rights of these persons who have been forced to flee their homes as a result of the war that has been ravaging Syria. These actions reaffirm the long-standing humanitarian tradition of the states of the region of offering protection to refugees.

28. The Inter-American Commission also welcomes the executive action on immigration announced November 20, 2014 by the President of the United States, Barack Obama. The executive action will protect from deportation approximately 4 million of the 11.2 million persons in the United States with irregular status. Given the temporary and partial nature of this measure, the Commission urges the Congress of the United States to adopt additional legislative measures in the near future to regularize the immigration status of these and other groups of persons in the United States. The executive action will grant a stay from deportation for immigrants whose status is irregular who arrived in the United States before January 1, 2010, and who have lived in the country continuously for at least five years, in addition to other requirements. The executive action will make an additional 300,000 youths eligible for the Deferred Action for Childhood Arrivals (DACA) process by extending the last day for arrival in the United States from June 15, 2007 to January 1, 2010. The IACHR welcomes this important step taken by the United States to protect millions of parents of U.S. citizens and legal residents from deportation, and to expand the coverage of youths who qualify for DACA. In the context of this executive action, and in view of the priorities for immigration control, the Inter-American Commission also makes an appeal to the United States to ensure that the needs for protection of each person – without exception – can be analyzed individually by properly trained authorities at the moment of their arrival or apprehension.

29. Another important measure adopted in 2014 was the decision by the Uruguayan State to receive six detainees who had been held at the U.S. Naval Base in Guantanamo Bay for resettlement in Uruguay. The IACHR considers that Uruguay's humanitarian gesture represents a major step forward towards

resettling the detainees and, therefore, towards shutting down the Guantanamo detention center. On December 7, 2014, four Syrians, one Tunisian, and one Palestinian arrived in Uruguay after being in continuous detention at Guantanamo for 12 years. The six had been captured in the context of the “war on terrorism” in 2002, but charges were never brought against them and they were never put on trial. In 2010, a special inter-institutional review board coordinated by the United States Secretary of Defense determined unanimously that these detainees did not represent a major threat to the security of the United States and authorized their transfer. Nonetheless, they could not be repatriated due to the current security situation in their respective countries of origin; nor could they be transferred to the United States due to a prohibition adopted by law of the United States Congress. Uruguayan President José Mujica rejected the United States proposal to prohibit the detainees from traveling outside of the country for a period of two years after their release, and declared that the six are “free men,” fully welcome in Uruguayan society, along with their families. The Government of Uruguay will help the former detainees look for work and housing and will give them temporary economic assistance. The Inter-American Commission congratulates Uruguay for its openness and solidarity and reiterates its request for the United States to immediately shut down the detention center, and notes that in 2014 a total of 19 detainees were repatriated or resettled, compared to 15 transferred during the previous three years. Finally, the IACHR calls on the other Member States of the OAS to follow the example set by Uruguay and to receive the Guantanamo detainees cleared for transfer.

30. In addition, the IACHR values measures adopted during this year for the purpose of protecting the human rights of lesbian, gay, bisexual, trans, and intersex (**LGBTI**) persons in the Americas. First, the Inter-American Commission notes the actions taken by the states in relation to the investigation into the cases of violence perpetrated against LGBTI persons in several jurisdictions. For example, in Honduras and Oaxaca, Mexico, specialized prosecutors were instituted to investigate and prosecute crimes based on sexual orientation and gender identity. In addition, in the Brazilian state of Paraná a judicial/prosecutorial unit was established specialized in investigating crimes committed against LGBTI persons based on other similar units in the states of Espírito Santo and Pernambuco. Those units are responsible for guaranteeing the rights of LGBTI persons in their jurisdictions, fostering educational programs, and promoting the design of public policies. In addition, the Commission was pleased to receive information on the growing number of trans persons working in the Argentine and Brazilian police. Another interesting initiative is the decision by the police forces of Chile to allow LGBTI persons who committed misdemeanors to perform their community service requirement at a local LGBTI organization.

31. In relation to political participation, the Commission also observes progress in 2014. For example, in Ecuador the first meeting was held between representatives of the LGBTI community and the President of the Republic. In Colombia, for the first time an openly lesbian woman was elected to the House of Representatives. In Chile, for the first time an openly gay person was elected to the National Congress and most of the politicians running for president attended the annual LGBTI pride event or sent a representative. In Cuba, for the first time a trans woman was elected to political office. The IACHR considers that these are specific and significant steps to increase the participation of LGBTI persons in the conduct of public affairs and is a positive effort to counter their scant representation in elected office.

32. Along the same lines, the Commission welcomes the fact that in 2014 several officials from the Caribbean Community voiced their public support for the rights of LGBTI persons. Such public statements are fundamental in fighting discrimination and social prejudice. For example, Frederick Mitchell, Minister of Foreign Affairs and Immigration of Bahamas affirmed that the sexual orientation of a person wishing to run for election should not be a relevant factor and he added that “there must be tolerance at a minimum and we must uphold the principle that the personal rights for which we fought as being rights for all people ... cannot be derogated from because of someone’s sexual orientation.” In addition, the Minister of Youth and Culture of Jamaica, Lisa Hanna, announced that the government is developing programs geared to LGBTI youth. The IACHR also notes that Prime Minister of Barbados Freundel Stuart recalled the importance of the Universal Declaration of Human Rights and supported the “elimination of all forms of discrimination including discrimination against persons of differing sexual orientation.” In the National Youth Forum of Antigua and Barbuda, several politicians publicly addressed issues related to the rights of LGBTI persons. In this context the IACHR encourages the member states to seriously consider the possibility of decriminalizing sexual relations between persons of the same sex and diverse gender identities or expressions; and to propose

legislative reforms as a way to respect, protect, and guarantee the right to equality and non-discrimination of LGBTI persons, and of those perceived as such.

33. The IACHR values the significant advances achieved in various working meetings during its regular periods of session of March and October 2014. In the working meetings on the implementation of precautionary measures in force the active participation of the parties makes it possible to reach agreements and overcome obstacles so as to guarantee better protection in the face of grave and urgent situations that pose a risk of irreparable harm to persons. Similarly, the Inter-American Commission values very positively the willingness to go forward in friendly settlement proceedings or in implementing agreements reached previously. The Commission highlights in particular the initiative of almost one-third of the member states of the OAS to request a hearing in March 2014 to address the issue of the death penalty in the Americas, helping to identify ways of making progress towards abolishing the death penalty in the region. The participating states were Argentina, Brazil, Chile, Costa Rica, the Dominican Republic, Honduras, Mexico, Panama, Paraguay, and Uruguay; they were joined by the Permanent Observer Mission of France to the OAS and Amnesty International. In addition, a large number of civil society organizations from Argentina, Brazil, Canada, Chile, Colombia, Guatemala, Honduras, Mexico, Peru, the United States, and Uruguay requested a hearing to address an emerging issue which the Inter-American Commission will follow up on regarding the negative impact of repressive drug policies on the observance of human rights among large sectors of the population, with a disproportionate impact on children and adolescents, women, the poor, Afrodescendants, and peasants, among other groups. The active participation of states and civil society in these mechanisms and the constant increase in the requests received are indicators of their effectiveness, as well as recognition of the credibility and legitimacy of the inter-American human rights system as a whole.