

2021 ANNUAL REPORT

Inter-American Court of Human Rights



I/A Court H.R.
Protecting Rights





I/A Court H.R. Protecting Rights

Annual Report 2021

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Foreword



I. Foreword



President of the I/A Court H.R.
Elizabeth Odio Benito

On behalf of the Judges of the Inter-American Court of Human Rights, as well as its Secretariat, I have the honor to present the 2021 Annual Report, which describes the most significant tasks accomplished during the year and the most relevant case law developments in the field of human rights.

First of all, I would like to thank my fellow Judges for the confidence they placed in me by electing me to lead this Court during the 2020-2021 term. It has been a true honor to serve as the second woman President in the history of the Inter-American Court. I would like to take this opportunity to acknowledge the dedication and service of my colleagues, Vice President Patricio Pazmiño and Judges Eduardo Vio Grossi and Eugenio Raúl Zaffaroni who, along with me, will complete their term in 2021. These have been years of hard work and enormous challenges, but also of great joys and mutual learning.

I hand over my position to Judge Ricardo C. Pérez Manrique, who together with Vice President Humberto Antonio Sierra Porto will steer this Court for the next two years. I am confident that both will exercise strong leadership in such a decisive moment for human rights, during this post-pandemic phase. I would also like to extend a warm welcome to our new Judges Nancy Hernández López, Verónica Gómez, Patricia Pérez Goldberg and Judge Rodrigo Mudrovitsch, who will begin their terms on January 1, 2022. I am convinced that the vision of the States Parties to the American Convention in choosing them from among the most renowned jurists in our region was correct and will strengthen

Inter-American justice. The fact that the Court today has three women among its members is not a coincidence; it is the result of having raised our voice when necessary and having engaged in dialogue with the States to propose women candidates in order to achieve greater gender balance. Parity in all spheres of justice, including the Inter-American System, is essential for democracy.

Although 2021 has been a year full of challenges due to the COVID-19 pandemic, it has also been a very busy one for the Inter-American Court. Paradoxically, although we continued to operate on an entirely virtual basis, the number of Sessions held by our Court increased. Seven Regular Sessions were held, bringing the total number of collegiate meetings per year to 30 weeks, the highest number in the history of the Court. During these Sessions, 14 public hearings were held on Contentious Cases, as well as 14 hearings on Monitoring Compliance with Judgment and three on Provisional Measures. The Court issued 24 Judgments on the Merits and three on interpretation, two Advisory Opinions, as well as a total of 47 orders on Monitoring Compliance with Judgment and 22 on Provisional Measures.

In the area of Jurisprudence, it should be noted that this year the Court has continued to rule on innovative issues, as well as reinforcing important international human rights standards. The following is a summary of some of these relevant standards.

- In the context of Provisional Measures in favor of migrant populations, the Court had the opportunity to determine the meaning and scope of the American Convention on new issues such as access to vaccines against COVID-19.
- The Court also reiterated that the general obligation to protect health translates into the State's duty to ensure people's access to essential health services, guaranteeing high quality and effective medical care, and promoting the improvement of the population's health conditions.
- The Court emphasized that the right to reproductive health is part of the right to health and reaffirmed that it is part of a woman's reproductive autonomy and freedom.
- The Court also ruled on women human rights defenders and the measures that States should adopt to mitigate attacks against them, taking into account an appropriate gender perspective.
- The Court heard the case of a woman journalist subjected to sexual violence and analyzed the case from a differentiated perspective, taking into account the intersection between journalistic activities and the journalist's gender. The Court considered that the intimidating effect caused by violence against women journalists results in the public missing out on relevant voices and points of view, particularly those of women, which, in turn, leads to a widening of the gender gap in the profession of journalism and attacks on pluralism as an essential element of freedom of expression and democracy.
- With regard to freedom of expression, the Court expanded its case law on the abusive use of judicial mechanisms to undermine this right. It considered that the use of the courts by public officials to file lawsuits for crimes of libel and slander - not with the aim of obtaining rectification, but to silence criticism of their actions in the public sphere - constitutes a threat to freedom of expression.
- Considering the importance of freedom of expression as a cornerstone of democracy, the Court analyzed the significance of plurality in the media. Specifically, it determined the importance of ensuring that indigenous community radio stations have the right to participate in the cultural life of indigenous people and examined their relationship with radio broadcasting.
- The Court also analyzed the issue of enhanced protection for elderly people in their access to justice, determining that they have a right to preferential treatment in the execution of Judgments in their favor and that the State has a correlative duty to ensure diligent, prompt and effective access, both in administrative and judicial proceedings.
- The Court reaffirmed the social model for addressing disability, whereby disability is not defined exclusively by the presence of a physical, mental, intellectual or sensory impairment, but is interrelated with the social barriers or limitations that prevent people from fully exercising their rights.
- Also on the issue of disability, the Court established the State's obligations regarding the guarantee of the right to health, by private health care providers, of a child with disabilities and elaborated on the duties of the State when it comes to receiving informed consent from persons with disabilities.
- The Court addressed the issue of business and human rights by identifying and defining the State's areas of responsibility in its interaction with business and economic activities for the purpose of safeguarding human rights.

- Following the line already developed on judicial independence, the Court examined disciplinary proceedings against Judges and specified the guarantees for their removal in political trials. In turn, it considered that these guarantees seek to safeguard the independence of Judges and are also applicable to prosecutors.
- The Court reiterated that respect for human rights and fundamental freedoms is one of the constituent elements of a representative democracy. It also concluded that indefinite presidential reelection is incompatible with the American Convention.

One of the main policies promoted within the Court was the development and implementation of an institutional response against sexual and workplace harassment. Our firm and clear commitment to address this issue led to the entry into force in 2020 of Regulations on this subject and throughout 2021 a series of workshops, self-education courses and training activities took place with the aim of preventing, prohibiting, sanctioning and adopting the necessary corrective measures against sexual harassment and harassment in the workplace.

Over the years, the Court has shown itself to be an open and responsive body that engages in dialogue. Despite the circumstances imposed by the pandemic, in 2021 we maintained more than twenty major training programs, which allowed us to reach more than 10,000 people. I would like to highlight the “research seedbed” (*semillero de investigación*) for young students, which has become an important space for training new users of the Inter-American System. I particularly wish to mention the workshop for journalists and the Red Dialoga, a project that seeks to develop communication and dialogue networks between this Court and the journalists of our region. In relation to its outreach work, the Court has produced 25 publications that are available to the public, including Journals of Jurisprudence, newsletters and conference reports. We have continued to strengthen the jurisprudential dialogue with our regional peers and, in this line, we participated in the Second International Human Rights Forum, together with the African Court on Human and Peoples’ Rights and the European Court of Human Rights. Our Secretariats, in turn, are in constant communication and hold work meetings.

With the presentation of this latest report, we hope to show - through the objectives met, the figures obtained, the standards developed and the progress achieved - that, despite all the challenges, the Inter-American Court has been able to adapt in order to fulfill its ultimate purpose, which is to protect the human rights of the victims. As I conclude my term as President of the Inter-American Court, I bid farewell with gratitude to my colleagues and to the Secretariat of this Court for their hard work over the past two years. I also wish to extend my highest appreciation to the victims, to the representatives of the States and the representatives of the Inter-American Commission on Human Rights who appeared before this Court. I would like to highlight the commitment of all those people who ensured that, despite the difficult conditions resulting from the pandemic, the work of the Inter-American Court was not interrupted.

*Judge Elizabeth Odio Benito
President of the Inter-American Court of Human Rights
December 2021*



The Court: Structure and attributions



II. The Court: Structure and attributions

A. Creation

The Inter-American Court of Human Rights (hereinafter, “The Court”) was formally established on September 3, 1979, by the entry into force of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) on July 18, 1978. The Statute of the Court (hereinafter, “the Statute”) establishes that it is an “autonomous judicial institution” with the mandate of interpreting and applying the American Convention.



Seat of the Court in San José, Costa Rica

B. Organization and composition

As stipulated in Articles 3 and 4 of its Statute, the seat of the Court is in San José, Costa Rica, and it is composed of seven Judges, nationals of Member States of the Organization of American States (hereinafter “OAS”).¹

The Judges are elected by the States Parties to the American Convention, by secret ballot and by the vote of an absolute majority during the OAS General Assembly immediately before the expiry of the terms of the outgoing Judges. Judges are elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights. In addition, they must possess the qualifications required for the exercise of the highest judicial functions, in accordance with the law of the State of which they are nationals or of the State that proposes them as candidates.²

Judges are elected for a term of six years and may be re-elected only once. Judges whose terms have expired shall continue to service with regard to the “cases they have begun to hear and that are still pending Judgment and, to this end, they will not be replaced by the Judges newly-elected by the OAS General Assembly.”³ The President and the Vice President are elected by the Judges themselves for a two-year period and may be re-elected.⁴ For 2021, the composition of the Court was as follows (in order of precedence):⁵

- ▶ Elizabeth Odio Benito (Costa Rica), President;
- ▶ Patricio Pazmiño Freire (Ecuador), Vice President;
- ▶ Eduardo Vio Grossi (Chile);
- ▶ Humberto Antonio Sierra Porto (Colombia);
- ▶ Eduardo Ferrer Mac-Gregor Poisot (México);
- ▶ Eugenio Raúl Zaffaroni (Argentina); and
- ▶ Ricardo C. Pérez Manrique (Uruguay).

¹ American Convention on Human Rights, Article 52. Statute of the Inter-American Court of Human Rights, Article 4.

² *Idem.*

³ *Idem.*

⁴ Statute of the Inter-American Court of Human Rights, Article 12.

⁵ According to paragraphs 1 and 2 of Article 13 of the Statute of the Inter-American Court of Human Rights, “[e]lected Judges shall take precedence after the President and the Vice President according to their seniority in office,” and “[J]udges having the same seniority in office shall take precedence according to age.

Composition 2020-2021



In front from left to right: Judge Humberto Antonio Sierra Porto; Judge Patricio Pazmiño, Vice President; Judge Elizabeth Odio Benito, President; and Judge Eduardo Vio Grossi. Behind from left to right: Judge Eugenio Raúl Zaffaroni; Judge Eduardo Ferrer Mac-Gregor Poisot; and Judge Ricardo C. Pérez Manrique.

In December 2021, the mandates concluded of Judges Elizabeth Odio Benito, Patricio Pazmiño Freire, Eduardo Vio Grossi and Eugenio Raúl Zaffaroni. Four new Judges were elected during the fifty-first Regular Session of the General Assembly of the Organization of American States, and their mandate begins on January 1, 2022. In addition, during its 145th Regular Session, the Inter-American Court of Human Rights elected Judge Ricardo C. Pérez Manrique (Uruguay) as its new President and Judge Humberto Antonio Sierra Porto (Colombia) as its new Vice President. The mandate of the President and Vice President elect begins on January 1, 2022, and will end on December 31, 2023. Consequently, the new composition of the Court (2022-2023) will be:

- Judge Ricardo C. Pérez Manrique (Uruguay), President;
- Judge Humberto Antonio Sierra Porto (Colombia), Vice President;
- Judge Eduardo Ferrer Mac-Gregor Poisot (Mexico);
- Judge Nancy Hernández López (Costa Rica);
- Judge Verónica Gómez (Argentina);
- Judge Patricia Pérez Goldberg (Chile); and
- Judge Rodrigo Mudrovitsch (Brazil).

New composition of the Court (2022-2023)



Judge Ricardo C. Pérez Manrique Manrique, President; Judge Humberto Antonio Sierra Porto, Vice President; Judge Eduardo Ferrer Mac-Gregor Poisot; Judge Nancy Hernández López; Judge Verónica Gómez; Judge Patricia Pérez Goldberg and Judge Rodrigo Mudrovitsch.

C. States Parties⁶

Of the 35 OAS Member States, the following 20 have accepted the Court's contentious jurisdiction: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname and Uruguay.

⁶ On May 26, 1998, Trinidad and Tobago presented an instrument denouncing the American Convention on Human Rights to the Secretary General of the Organization of American States (OAS). Pursuant to Article 78(1) of the American Convention the denunciation took effect one year later, on May 26, 1999. Also, on September 10, 2012, Venezuela presented an instrument denouncing the American Convention on Human Rights to the OAS Secretary General. The denunciation took effect on September 10, 2013.

CONTENTIOUS JURISDICTION OF THE COURT



D. Functions

According to the American Convention, the Court exercises three main functions: (i) the Contentious function: (ii) the function of ordering Provisional Measures, and (iii) an Advisory function.

1. Contentious function

This function enables the Court to determine, in Cases submitted to its Jurisdiction, whether a State has incurred international responsibility for the violation of any of the rights recognized in the American Convention or in any other human rights treaty applicable under the Inter-American System and, if so, order the necessary measures of reparation to redress the consequences of the violation of such rights.

There are two stages to the procedure followed by the Court to decide Contentious Cases submitted to its Jurisdiction: **(a) the Contentious stage** and **(b) the stage of Monitoring Compliance with Judgment**.

Contentious stage

This stage has six phases:

- a) Initial written phase;
- b) Oral phase or public hearing;
- c) Phase of final written arguments of the parties and final written observations of the Commission;
- d) Evidentiary procedures;
- e) Phase of deliberation and delivery of Judgment; and
- f) Requests for interpretation and rectification.

a) Initial written phase

- a.1) Submission of the Case by the Inter-American Commission on Human Rights⁷

The proceedings begin with the submission of the case by the Inter-American Commission on Human Rights (“the Inter-American Commission” or “the Commission”). To ensure the appropriate processing of the Case, the Court’s Rules of Procedure require that the brief presenting the Case include, *inter alia*:⁸

- a copy of the report issued by the Commission under Article 50 of the American Convention;
- a copy of the complete Case file before the Commission, including any communications subsequent to the report under Article 50 of the Convention;
- the evidence offered, indicating the facts and arguments to which it refers; and
- the reasons that led the Commission to present the Case.

Once the Case has been presented, the President makes a preliminary examination to verify that the essential requirements for its presentation have been fulfilled. If this is so, the Secretariat notifies the Case to the defendant State and to the presumed victim, his/her representatives, or the Inter-American defender if appropriate.⁹ During this stage, a judge rapporteur is appointed to the Case, in chronological order, and, with the support of the Court’s Secretariat, he/she examines the respective Case.

⁷ According to Article 61 of the American Convention, States also have the right to submit a Case for the Court to decide, in which case the provisions of Article 36 of the Court’s Rules of Procedure will be observed.

⁸ Rules of Procedure of the Inter-American Court of Human Rights, Article 35.

⁹ *Ibid.*, Articles 38 and 39.

a.2) Designation of an Inter-American Public Defender

When a presumed victim does not have legal representation in a Case and/or lacks financial resources and indicates his/her wish to be represented by an Inter-American defender, the Court will inform the AIDEF General Coordinator so that, within 10 days, the latter may appoint the defenders who will assume the legal representation and defense. The AIDEF General Secretariat will select two defenders and one substitute¹⁰ from among the Inter-American public defenders to represent the presumed victim before the Court. The Court will then forward the chosen defenders the documentation relating to the submission of the Case to the Court so that they may assume the legal representation of the presumed victim before the Court from then on and throughout the processing of the Case.

a.3) Presentation of the brief with pleadings, motions and evidence by the alleged victims

The alleged victims or their representatives have two months following the date of notification of the presentation of the Case and its annexes to submit their autonomous brief with pleadings, motions and evidence (also known as “the pleadings and motions brief”). This brief must include, *inter alia*:¹¹

- a description of the facts, within the factual framework established by the Commission;
- the evidence offered, in the correct order, indicating the facts and arguments to which it relates, and;
- the claims, including those relating to reparations and costs.

a.4) Presentation of the answering brief by the respondent State

The State has two months from the time it receives the pleadings and arguments brief and attachments to present its answer to this brief and the brief submitting the case presented by the Commission. Its answering brief must indicate, *inter alia*:

- whether it files preliminary objections;
- whether it accepts the facts and the claims or contests them;
- the evidence offered, in the correct order, indicating the facts and the arguments to which it relates;
- the legal arguments, the observations on the reparations and costs requested, and the pertinent conclusions; and
- when Inter-American public law is affected in a relevant manner, the possible proposal of expert witnesses, indicating the purpose of their opinions and accompanied by their curriculum vitae.

This answering brief is forwarded to the Commission and the presumed victims or their representatives.¹²

a.5) Presentation of the brief with observations on any Preliminary Objections filed by the State

If the State files Preliminary Objections, the Commission and the presumed victims or their representatives can submit their respective observations within 30 days of receiving notice of the objections.¹³

a.6) Presentation of the brief with observations on the State’s acknowledgement of responsibility

If the State makes a partial or total acknowledgement of responsibility, the Commission and the representatives of the presumed victims are granted time to forward any observations they deem pertinent.

¹⁰ Article 12 of the “Standardized Regulations for the actions of the AIDEF before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights,” approved on June 7, 2013, by the AIDEF Board, and entered into force, pursuant to Article 27 of these regulations, on June 14, 2013.

¹¹ *Ibid.*, Article 40.

¹² *Ibid.*, Article 41.

¹³ *Ibid.*, Article 42(4).

a.7) Possibility of taking other measures in the context of the written proceedings

After the brief submitting the case, the pleadings and motions brief, and the State's answering brief have been received, and before the oral proceedings start, the Commission, the presumed victims or their representatives, and the defendant State may ask the President to take other measures in the context of the written proceedings. If the President considers this pertinent, he will establish time frames for presentation of the respective documents.¹⁴ Statements rendered before a notary public (*affidavits*) will be submitted in those cases in which they are available.

a.8) Reception of *amicus curae*

Any interested person or institution may submit *amicus curae* briefs to the Court. These are briefs prepared by third persons who are not parties to a Case, and who voluntarily offer their opinion on some aspect of the Case in order to collaborate with the Court in its deliberations. In Contentious Cases, this type of brief can be presented at any moment of the proceedings, but no more than 15 days after the public hearing. In cases in which no public hearing is held, such briefs must be sent within 15 days of the order setting a deadline for forwarding the final arguments. Briefs may also be submitted in proceedings on Monitoring Compliance with Judgment and on Provisional Measures.¹⁵

b) Oral phase or public hearing

The oral phase or public hearing begins with the submission by the parties and the Commission of the final lists of deponents. When these lists have been received, they are forwarded to the other party so that the latter may forward any observations or objections it deems pertinent.¹⁶

The Court or its President calls for a hearing in an order in which any observations, objections or recusals presented by the parties are taken into consideration if this is found necessary. The order defines the purpose and the method of providing the testimony of each deponent.¹⁷ The hearings are public unless the Court considers it desirable that they be totally or partially private.¹⁸

The public hearing begins with a presentation by the Commission in which it explains the grounds for the report under Article 50 of the Convention and for the submission of the case to the Court, as well as any other matter that it considers relevant for deciding the Case.¹⁹ The Judges of the Court then hear the presumed victims, witnesses and expert witnesses convened by the above-mentioned order, who are examined by the parties and, if appropriate, by the Judges. The Commission may question certain expert witnesses in exceptional circumstances under the provisions of Article 52(3) of the Court's Rules of Procedure; that is, when the Inter-American public order of human rights is relevantly affected and when their opinion refers to an issue contained in an expert opinion offered by the Commission. After this, the President gives the floor to the parties so they may present their arguments on the merits of the case. Subsequently, the President grants them the opportunity for a reply and a rejoinder. Once the arguments have concluded, the Commission presents its final observations and then the Judges pose their concluding questions to the representatives, the victims and the Inter-American Commission.²⁰ This hearing usually lasts a day and a half and is livestreamed via the Court's social networks.

The recordings of the public hearings can be found [here](#).

c) Phase of final written arguments of the parties and final written observations of the Commission

During this phase, the presumed victims or their representatives, and the respondent State present their final written arguments. The Commission presents final written observations if it deems this pertinent.²¹

¹⁴ *Ibid.*, Article 43.

¹⁵ *Ibid.*, Article 44.

¹⁶ *Ibid.*, Article 46.

¹⁷ *Ibid.*, Article 46.

¹⁸ *Ibid.*, Article 15.

¹⁹ *Ibid.*, Article 51.

²⁰ *Ibid.*, Article 51.

²¹ *Ibid.*, Article 56.

d) Evidentiary procedures

Pursuant to Article 58 of its Rules of Procedure, the Court may, “at any stage of the proceedings,” require the following evidentiary procedures, without prejudice to the arguments and documentation submitted by the parties: (1) obtain, on its own motion, any evidence it considers helpful and necessary; (2) request the submission of any evidence or any explanation or statement that, in the Court’s opinion, may be useful; (3) request any entity, office, organ, or authority of its choice to obtain information, express an opinion, or deliver a report or opinion on any given point, and (4) commission one or more of its members to take steps to advance the proceedings, including hearings at the seat of the Court or elsewhere.

e) Phase of deliberation and delivery of Judgment

During the phase of deliberation and delivery of Judgment, the Judge rapporteur of each Case, supported by the Court’s Secretariat and based on the arguments and evidence provided by the parties, presents a draft Judgment to the full Court for its consideration. The Judges then deliberate on this draft Judgment. During these deliberations, the draft is discussed and approved until the operative paragraphs of the Judgment are reached; these are then voted on by the Court’s Judges. In some cases, the Judges submit their dissenting or concurring opinions. After the Court has delivered the Judgment, it is published and notified to the parties.

f) Requests for interpretation and rectification

The Court’s Judgments are final and non-appealable.²² Nevertheless, the parties and the Commission have 90 days in which they may request clarification of the meaning or scope of the Judgment in question. Pursuant to the American Convention, the Court decides this matter by an Interpretation Judgment. The interpretation may be made at the request of either of the parties, provided it is submitted within 90 days of notification of the Judgment.²³ In addition, the Court may, on its own motion, or at the request of one of the parties submitted within one month of notification of the Judgment, rectify any obvious clerical errors or errors in calculation. The Commission and the parties shall be notified if a rectification is made.²⁴

Stage of Monitoring Compliance with Judgment

The Inter-American Court is responsible for monitoring compliance with its Judgments. The authority to monitor its Judgments is inherent in the exercise of its jurisdictional powers, and the legal grounds can be found in Articles 33, 62(1), 62(3) and 65 of the Convention, as well as in Article 30 of the Court’s Statute. In addition, the procedure is regulated in Article 69 of the Court’s Rules of Procedure and its purpose is to ensure that the reparations ordered by the Court in each specific case are executed and complied with fully. See, Section V for a detailed analysis of the Court’s activity in the area of Monitoring Compliance with Judgments.

2. Function of ordering Provisional Measures

According to the American Convention, Provisional Measures of protection are ordered by the Court to order to guarantee the rights of specific individuals or groups of individuals who are in a situation of: (a) extreme gravity and (b) urgency, and (c) at risk of suffering irreparable harm²⁵. These three requirements must be met for the Court to grant such measures.

The Inter-American Commission can request Provisional Measures at any time, even if the Case has not yet been submitted to the jurisdiction of the Court. In addition, the representatives of the presumed victims can request Provisional Measures, provided this relate to a Case that the Court is examining. The Court may also order such measures *ex officio* at any stage of the proceedings.

These measures are monitored by the presentation of reports by the State, and the corresponding comments by the beneficiaries or their representatives and by the Commission. In addition, the Court or its President may decide to call for a public or private hearing to verify the implementation of the Provisional Measures, and even order any procedures that are required, such as on-site visits to verify the actions that the State is taking.

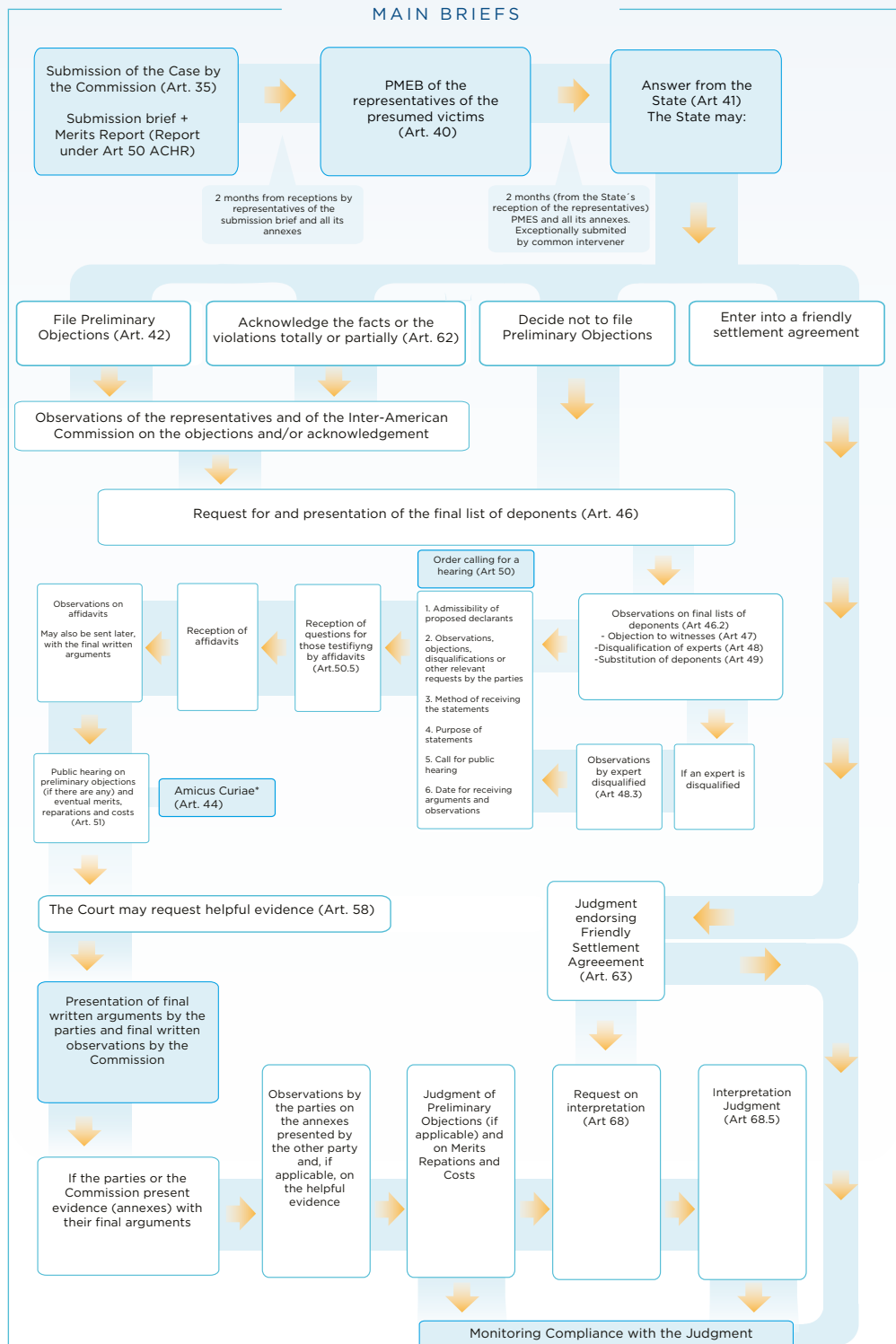
²² American Convention on Human Rights, Article 67.

²³ *Idem*.

²⁴ Rules of Procedure of the Inter-American Court of Human Rights, Article 76.

²⁵ American Convention on Human Rights, Article 63(2). Cf. Rules of Procedure of the Inter-American Court of Human Rights, Article 27.

OUTLINE OF THE PROCEDURE BEFORE THE IACHR



ACHR: American Convention on Human Rights

PMEB: Pleadings, motions and evidence brief

Affidavit: Sworn statement authenticated by notary public

Amicus Curiae: May be presented at any time following submission of the Case up until 15 days after the hearing

3. Advisory Function

This function allows the Court to respond to consultations by OAS Member States or organs on the interpretation of the American Convention or other treaties for the protection of human rights in the States of the Americas. Furthermore, at the request of an OAS Member State, the Court may issue its opinion on the compatibility of domestic norms with the instruments of the Inter-American System.²⁶

The main purpose of the Advisory Opinion is to assist member States of the Inter-American System comply with their commitments in the area of human rights. In other words, their objective is to help the States and organs comply with and apply human rights treaties, without subjecting them to contentious proceedings.

Although the Court is bound by the natural limits indicated by the Convention, it has established that its advisory function is as broad as necessary to safeguard human rights. However, it should be stressed that the Court is not obliged to issue Advisory Opinions on every aspect of a request and that, based on the admissibility criteria, it may abstain from ruling on certain issues and reject requests.

All the organs of the Organization of American States may request Advisory Opinions as well as all the OAS Member States, whether or not they are parties to the Convention. The organs of the Inter-American System recognized in the OAS Charter are:

- a) The General Assembly;
- b) The Meeting of Consultation of Ministers for Foreign Affairs;
- c) The Councils;
- d) The Inter-American Juridical Committee;
- e) The Inter-American Commission on Human Rights;
- f) The General Secretariat;
- g) The Specialized Conferences; and
- h) The Specialized Organizations.

The procedure for Advisory Opinions is regulated in Article 73 of the Court's Rules of Procedure. First, the OAS States or organs must forward to the Court a request for an Advisory Opinion that meets certain requirements.

The formal requirements for requests for an Advisory Opinion are established in Articles 70, 71 and 72 of the Court's Rules of Procedure. The requests must state with precision the specific questions on which the Court's opinion is sought; identify the provisions to be interpreted and the international norms other than those of the American Convention that also require interpretation; the considerations giving rise to the request, and the names and addresses of the agent or the delegates. If the Advisory Opinion is sought by an OAS organ other than the Commission, the request must also specify how it relates to the sphere of competence of the organ in question. In addition, Article 72 of the Rules of Procedure establishes the requirements for requests related to the interpretation of domestic laws. In that case, the request must include the provisions of domestic law and of the Convention or of other international treaties to which the request relates.

Upon receipt of the request, the Court's Secretariat transmits it to the Member States, the Commission, the Permanent Council, the Secretary General, and the organs of the OAS. The Court also issues a wide-ranging invitation to submit observations to universities, human rights clinics, non-governmental organizations, professional associations, interested persons, state organs, international organizations and States, among others.

Subsequently, the President establishes a time limit for the reception of written observations and, if appropriate, the Court will decide whether a public hearing should be held and set a date. During the public hearing, all those who have contributed written observations and indicated that they wish to present these orally may participate.

Lastly, the Court proceeds to deliberate the issues presented in the request and to issue the Advisory Opinion. The Judges also have the right to issue a concurring or dissenting opinion on the request, which will form an integral part of the Opinion.

²⁶ *Ibid.*, Article 64.



Sessions held in 2021



III. Sessions held in 2021

A. Introduction

The Court holds collegiate meetings during a certain number of Sessions each year. These meetings take place at its seat in San José, Costa Rica, and also away from the seat. During each session, the Court conducts different activities such as:

- Holding hearings on Contentious Cases, and Monitoring Compliance with Judgments or Provisional Measures.
- Deliberating Contentious Cases.
- Delivering Judgment on Contentious Cases.
- Issuing orders on Monitoring Compliance with Judgment.
- Issuing orders on Provisional Measures.
- Monitoring Compliance with Judgments and implementation of Provisional Measures.
- Dealing with different procedures in matters pending before the Court, as well as administrative matters.
- Holding meetings with national and international authorities.
- Conducting evidentiary procedures.

B. Summary of the Sessions

The Court held **seven Regular Sessions**. Owing to the COVID-19 pandemic, and pursuant to its Rules of Procedure, all the Sessions were held virtually.

In 2021, the Court was in Session for 30 weeks, the highest number of weeks in the history of the Court.

Details of the Sessions appear below:

1. 139th Regular Session



The Court held its 139th Regular Session virtually from January 25 to February 19, 2021. During the Session, the Court delivered one Judgment,²⁷ held five public hearings in Contentious Cases²⁸ and conducted one evidentiary procedure.²⁹

The Court also issued five orders on monitoring compliance.³⁰

²⁷ Case of Cordero Bernal v. Peru.

²⁸ Case of Garzón Guzmán v. Ecuador; Case of Vera Rojas v. Chile; Case of Barbosa de Souza et al. v. Brazil; Case of Members and Officials of the Patriotic Union v. Colombia; Case of the Massacre of the Village of Los Josefinos v. Guatemala.

²⁹ Case of Guerrero et al. v. Venezuela.

³⁰ Case of Ximenes Lopes v. Brazil; Case of Norin Catrimán et al. (Leaders, members and activist of the Mapuche Indigenous People) v. Chile; Case of the Río Negro Massacres v. Guatemala; Case of ANCEJUB-SUNAT v. Peru, and Case of Rosadio Villavicencio v. Peru.

2. 140th Regular Session

140 RS

Regular Session Period

March 1 to 26, 2021

The Court held its 140th Regular Session virtually from March 1 to 26, 2021. During the Session, the Court delivered two Judgments³¹ and held public hearings on four Contentious Cases.³²

The Court also held two public hearings on Monitoring Compliance with Judgment,³³ and issued two orders on monitoring compliance³⁴ and three orders on Provisional Measures.³⁵

In addition, the Court examined various matters related to measures concerning Monitoring Compliance with Judgment and Provisional Measures, and dealt with different administrative matters.

a) Inauguration of the 2021 Inter-American Judicial Year

During this Session, the Court inaugurated the 2021 Inter-American Judicial Year. Participants in the event included the President and Judges of the Court, and the keynote address was given by the United Nations High Commissioner for Human Rights, Michelle Bachelet Jeria. The address was entitled: “The global challenges for human rights in a post-pandemic world.”

In her address to inaugurate the Judicial Year, the President of the Court expressed her solidarity with the victims of COVID 19. She underscored that, a year after the pandemic had been declared, major challenges still remained. However, she indicated that the Court had been able to adapt and to continue its work using telework, in order to comply with its mandate for the protection of human rights. According to the President, “the Inter-American Court has proved to be a resilient, flexible and adaptable institution.” The United Nations High Commissioner for Human Rights, Michelle Bachelet indicated that “since its creation, the Inter-American Court has played a crucial role in combating impunity and in the defense of human rights in the Americas.” She pointed out that, “though its case law, the Court has established reference standards in relation to human rights for the effective protection of the individual in areas such as women’s rights, the LGBTIQ community, and the interdependence between civil and political rights, and economic, social, cultural and environmental rights.

31 Case of Vicky Hernández et al. v. Honduras, and Case of Guachalá Chimbo et al. v. Ecuador.

32 Case of Ríos Ávalos et al. v. Paraguay; Case of Cuya Lavy et al. v. Peru; Case of Manuela et al. v. El Salvador; Case of Bedoya Lima et al. v. Colombia.

33 Case of the Massacres of El Mozote and neighboring places v. El Salvador; Joint hearing for the Cases of the Punta Piedra and Triunfo de la Cruz Garifuna Communities v. Honduras.

34 Case of Cuscul Pivaral et al. v. Guatemala, and Case of Acosta et al. v. Nicaragua.

35 Case of the Miguel Castro Castro Prison v. Peru; Case of Members and Officials of the Patriotic Union v. Colombia; Case of Bedoya Lima et al. v. Colombia.

b) Dialogue between the three Regional Human Rights Courts

In addition, during this Session, on March 24, 2021, the Inter-American Court of Human Rights, the European Court of Human Rights and the African Court of Human and Peoples' Rights held the second International Human Rights Forum, *Dialogue between the three Regional Human Rights Courts*, organized on this occasion by the European Court. The activity was presided by the President of the European Court of Human Rights, Judge Robert Spano, and participants included the President of the African Court of Human and Peoples' Rights, Judge Sylvan Oré, the President of the Inter-American Court of Human Rights, Judge Elizabeth Odio Benito, and Judges of the three regional courts. The Judges discussed the most important matters that each of the Regional Courts is handling, and exchanged opinions on the jurisprudential dialogue. The virtual forum was organized in the context of the Permanent Dialogue between the three regional human rights courts, as a continuation of the forums held in San José, Costa Rica (2018), and Kampala, Uganda (2019).

3. 141st Regular Session

Inter-American Court of Human Rights

141 RS

Regular Session Period

April 19 to May 14, 2021

The Court held its 141st Regular Session virtually from April 19 to May 14, 2021. During the session, it held public hearings on three Contentious Cases.³⁶ It issued an Advisory Opinion³⁷ and held a public hearing on an Advisory Opinion.³⁸ It also conducted a procedure to hear the alleged victim in a case it is examining.³⁹

In addition, the Court held four hearings on Monitoring Compliance with Judgment⁴⁰ and a public hearing on Provisional Measures.⁴¹ It adopted six orders on Monitoring Compliance with Judgment,⁴² and two orders on Provisional Measures,⁴³ and issued a joint order on Monitoring Compliance with Judgment and Provisional Measures.⁴⁴ It also reviewed various administrative matters.

36 Case of Digna Ochoa and family members v. Mexico; Case of Julien Grisonas et al. v. Argentina, and Case of Pavez v. Chile.

37 Advisory Opinion on the scope of State obligations with regard to the right to freedom of association, right to collective bargaining and right to strike, and their relation to other rights, with a gender perspective.

38 Advisory Opinion on differentiated approaches with regard to persons deprived of liberty.

39 Case of González et al. v. Venezuela.

40 Case of Ximenes Lopes v. Brazil; Case of Velez Looor v. Panama; Case of the Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala, and Case of Norín Catrimán et al. (Leaders, members and activities of the Mapuche Indigenous People) v. Chile.

41 Matter of Members of the Nicaraguan Human Rights Center and of the Permanent Human Rights Commission (CENIDH-CPDH) with regard to Nicaragua.

42 Case of Gorigoitia v. Argentina; Case of Herzog et al. v. Brazil; Case of the Plan de Sánchez Massacre v. Guatemala; Case of Acevedo Jaramillo et al. v. Peru; Jointly for the Cases of the Punta Piedra and the Triunfo de la Cruz Garifuna Communities and their members v. Honduras, and Case of Barbani Duarte et al. v. Uruguay.

43 Case of the Barrios family v. Venezuela, and Case of Fernández Ortega et al. v. Mexico.

44 Cases of the Punta Piedra and the Triunfo de la Cruz Garifuna Communities and their members v. Honduras.

4. 142nd Regular Session



The Court held its 142nd Regular Session virtually from May 24 to June 25, 2021. The Court issued three Judgments on Merits,⁴⁵ and two Interpretation Judgments.⁴⁶ It also issued an Advisory Opinion.⁴⁷

The Court also held six public hearings on Contentious Cases⁴⁸ and two hearings on Provisional Measures.⁴⁹

In addition, it held three hearings on Monitoring Compliance with Judgment⁵⁰ and adopted six orders on Monitoring Compliance with Judgment.⁵¹ Together with five orders on Provisional Measures.⁵²

The Court also examined various matters related to measures concerning Monitoring Compliance with Judgment and Provisional Measures, and dealt with different administrative matters.

5. 143rd Regular Session



The Court held its 143rd Regular Session virtually from August 17 to September 10, 2021. During the Session, the Court delivered six Judgments on Merits,⁵³ and one Interpretation Judgment.⁵⁴

45 Case of Grijalva Bueno v. Ecuador; Case of Moya Solís v. Peru; Case of Guerrero, Molina et al. v. Venezuela.

46 Case of the Workers of the Fireworks Factory in Santo Antônio de Jesus and their families v. Brazil, and Case of Martínez Esquivia v. Colombia.

47 Indefinite presidential re-election in presidential systems in the context of the Inter-American Human Rights System (interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter).

48 Case of the Teachers of Chañaral and other municipalities v. Chile; Case of the National Federation of Maritime and Port Workers (FEMAPOR) v. Peru; Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala; Case of Palacio Urrutia et al. v. Ecuador; Case of Maidanik et al. v. Uruguay, and Case of Former Judicial Employees v. Guatemala.

49 Joint public hearing on Provisional Measures with regard to the Federative Republic of Brazil in the Matters of the Socio-educational Internment Unit, the Curado Prison, the Pedrinhas Prison, and the Plácido de Sá Carvalho Prison, and hearing on the Matter of Members of the Choréachi Indigenous Community with regard to Mexico.

50 Case of Montero Aranguren (Retén de Catia) v. Venezuela; Joint hearing in the Cases of Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil, and Herzog et al. v. Brazil, and Hearing in the Case of the Santo Domingo Massacres v. Colombia.

51 Case of Juan Humberto Sánchez v. Honduras, Case of Acevedo Buendía et al. ("Discharged and Retired Employees of the Comptroller's Office") v. Peru, Case of the Campesino Community of Santa Bárbara v. Peru, Case of Hernández v. Argentina, Case of Spoltore v. Argentina, and Joint order with regard to guarantees of non-repetition in the Cases of Véliz Franco et al. and Velázquez Paiz et al. v. Guatemala.

52 Case of Vélez Loo v. Panama; Case of Favela Nova Brasília v. Brazil; Case of Petro Urrego v. Colombia; Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua, and Case of Tavares Pereira et al. v. Brazil.

53 Case of Ríos Avalos et al. v. Paraguay; Case of Villarroel Merino et al. v. Ecuador; Case of Bedoya Lima et al. v. Colombia; Case of Lemoth Morris et al. (Miskito Divers) v. Honduras; Case of Garzón Guzmán v. Ecuador, and Case of Barbosa de Souza et al. v. Brazil.

54 Case of Casa Nina v. Peru.

The Court also held two public hearings on Monitoring Compliance with Judgment⁵⁵. Also, adopted seven orders on Monitoring Compliance with Judgment.⁵⁶

Furthermore, the Court held two public hearings on the implementation of provisional and urgent measures⁵⁷ and issued two orders on Provisional Measures.⁵⁸

In addition, the Court examined various matters related to measures concerning Monitoring Compliance with Judgment and Provisional Measures, and dealt with different administrative matters.

6. 144th Regular Session



The Court held its 144th Regular Session virtually from September 20 to October 15, 2021. During the Session, it delivered five Judgments⁵⁹ and began to deliberate on two more.⁶⁰

The Court also held two hearings on Monitoring Compliance with Judgment⁶¹ and adopted two orders on Monitoring Compliance with Judgment.⁶²

In addition, it issued four orders on Provisional Measures.⁶³

Furthermore, the Court examined various matters related to measures concerning Monitoring Compliance with Judgment and Provisional Measures, and dealt with different administrative matters.

⁵⁵ Case of Favela Nova Brasília v. Brazil, and Case of Heliodoro Portugal v. Panama.

⁵⁶ Case of Baena Ricardo et al. v. Panama; Case of Velásquez Paiz et al. v. Guatemala; Case of Véliz Franco et al. v. Guatemala; Case of Terrones Silva et al. v. Peru; Case of the Discharged Congressional Employees (Aguado Alfaro et al.) v. Peru; Case of Urrutia Laubreaux v. Chile, and Case of Vásquez Durand v. Ecuador.

⁵⁷ Public hearing on monitoring Provisional Measures and on urgent measures in the Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua, and Joint public hearing on a request for Provisional Measures in the Cases of Valenzuela Ávila and of Ruiz Fuentes et al. both against Guatemala.

⁵⁸ Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua, and Matter of Members of the Nicaraguan Human Rights Center and of the Permanent Human Rights Commission (CENIDH-CPDH) with regard to Nicaragua.

⁵⁹ Case of González et al. v. Venezuela; Case of the Julien Grisonas family v. Argentina; Case of Cuya Lavy et al. v. Peru; Case of Vera Rojas et al. v. Chile, and Case of Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala.

⁶⁰ Case of Manuela et al. v. El Salvador, and Case of the Massacre of the Village of Los Josefinos v. Guatemala.

⁶¹ Case of the Río Negro Massacres v. Guatemala, and Case of the Plan de Sánchez Massacres v. Guatemala.

⁶² Case of Guzmán Albarracín et al. v. Ecuador, and Case of Mendoza et al. v. Argentina.

⁶³ Cases of Valenzuela Ávila and of Ruiz Fuentes et al. v. Guatemala; Matter of Members of the Choréachi Indigenous Community with regard to Mexico; Matter of Members of the Communities of the Miskito Indigenous People of the North Caribbean Coast Region with regard to Nicaragua, and Matter of Members of the Nicaraguan Human Rights Center and of the Permanent Human Rights Commission (CENIDH-CPDH) with regard to Nicaragua.

7. 145th Regular Sessions



The Court held its 145th Regular Session virtually from November 1 to 26, 2021. During the Session, it delivered seven Judgments⁶⁴ and began to deliberate one Case.⁶⁵ The Court also issued nine orders on Monitoring Compliance with Judgment⁶⁶ and adopted two orders on monitoring compliance.⁶⁷

C. Cases that the Court will continue to hear in 2022

In accordance with Article 3 of the Statute of the Court and Article 17 of its Rules of Procedure, Judges whose terms have expired will continue to hear cases that they have begun to hear and that are still pending judgment. The following cases have been heard by the current members of the Court and are in the judgment stage:

- Members and Militants of the Unión Patriótica v. Colombia,
- Pavez Pavez v. Chile,
- National Federation of Maritime and Port Workers (FEMAPOR) v. Peru.

The current judges of the Court will also continue to hear the Request for an Advisory Opinion on Differentiated Approaches to Persons Deprived of Liberty. In this regard, a hearing took place from April 19 to 22, 2021 and the matter is still under deliberation.

D. The Inter-American Court's sessions away from its seat

The Inter-American Court did not hold Sessions away from its seat in 2021 owing to the COVID-19 pandemic. Since 2005, it had been implementing this practice very effectively to achieve two objectives: on the one hand, to increase its jurisdictional activities and, on the other, to disseminate more effectively the work of the Court, in particular, and of the Inter-American System for the protection of human rights, in general.

In order to hold these Sessions the Court has traveled to Argentina (twice), Barbados, Bolivia, Brazil (twice) Chile, Colombia (5 times), Dominican Republic, Ecuador (3 times), El Salvador (twice), Guatemala (twice), Honduras (twice), Mexico (3 times), Panama (twice), Paraguay (twice), Peru and Uruguay (twice).

⁶⁴ Case of Manuela et al. v. El Salvador; Case of the Massacre of the village of Los Josefinos v. Guatemala; Case of the Teachers of Chañaral and other municipalities v. Chile; Case of Maidanik et al. v. Uruguay; Case of the Former Judicial Employees v. Guatemala; Case of Palacio Urrutia et al. v. Ecuador, and Case of Digna Ochoa and family members v. Mexico.

⁶⁵ Case of Members and Officials of the Patriotic Union v. Colombia.

⁶⁶ Case of Perrone and Preckel v. Argentina; Case of I.V. v. Bolivia; Case of Favela Nova Brasília v. Brazil; Case of Petro Urrego v. Colombia; Case of the Massacres of El Mozote and neighboring places v. El Salvador; Case of Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala; Case of Roche Azaña et al. v. Nicaragua; Case of the "Five Pensioners" v. Peru, and Case of Ortiz Hernández et al. v. Venezuela.

⁶⁷ Both orders concerned the Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua.

SESSIONS OF THE INTER-AMERICAN COURT AWAY FROM ITS SEAT 2005-2020 Period





Contentious Function



IV. Contentious Function

A. Cases submitted to the Court

During 2021, **40 new Contentious Cases** were submitted to the Court's consideration:

1. Case of Habbal et al. v. Argentina

On February 3, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged human rights violations of which Raghda Habbal and her four minor children, all of them Syrian nationals, had been victims. It is alleged that Mrs. Habbal was arbitrarily deprived of her Argentina nationality, acquired by naturalization, and that three of her children were arbitrarily deprived of their permanent residence. It is also alleged that judicial guarantees had been violated in the context of both proceedings.

2. Case of Tavares Pereira et al. v. Brazil

On February 6, 2021, the Inter-American Commission submitted this Case to the Court. It relates to alleged international responsibility of the State for the murder of the worker Antonio Tavares Pereira by military police officers and the injuries suffered by 185 other workers belonging to the Landless Rural Workers' Movement (MST). The facts allegedly took place on May 2, 2000, in the state of Paraná, during a march held by the workers to demand agrarian reform. The case also refers to the presumed impunity in which these facts remain and took place in an alleged context of violence linked to demands for land and for agrarian reform in Brazil.

3. Case of Leguizamón Zaván et al. v. Paraguay

On February 13, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the international responsibility of the State of Paraguay for violations resulting from the murder of the journalist, Santiago Leguizamón Zaván, on April 26, 1991, in the town of Pedro Juan Caballero. It is alleged that the investigation of this murder and the resulting criminal proceedings had not met the standards of due diligence or a reasonable time, and a logical line of investigation had not been followed. In addition, it is argued that there was a lack of due diligence and unjustified delays in the request for international cooperation addressed to the State of Brazil, because the murder took place in a border area and several of the alleged perpetrators are allegedly in that country.

4. Case of Valencia Campos et al. v. Bolivia

On February 22, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the Plurinational State of Bolivia with regard to supposedly illegal home searches and presumed acts of excessive violence by state agents – including torture, sexual violence and solitary confinement – during the arrest and subsequent detention of 22 men and women. It is argued that, in the early morning hours of December 18, 2001, numerous heavily armed state agents violently raided four buildings in order to arrest individuals suspected of being involved in the robbery of a security company's van during which two police officers were killed. The alleged victims had suffered such ill-treatment while they were interrogated and were presented to the media as being responsible for the holdup before they had been prosecuted and convicted. It is argued that the raids were unlawful and arbitrary and involved a high degree of physical and mental violence against those who were inside the buildings, including children. Lastly, it is argued that the State violated the rights to judicial guarantees and judicial protection of the victims because there is no evidence that the facts have been investigated even though, on several occasions, the victims denounced the torture and cruel, inhuman and degrading treatment they had suffered, and the fact that their statements were obtained under duress.

5. Case of Britez Arce et al. v. Argentina

On February 25, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the Argentine Republic for human rights violations as a result of the death of Cristina Britez Arce and the lack of due diligence in the investigation and the judicial proceedings conducted. In this case, it is alleged: (i) that the State had not demonstrated that it had provided Ms. Britez Arce with information or recommendations on special care to prevent hypertension, despite being aware of her history of preeclampsia in a previous pregnancy; (ii) that there were risk factors that were not disproved and that should have been taken into account by the doctors who attended the victim during her check-ups; (iii) that the cause of death could have been undiagnosed or untreated preeclampsia, and (iv) that the investigation had not permitted it to be established whether the doctors had acted appropriately based on the specific circumstances of the pregnancy. Consequently, it is alleged that the State failed to prove that it had acted diligently or that it had adopted reasonable measures to safeguard Ms. Britez Arce's rights, despite the special obligations that it had towards her as a pregnant woman.

6. Case of Nissen Pessolani v. Paraguay

On March 11, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for the presumed violation of the judicial guarantees of Alejandro Nissen Pessolani during proceedings instituted against him by the Impeachment Jury for Members of the Judiciary (JEM) that determined his removal from his position as a criminal prosecutor. It is also argued that the Judgment against Mr. Nissen modified the factual basis of the charges, incorporating new facts regarding two causes, so that the victim was unable to exercise any defense in this regard. This resulted in the possibility of imposing the maximum sanction against Mr. Nissen, while the trial by the JEM had failed to comply with the legal time limits. In addition, regarding the right to appeal the Judgment and judicial protection, it is alleged that the remedy of reconsideration and clarification provided for in the regulations did not allow for a comprehensive review of the JEM's decisions and that, although Mr. Nissen had filed an action of unconstitutionality, this remedy was ineffective to protect the alleged victim's rights.

7. Case of Rodríguez Pacheco et al. v. Venezuela

On March 22, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the presumed international responsibility of the State of Venezuela for the supposed absence of a diligent investigation and adequate reparation for alleged acts of medical malpractice committed to the detriment of Balbina Francisca Rodríguez Pacheco after the alleged victim had suffered a cesarean section. As a result of presumed acts of malpractice committed on the day of the cesarean section and during a subsequent intervention, Ms. Pacheco Rodríguez was left with severe physical sequelae, which still limit her capabilities. It is alleged that none of the numerous complaints filed has concluded in the prosecution and punishment of those responsible.

8. Case of Guevara Díaz v. Costa Rica

On March 24, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the presumed international responsibility of the State for the alleged human rights violations committed against Luis Fernando Guevara Díaz, because he was unsuccessful in a public competition held by the Ministry of Finance, allegedly because of his disability, and this had led to his dismissal. The alleged victim had been appointed as a miscellaneous worker on an interim basis in the Ministry of Finance in June 2001. Subsequently, he participated in a competition to fill the position on a permanent basis. On June 13, 2003, he was notified that he had not been selected and, therefore, that his interim position would end on June 16 that year. It is alleged that this was due to a report from the Ministry of Finance that recommended not to hire him due to "his problems of retardation and emotional blockage."

9. Case of the Asociación Civil Memoria Activa (Victims and relatives of victims of the July 18, 1994, terrorist attack on the headquarters of the Asociación Mutual Israelita Argentina) v. Argentina

On March 25, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the presumed international responsibility of the State with regard to the terrorist attack perpetrated against the headquarters of the Asociación Mutual Israelita Argentina ("AMIA"), in Buenos Aires, on July 18, 1994, which resulted in the death of 85 people and serious injuries to at least 151 others, as well as the situation of impunity of the facts. Regarding the duty of prevention, it is argued that the State was aware of the existence of a situation of risk to sites identified with the Argentine Jewish community; that this risk was real and immediate; that events had occurred prior to the attack that

called attention to the safety of the AMIA, and that the State had failed to adopt reasonable measures to avoid this risk because it never facilitated a general plan to combat terrorism or took other adequate measures to protect the building.

10. Case of *Álvarez v. Argentina*

On March 27, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the presumed human rights violations of which Guillermo Antonio Álvarez was allegedly a victim during criminal proceedings against him. It is alleged that the State had violated the rights of Mr. Álvarez during these criminal proceedings because he had not had either the time or means to prepare an adequate defense. It is argued that, following the revocation of the support of the alleged victim's trusted representatives, the court hearing the proceedings had decided not to allow him time to appoint a new defense counsel, but rather, the day of the hearing that opened the proceedings, appointed, *ex officio*, the public defender who was representing another of the accused in the same proceedings. It is also argued that the court failed to analyze the possible incompatibility of the same defender representing two of the accused. It is also alleged that the absence of arguments in favor of the interests of Mr. Álvarez, and the inadequate substantiation of the appeals filed, had an impact on his right to an effective defense.

11. Case of *Tzompaxtle Tecpile et al. v. Mexico*

On May 1, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged unlawful and arbitrary detention by police agents of Jorge Marcial Tzompaxtle Tecpile, Gerardo Tzompaxtle Tecpile and Gustavo Robles López in January 2006 on the highway between Veracruz and Mexico City, as well as the application of precautionary detention (*arraigo*) and the lack of judicial guarantees in the criminal proceedings opened against them. It is argued that the victims were detained and searched by police agents without a warrant and without being caught in flagrante. It is alleged that precautionary detention was a punitive rather than precautionary measure, and its imposition was not justified in the case of individuals who had not been convicted and, especially, in the case of individuals who were not even being criminally prosecuted.

12. Case of *García Rodríguez et al. v. Mexico*

On May 6, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the Mexican State for the presumed torture, and violation of personal liberty and due process of Daniel García Rodríguez and Reyes Alpízar Ortíz. The alleged victims were held in preventive detention for more than 17 years. It is alleged that they were detained without being shown an arrest warrant issued prior to their detention, and without meeting the conditions established in the Code of Criminal Procedure. The alleged victims were only informed formally of the reasons for their detention and the charges against them when they were brought before a judge, 45 and 34 days after their deprivation of liberty, a lapse during which they were under precautionary detention (*arraigo*).

13. Case of *Cajahuanca Vázquez v. Peru*

On May 12, 2021, the Inter-American Commission submitted this Case to the Court. It relates to a series of violations that occurred during a disciplinary procedure that culminated with the removal of Humberto Cajahuanca Vásquez as a justice of the Superior Court of Justice of Huánuco, Peru. It is alleged that the State violated the principle of legality and favorability, because the grounds applied for his dismissal were extremely broad and did not refer to specific conducts that were punishable under disciplinary regulations, and because Mr. Cajahuanca received the most severe sanction, even though another norm in force established a lesser sanction. It is also alleged that, in this case, the principle of judicial independence was violated and the right to have duly reasoned decisions, because the ruling that sanctioned him did not provide any grounds that explained clearly the reasons why the alleged victim's actions merited the most severe sanction. Furthermore, it is argued that no administrative or judicial remedy existed to obtain a full review of the ruling by a higher authority and that the *amparo* ruling had not made a comprehensive examination of the decision to dismiss Mr. Cajahuanca.

14. Case of Aguinaga Aillón v. Ecuador

On May 20, 2021, the Inter-American Commission submitted this Case to the Court. It relates to a series of presumed violations during the disciplinary proceedings held by the Congress of the Republic, which culminated in the dismissal of Carlos Julio Aguinaga Aillón as a member of the Supreme Electoral Tribunal of Ecuador. It is argued that the State violated the right to a competent judge in previously established proceedings, the principle of legality, and the principle of judicial independence. This was because the victim was removed from his post by an ad hoc mechanism that was not established in either the Constitution or by law, and his dismissal was not the result of previously established grounds, based on the argument that he had been elected unlawfully in a context in which it could be inferred that this concealed a de facto sanction. It is also alleged that the preventive detention, following the precautionary detention, that continued for 17 years was arbitrary because it had punitive effects and constituted advance punishment, and that the victim did not have an effective remedy to analyze its reasonableness for procedural purposes.

15. Case of Yangali Iparraguirre v. Peru

On May 23, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State of Peru for the supposed violation of the rights to judicial guarantees and protection of Mr. Yangali Iparraguirre as a result of failure to execute a court Judgment that ordered the payment of damages to him owing to his presumed arbitrary dismissal from his post as a justice of the Superior Court of Justice of Lima. In 1992, Mr. Yangali was dismissed from his post as a justice and, as a result, the domestic courts recognized that he should receive compensation for the damage caused by this dismissal. However, it is alleged that this Judgment has not been executed and that the State has not taken steps to comply with it promptly and effectively.

16. Case of Tabares Toro v. Colombia

On May 25, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of Colombia for the forced disappearance of Oscar Iván Tabares Toro, as well as the subsequent failure to investigate the facts and clarify the circumstances surrounding his disappearance. Mr. Tabares, who was a soldier attached to the General Artillery Academy, disappeared on the night of December 28, 1997, while he was camping with “Tiger” Company of Counter-Guerrilla Battalion No. 20 in the department of Meta, as an active member of the Colombian National Army. It is alleged that the elements were present to qualify what happened to Mr. Tabares as a forced disappearance. It is also alleged that the domestic proceedings have been ineffective and have not been addressed at an active, serious, impartial and effective search for the truth of what happened or at discovering the alleged victim’s whereabouts or remains.

17. Case of Airton Honorato v. Brazil

On May 28, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged responsibility of the State of Brazil for the supposed murder of 12 persons by the Military Police of the State of São Paulo in March 2002. The presumed murders took place during an operation of the Military Police known as “Castelinho,” in the vicinity of the city of Sorocaba, against the “Primeiro Comando da Capital,” which is alleged to have been the main criminal organization in the state of São Paulo. The case also relates to a series of unlawful acts allegedly perpetrated by state agents that culminated in the alleged murders, such as the recruitment of convicted prisoners, through promises of protection for their families or early release, who were then released by judicial decisions to act as informants in criminal organizations, using resources provided by the police itself.

18. Case of Huacón Baidal et al. v. Ecuador

On June 2, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged extrajudicial execution of Walter Gonzalo Huacón Baidal and Mercedes Eugenia Salazar Cueva by state agents in March 1997, as well as the supposed situation of impunity in which the facts remain. It is argued that the use of lethal force by the police was unjustified, unnecessary, disproportionate and lacked a legitimate purpose and therefore constituted extrajudicial execution. The facts were investigated by the police criminal jurisdiction, and in this context, two police officers were acquitted. It is alleged that, in the case of human rights violations and, in particular, violations of the rights to life and personal integrity, the facts could not be considered crimes of function and that the investigation should have been conducted in the ordinary jurisdiction. Therefore, the application of the police criminal justice system violated the right to a competent, independent and impartial authority, as well as the right to an adequate and effective

remedy.

19. Case of Olivera Fuentes v. Peru

On June 4, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the State's alleged international responsibility for the violation of the rights of Crissthian Manuel Olivera Fuentes to equality and non-discrimination, privacy, judicial guarantees and judicial protection, as a result of discriminatory acts based on the expression of his sexual orientation. It is alleged that, on August 11, 2004, Mr. Olivera and his same-sex partner were admonished for publicly displaying affectionate behavior by the staff of the Dulces y Saladas cafeteria of the Santa Isabel Supermarket in San Miguel. According to a report from the shopping center, the victim was asked to cease his affectionate behavior because a client had complained that two men "were committing homosexual acts" by kissing and caressing each other, and this made him uncomfortable because he was with his young children. On August 17, 2004, Mr. Olivera went to another shopping center of the same company with a heterosexual couple, and they displayed affectionate conduct. However, only the alleged victim and his partner were admonished for displaying such conduct. On October 1, 2004, Mr. Oliveira filed a complaint for discrimination before INDECOPI, which was rejected and, following cassation proceedings, he obtained a final unfavorable decision on April 11, 2011.

20. Case of Gadea Mantilla v. Nicaragua

On June 5, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for the supposed violation of the political rights and judicial protection of Fabio Gadea Mantilla in the context of his political participation as a presidential candidate in the 2011 electoral process. On March 9, 2011, Fabio Gadea Mantilla registered his candidacy for the presidency before the Supreme Electoral Council. Subsequently, the Council published the final list of candidates which included both Mr. Gadea and President Ortega. Considering that President Ortega's registration was illegal, the victim and other candidates filed a legal challenge before the Supreme Electoral Council, but this was declared inadmissible on April 4, 2011. It is alleged that Mr. Gadea Mantilla lacked a remedy to obtain judicial review of that decision, because this was not established in the Constitution. On November 6, 2011, presidential elections were held in Nicaragua in which President Ortega was re-elected with 62.64% of the votes and Mr. Gadea came second.

21. Case of Scot Cochran v. Costa Rica

On June 6, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for the violation of the right to information on consular assistance of Thomas Scot Cochran, a citizen of the United States of America, in the context of criminal proceedings against him. It is argued that the alleged victim was arrested at his home on January 20, 2003. The same day, the Special Criminal Court of San José allegedly ordered his preventive detention for six months, a measure that was extended four times. The following day, the criminal judge sent a letter to the Embassy of the United States of America in Costa Rica, informing it of his decision to issue a six-month preventive detention measure against Mr. Cochran. It is alleged that this notification was not sufficient to guarantee the right to information on consular assistance. This is because, based on Inter-American standards, this right entitles a foreigner who is arrested to be informed without delay that he has the right to request the consular services of his country of origin. It is alleged that, during the judicial proceedings, Mr. Cochran was never informed of his right to consular assistance. On August 17, 2004, the alleged victim was sentenced to 45 years' imprisonment for various crimes. The defense filed a cassation appeal which was rejected. Subsequently, the defense filed three appeals for review, which were declared without merit.

22. Case of Poggioli Pérez v. Venezuela

On June 18, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the Venezuelan State for the arbitrary detention of Ovidio Jesús Poggioli Pérez and the violation of his rights to judicial guarantees and judicial protection in the context of two proceedings before the military criminal jurisdiction. In early 2002, Ovidio Jesús Poggioli Pérez, who was a Brigade General of the Venezuela Army, asked to be relieved from active service. On April 19, 2002, the Ministry of Defense opened a military criminal investigation against Mr. Poggioli for the presumed perpetration of punishable acts of a military criminal nature, without naming a specific offense. On November 14, 2005, Mr. Poggioli was sentenced as an accomplice in the offense of military rebellion to 2 years, 5 months and 10 days' imprisonment. This Judgment was confirmed on appeal. On April 27, 2006, the Military Court for execution of Judgment ordered his conditional release.

23. Case of Dial et al. v. Trinidad and Tobago

On June 23, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for imposing the mandatory death penalty on Kevin Dial and Andrew Dottin. It is alleged that, on February 24, 1995, the alleged victims were arrested by the police and charged with the February 20, 1995, murder of Junior Baptiste, based mainly on the identification made by Baptiste's older brother. On January 21, 1997, they were sentenced to the mandatory death penalty by the High Court of Justice of Port of Spain; the sentences were ratified by the Appellate Court on October 16, 1997, and subsequent appeals filed before the Judicial Committee of the Privy Council were rejected. On January 12, 2005, the Government of Trinidad and Tobago indicated that it would commute the death sentences to deprivation of liberty. On June 13, 2005, a constitutional motion was filed for a declaration that execution would be unlawful. The same day, the Port of Spain High Court granted a precautionary measure imposing temporary stays on the executions. On August 15, 2008, the constitutional motion was examined and the sentences of the alleged victims were commuted to life imprisonment. It is alleged that the imposition of the mandatory death penalty to all crimes of murder runs counter to the prohibition of the arbitrary deprivation of the right to life. It is also argued that they were denied the possibility of an individualized sentence and the opportunity to present mitigating evidence.

24. Case of Bissoon et al. v. Trinidad and Tobago

On June 29, 2021, the Inter-American Commission submitted this Case to the Court. The case relates to the alleged international responsibility of the State for imposing the mandatory death penalty on Messrs. Bissoon and Serette on October 29, 1999, for the murder of a woman (Bissoon) and for the murder of his wife and child (Serrette). Following a constitutional motion filed on June 13, 2005, to declare the executions illegal, a conservatory order was granted imposing a temporary stay of the executions. Finally, the constitutional motion was granted and, on August 15, 2008, the sentences of the victims were commuted to life imprisonment. It is alleged that the imposition of the mandatory death penalty to all crimes of murder runs counter to the prohibition of the arbitrary deprivation of the right to life. It is also alleged that both alleged victims were kept in pre-trial detention for two and three years, respectively, which involved an unreasonable delay. Lastly, it is argued that certain procedural errors occurred during both proceedings and also that the detention conditions constituted inhuman treatment.

25. Case of Viteri Ungaretti v. Ecuador

On July 5, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State of Ecuador for the supposed reprisals suffered by Julio Rogelio Viteri Ungaretti, a member of the Armed Forces, and his family. It is alleged that these reprisals were the result of a complaint made by Mr. Viteri in November 2001 regarding serious irregularities in the public administration and acts of corruption within the Armed Forces. The Case relates to the structural relationship between freedom of expression and democracy, particularly freedom of expression as a means of denouncing acts of corruption. It refers to whether Mr. Viteri's actions, communications or accusations, in his role of whistleblower, were protected by the right to freedom of expression and whether the actions taken by the State had been justified or entailed a disproportionate restriction of the right to freedom of expression.

26. Case of Núñez et al. v. Ecuador

On July 10, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged forced disappearance of Fredy Marcelo Núñez Naranjo. It is alleged that, on July 15, 2001, while the alleged victim was in a bar owned by his mother, several intoxicated individuals entered the bar and caused damage. Consequently the police arrived on the scene and took the alleged victim and the other individuals to the police station in Cantón Quero. It is alleged that Mr. Núñez Naranjo was abducted from there by members of the Juntas del Campesinado of Cantón Quero and taken, first to the community of Puñachisag, and then to the community of Shausi, where he was subjected to ill-treatment. Since then, his whereabouts are unknown. It is argued that what happened to Mr. Núñez Naranjo constituted a forced disappearance, due to the presence of the constituent elements of this human rights violation.

27. Case of dos Santos Nascimento et al. v. Brazil

On July 29, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged responsibility of the State of Brazil for the presumed racial discrimination suffered in the workplace by two Afrodescendant women, Neusa dos Santos Nascimento and Gisele Ana Ferreira. Due to a vacancy in the Nipomed company Ms. dos Santos, and Ms. Ferreira went to the company and expressed their interest in the position. The person who received them informed that that all the vacancies had been filled. Some time later, a white woman went to the company and also expressed her interest; she was received by the same person, who referred her to a recruiter who hired her. On learning of this, the alleged victims, again went to the company and were received by another recruiter, who asked them to fill out a form. However, Ms. dos Santos, and Ms. Ferreira were not contacted. The Case also relates to the supposed situation of impunity regarding these facts.

28. Case of Bendezú Tuncar v. Peru

On August 20, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for the supposed violation of the human rights of Leónidas Bendezú Tuncar in the context of his dismissal from his position as Office Assistant in the Faculty of Financial and Accounting Sciences at the Universidad de San Martín de Porres. It is alleged that Leónidas Bendezú Tuncar joined the Universidad San Martín de Porres in Lima, Peru, a private institution, on January 20, 1981, as an office assistant and was a member of the university's employees' union. The university initiated disciplinary proceedings against the alleged victim, accusing him of serious misconduct. On April 15, 1996, the university sent the victim a "notarized letter advising him of his dismissal" and advising him that he could present any pertinent mitigating evidence within the legal time frame. After he had done this, the university advised him that he had been dismissed. His complaint before the courts was declared admissible in first instance but finally rejected on appeal. It is alleged that his rights to judicial guarantees, the principle of legality, judicial protection and job stability were violated.

29. Case of Guzmán Medina v. Colombia

On September 5, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged disappearance of Arles Edisson Guzmán Medica that occurred in Medellín, Colombia, on November 30, 2002. It is alleged that this was a forced disappearance because the alleged victim had been taken from a restaurant by two individuals identified as paramilitaries, supposedly to be questioned by a commander. There appears to be a series of probative elements proving that paramilitary groups were operating with the acquiescence of state agents.

30. Case of Meza v. Ecuador

On September 9, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged violations derived from the failure to comply with a domestic decision that ordered the payment to the Argentine football player, Juan José Meza, of salaries and benefits by the Sport Emelec Football Club. On November 19, 1991, Juan José Meza filed a labor complaint for unjustified dismissal against Club Sport Emelec. When this was rejected, Mr. Meza filed an appeal. On April 24, 1996, the First Chamber of the Superior Court of Justice of Guayaquil granted the appeal with regard to payment of the amounts owed, including the payment of the bonus established in the contract, and referred the proceedings to the Guayas Labor Court for enforcement. It is alleged that this decision was not executed, despite subsequent judicial appeals.

31. Case of Aguas Acosta et al. v. Ecuador

On September 15, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged torture that resulted in the death of Aníbal Alonso Aguas Acosta, and the supposed lack of judicial guarantees and judicial protection during the investigation, prosecution and punishment of those responsible. On the evening of March 1, 1997, Aníbal Alonso Aguas Acosta, who was intoxicated, caused some damage to a shop in the city of Machala. The police who arrived on the scene in response to the request of the shop's owners arrested Mr. Aguas Acosta, who was alert when he was taken to the police station. However, when he was taken from the vehicle on arrival at the police station, he was unconscious. Mr. Aguas was taken to the hospital where two nursing assistants verified that he was dead inside the vehicle that had transported him. The autopsy established that his death was due to a cranio-cerebral injury, and recorded numerous injuries to different parts of his body.

32. Case of Boleso v. Argentina

On September 21, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for the delay in complying with a writ of amparo relating to a judge's remuneration. It is alleged that, on February 21, 1990, Héctor Hugo Boleso, who at the time was a labor judge of the province of Corrientes, filed an application for amparo considering that his right to the inviolability of his remuneration had been violated, and that this was a right recognized in the Constitution. The first instance Judgment of June 18, 1991, rejected his application. However, on August 7, 1992, the Superior Court of Justice of the province of Corrientes revoked that decision. Subsequently, the alleged victim tried to enforce this Judgment by filing different appeals until he was finally able to collect the amount owed in March 2011. It is alleged that the State failed to comply with the guarantee of a reasonable time, taking into account that, in the case of the remuneration of Judges, there is a relationship between an adequate remuneration, the conditions of service, and the independence that Judges require for their actions.

33. Case of Arboleda Gómez v. Colombia

On September 30, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged violation of the rights to judicial guarantees and to judicial protection of Saulo Arboleda Gómez, in the context of criminal proceedings against him. It is alleged that, on August 17, 1997, several media outlets published transcripts of a conversation that had been illegally recorded between the alleged victim, who was Colombia's Minister of Communications, and the Minister of Mines and Energy at the time, concerning the process to award the contract to operate a radio station. On August 20, 1997, the Prosecutor General launched a preliminary investigation, *ex officio*, against the two ministers and, on October 21, 1998, charges were brought for the "offense of unlawful interest in the award of contracts." On October 25, 2000, the alleged victim was sentenced to 54 months' imprisonment and a fine of 15 minimum monthly wages at the time. The alleged victim filed various appeals alleging that the criminal proceedings had violated his right to due process because the evidence on which the investigation had been based – that is, the said recording – as well as the evidence arising from this, was unlawful according to Colombia's Constitution. The appeals were unsuccessful and it is alleged that Colombia had violated his right to judicial guarantees, particularly the right to appeal a ruling before a higher judge or court.

34. Case of the La Oroya Community v. Peru

On September 30, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for the damage caused to a group of inhabitants of the community of La Oroya, as a result of the pollution caused by a metallurgical complex in the community. The community of La Oroya is located in Peru's central highlands and has a population of around 30,533 inhabitants. The La Oroya Metallurgical Complex began operations in the community in 1922; it was run by a US company involved in the processing of polymetallic concentrates with high contents of lead, copper, zinc, silver, gold, and other substances such as sulphur, cadmium and arsenic. In 1974, the complex was nationalized and became the property of a state enterprise. In 1997, the company was privatized. On December 6, 2002, a group of residents of La Oroya filed an enforcement action against the Ministry of Health and the General Directorate of Environmental Health to protect their right to health and a healthy environment for this community. On May 12, 2006, they obtained a partially favorable decision from the Constitutional Court, ordering a series of measures of protection. However, it is alleged that, although more than 14 years have passed since that ruling, no effective measures have been taken to fully implement its operative paragraphs, and that the said court has taken no steps to enforce them.

35. Case of Vega González et al. v. Chile

On November 22, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State owing to the application of a "half prescription" or "gradual prescription" in various criminal proceedings regarding crimes against humanity perpetrated against 48 individuals in the context of Chile's civilian-military dictatorship. It is alleged that the Supreme Court of Justice, acting as a criminal court of appeal, decided to reduce the sentences imposed on those found guilty of these crimes by applying, for the first time, the mitigating circumstances of "half prescription" or "gradual prescription" established in article 103 of the Chilean Criminal Code. This provision is applicable when the defendant comes forward or is found after half the time prescribed in the statute of limitations for criminal proceedings has passed and, in the case of aggravated kidnapping and aggravated murder, this stood at five years and seven years, respectively.

36. Case of López Sosa v. Paraguay

On November 22, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged responsibility of the State for the supposed unlawful detention, torture and violation of the rights to judicial guarantees and judicial protection of Jorge Luis López Sosa, who, at the time of the facts, was a police inspector. It is alleged that, on May 18, 2000, Jorge Luis López Sosa received a call from the Police Commissioner asking him to appear in uniform before the National Police Command, where he was informed that the government was being intervened and, given the absence of superior officers, he should take temporary control of the police. It is alleged that Mr. López was ordered to make himself available and support police personnel by warning them of “any possible suspicious activity in the area. The following day, on the orders of the Police Commissioner, he was taken to Metropolitan Police Station 11. There his police firearm was taken from him, he was handcuffed, blindfolded, beaten and interrogated about an attempted coup. On May 20, Mr. López was again taken to Police State 11 and detained in a cell. On May 21, he was allegedly taken to the Marine Corps where he was again interrogated while blindfolded.

37. Case of Gutiérrez Navas et al. v. Honduras

On November 25, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for the supposed arbitrary and unlawful dismissal of four justices of the Constitutional Chamber of the Supreme Court of Justice of Honduras. It is alleged that, on November 27, 2012, the Constitutional Chamber of the Supreme Court of Justice, within the framework of its functions, declared that the Special Law to clean up the police force was unconstitutional and inapplicable in answer to two appeals filed by several citizens. Owing to a motion filed by a representative of the ruling party, on December 10, 2012, the National Congress formed a special committee to investigate the conduct of the justices of the Constitutional Chamber who voted in favor of the unconstitutionality of the Special Law. On the evening of December 11, 2012, this committee issued a report indicating that administrative irregularities had been committed in the process. This report was adopted by the Legislature in full and, in the early morning hours of December 12, 2012, in a session of the National Congress, it was decided to dismiss José Francisco Ruiz Gaekel, José Antonio Gutiérrez Navas, Gustavo Enrique Bustillo Palma and Rosalinda Cruz Sequeira from their posts as justices of the Constitutional Chamber of the Supreme Court of Justice.

38. Case of da Silva et al. v. Brazil

On November 26, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of Brazil for the supposed lack of due diligence in the investigation of the murder of rural laborer Manoel Luiz da Silva, on May 19, 1997, in the state of Paraíba, and for the supposed situation of impunity. It is alleged that there is no dispute that the murder was committed by non-State actors and, therefore, it was necessary to analyze the attribution of international responsibility to the State in light of its obligation to ensure rights. It is argued that the facts of this case occurred in a context of violations linked to land disputes that prejudiced rural workers and human rights defenders. However, it is alleged that, since there is no evidence that, prior to his death, the State had any advance information that the victim was in real and imminent danger, it is not possible to establish that the State was indirectly responsible for the failure to comply with its obligation to ensure rights, by preventing this.

39. Case of the Rama and Kriol Indigenous Peoples, the Monkey Point Community and the Black Creole Indigenous Community of Bluefields and their members v. Nicaragua

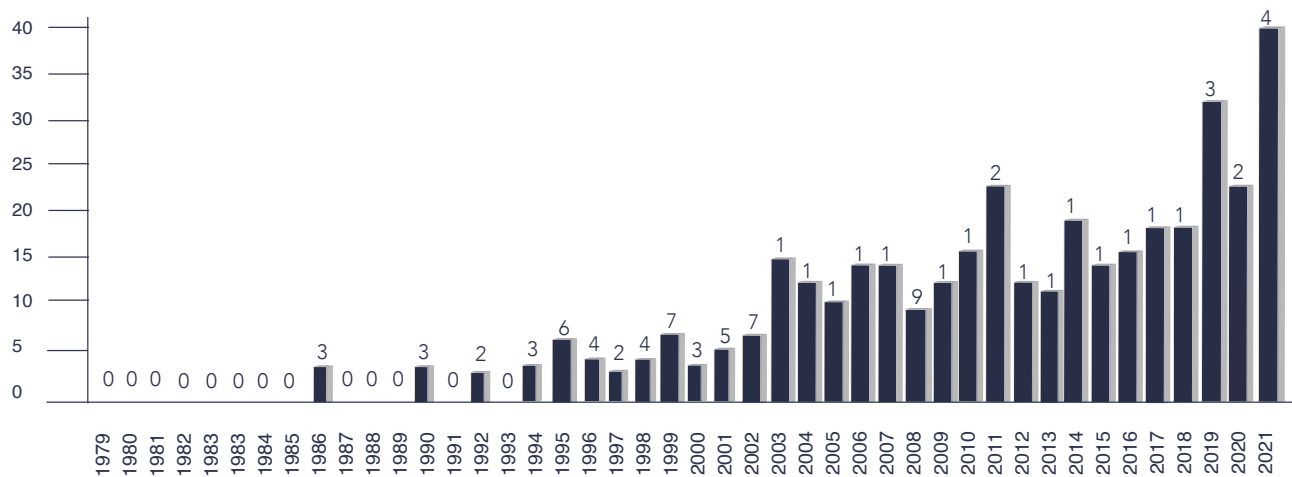
On November 26, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the State for the supposed violation of the rights to property, political rights, equal protection of the law, judicial guarantees, judicial protection, and the right to a healthy environment of the Rama and Kriol peoples, including the nine communities that compose the territory of these peoples, as well as the Black Creole Indigenous Community of Bluefields and their members. It is alleged that these peoples survive on a mostly subsistence economy and depend on the natural resources of their traditionally and collectively shared territories. Historically, these Afro-descendant and indigenous peoples and communities have claimed recognition, titling and demarcation of their traditional territory, and have endeavored to protect it in the face of initiatives that jeopardize their physical and cultural integrity. In 2013, the Autonomous Regional Council of the South Atlantic (CRAAS), approved the authorization by the State of Nicaragua of the mega-project, the Grand Interoceanic Canal of Nicaragua (GCIN). In 2014, the Government announced that the route of the GCIN would cut across the Rama and Kriol territory and would entail the construction of a deep water port within the land and maritime territory. In 2016, the Territorial Assembly of

the Rama and Kriol People adopted an agreement to rent 263 km² of the communities' territory indefinitely in favor of the Government Commission in charge of the GCIN. Several members of the Rama-Kriol Territorial Government (GTR-K) denounced publicly that they had been coerced into signing the act adopting the agreement.

40. Case of Adolescents held in facilities run by the National Children's Service (SENAME) v. Chile

On December 17, 2021, the Inter-American Commission submitted this Case to the Court. It relates to the alleged international responsibility of the Chilean State in relation to 10 adolescent who died in a fire at the "Tiempo de Crecer" short-term detention center in Puerto Montt, and of 282 adolescent held at four short- and long- term detention facilities – Lihuén (Limache), Antuhue (Rancagua), San Bernardo (San Miguel) and Tiempo de Crecer (Puerto Montt) – that, when the petition was lodged before the IACHR, were managed and under the responsibility of the National Children's Service (SENAME). It is alleged that, on the evening of October 21, 2007, in the context of a protest started by the adolescents detained in the "Tiempo de Crecer" short-term detention center owing to the poor detention conditions, a fire started in a gas heater and this spread owing to the presence of flammable objects.

SUBMISSION OF CONTENTIOUS CASES 1979-2021



At December 31, 2021, the Court had **63 Cases** pending Judgment:

	Name of the case	Country	Date submitted
1	Members and officials of the Patriotic Union	Colombia	29-06-2018
2	Flores Bedregal et al.	Bolivia	18-10-2018
3	National Federation of Maritime and Port Workers (FEMAPOR)	Peru	26-07-2019
4	Casa Nina	Peru	06-08-2019
5	Pavez Pavez	Chile	11-09-2019
6	Willer et al.	Haiti	19-05-2020
7	Cortez Espinoza	Ecuador	14-06-2020
8	Casierra Quiñonez et al.	Ecuador	19-06-2020
9	Members of the José Alvear Restrepo Lawyers' Collective	Colombia	8-07-2020
10	Benites Cabrera et al.	Peru	17-07-2020
11	Angulo Losada	Bolivia	17-07-2020
12	Moya Chacón et al.	Costa Rica	5-08-2020
13	Maya Q'eqchi Indigenous Community of Agua Caliente	Guatemala	7-08-2020
14	Movilla Galarcio	Colombia	10-08-2020
15	Baraona Bray	Chile	11-08-2020
16	San Juan Garifuna Community and its members	Honduras	12-08-2020
17	Deras García et al.	Honduras	20-08-2020
18	Tagaeri and Taromenane Indigenous Peoples	Ecuador	30-09-2020
19	U'wa Indigenous People	Colombia	21-10-2020
20	Mina Cuero	Ecuador	26-10-2020
21	Aroca Palma et al.	Ecuador	6-11-2020
22	Members of the Consolidated Workers' Union of Ecasa (SUTECASA)	Peru	16-11-2020
23	Hendrix	Guatemala	25-11-2020
24	Sales Pimenta	Brazil	7-12-2020
25	Habbal et al.	Argentina	3-02-2021
26	Tavares Pereira et al.	Brazil	8-02-2021
27	Leguizamon Zavan et al.	Paraguay	3-02-2021
28	Valencia Campos et al.	Bolivia	22-02-2021
29	Britez Arce et al.	Argentina	25-02-2021
30	Nissen Pessolani	Paraguay	11-03-2021
31	Rodríguez Pacheco et al.	Venezuela	22-03-2021
32	Guevara Díaz	Costa Rica	24-03-2021
33	Asociación Civil Memoria Activa (Victims and relatives of victims of the July 18, 1994, terrorist attack on the headquarters of the Asociación Mutual Israelita Argentina)	Argentina	25-03-2021
34	Álvarez	Argentina	27-03-2021
35	Tzompaxtle Tecpile et al.	Mexico	1-05-2021
36	García Rodríguez et al.	Mexico	06-05-2021
37	Cajahuanca Vásquez	Peru	12-05-2021
38	Aguinaga Aillón	Ecuador	20-05-2021

39	Yangali Iparraguirre	Peru	23-05-2021
40	Tabares Toro	Colombia	25-05-2021
41	Airton Honorato et al.	Brazil	28-05-2021
42	Huacón Baidal et al.	Ecuador	02-06-2021
43	Olivera Fuentes	Peru	4-06-2021
44	Gadea Mantilla	Nicaragua	5-06-2021
45	Scot Cochran	Costa Rica	6-05-2021
46	Poggioli Pérez	Venezuela	18-06-2021
47	Dial et al.	Trinidad and Tobago	23-06-2021
48	Bissoon et al.	Trinidad and Tobago	29-06-2021
49	Viteri Ungaretti et al.	Ecuador	5-07-2021
50	Núñez Naranjo et al.	Ecuador	10-07-2021
51	dos Santos Nascimento et al.	Brazil	29-07-2021
52	Bendezú Tuncar	Peru	20-08-2021
53	Guzmán Medina et al.	Colombia	5-09-2021
54	Meza	Ecuador	9-09-2021
55	Aguas Acosta et al.	Ecuador	15-09-2021
56	Boleso	Argentina	21-09-2021
57	Arboleda Gómez	Colombia	30-09-2021
58	La Oroya Community	Peru	30-09-2021
59	Vega González et al.	Chile	22-11-2021
60	López Sosa	Paraguay	22-11-2021
61	Gutiérrez Navas et al.	Honduras	25-11-2021
62	da Silva et al.	Brazil	26-11-2021
63	Rama and Kriol Indigenous Peoples, the Monkey Point Community and the Black Creole Indigenous Community of Bluefields and their members	Nicaragua	26-11-2021
64	Adolescents held in facilities run by the National Children's Service (SENAME)	Chile	17-12-2021

B. Hearings

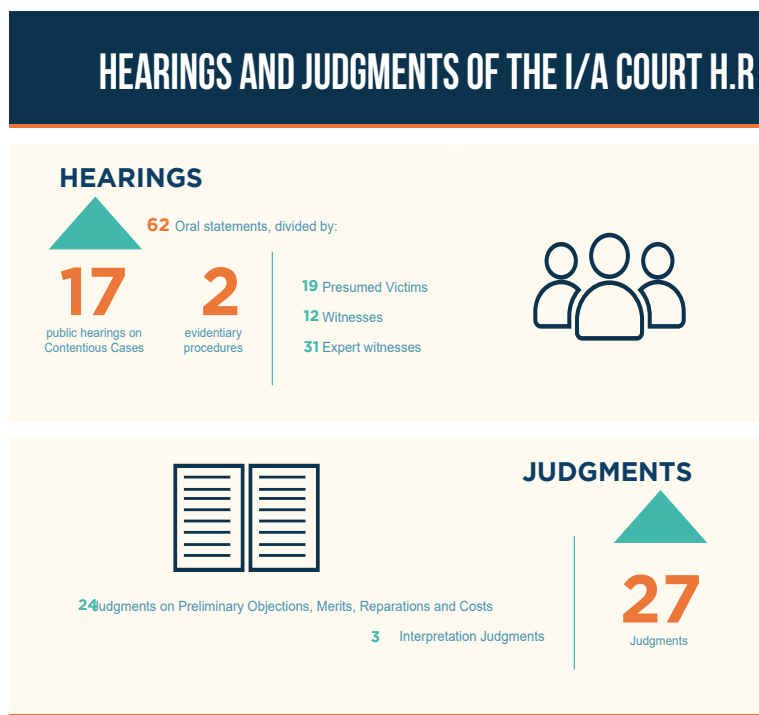
In 2021, the Court held 14 public hearings and 2 evidentiary procedures in Contentious Cases. It received oral statements from 19 alleged victims, 12 witnesses, 31 expert witnesses and 0 deponents for information purposes, for a total of 62 statements.

The hearings were transmitted on different social networks: Facebook, Twitter (@CorteIDH for the account in Spanish and @IACourtHR for the account in English and @CorteDirHumanos for the account in Portuguese), Flickr, Instagram, Vimeo, YouTube, LinkedIn and Soundcloud.

C. Judgments

During 2021, the Court delivered a total of 27 Judgments, of which 24 Judgments were on Preliminary Objections, Merits, Reparations and Costs, and 3 were Interpretation Judgments.

All the Judgments are available on the Court's website [here](#).



C.1. Judgments in Contentious Cases

1. Case of Cordero Bernal v. Peru. Preliminary Objection and Merits. Judgment of February 16, 2021

Summary: The Inter-American Commission submitted this Case on August 16, 2019, and it relates to Héctor Fidel Cordero Bernal, who was appointed a provisional judge in Huánuco. During his mandate, Mr. Cordero Bernal heard the case of two individuals who were flying a light aircraft registered in Colombia which was intercepted by the Air Force. The pilots were subjected to criminal proceedings for the crime of illegal drug trafficking and their arrest was ordered. On July 11, 1995, Mr. Cordero Bernal granted them unconditional release. Following the issue of the order on unconditional release, the Judicial Oversight Office (OCMA) opened disciplinary proceedings against Mr. Cordero Bernal, which found several irregularities resulting in his dismissal. Mr. Cordero Bernal filed an application for amparo against this decision and this was rejected by the Constitutional Court because it found that due process had not been violated. In addition, criminal proceedings were instituted against Mr. Cordero Bernal for the offenses of concealment and malfeasance in office, and these culminated in an acquittal in 2005. Following that decision, Mr. Cordero Bernal asked the CNM to nullify his dismissal and reinstate him, requests that this entity rejected.

Ruling: On February 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared that the Republic of Peru was not responsible for the violation of the rights to judicial guarantees (Article 8), the principle of legality (Article 9), political rights (Article 23), and judicial protection (Article 25), all of the American Convention, to the detriment of Héctor Fidel Cordero Bernal, in the context of the procedure to dismiss him from his post as a criminal judge and of the application for amparo filed against the decision to dismiss him.

The Judgment can be found [here](#) and the official summary [here](#).

2. Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021

Summary: The Inter-American Commission submitted this Case on April 30, 2019, and it relates to the death of Vicky Hernández, a trans woman, sexual worker, and well-known activist within the “Colectivo Unidad Color Rosa” that occurred in San Pedro Sula on June 28, 2009. On the evening of June 28, 2009, Vicky Hernández, accompanied by two colleagues, were in a street in San Pedro Sula, while the curfew decreed in the context of the coup d’état that day was in force. A police patrol tried to arrest them; however, they fled and lost sight of each other. The following day, Vicky Hernández was found dead with gunshot wounds. Her death has still not been clarified by the authorities and the case remains in impunity.

Ruling: On March 26, 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared the State of Honduras responsible for the violation of the rights to life and to personal integrity (Articles 4 and 5 of the American Convention), to the detriment of Vicky Hernández, a transgender woman, sexual work, and defender of the rights of trans women. The State’s responsibility was constituted because there are various indications of the participation of state agents in the facts that led to her death in San Pedro Sula on June 28, 2009. Finding that the violence used against Vicky Hernández was based on her gender expression or identity, the Court concluded that the State was responsible for violating the rights to recognition of juridical personality, personal liberty, privacy, freedom of expression, and to a name (Articles 3, 7, 11, 13, and 18 of the American Convention), and that it had failed to comply with the obligation established in Article 7(a) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women to her detriment.

The Judgment can be found [here](#) and the official summary [here](#).

3. Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021

Summary: The Inter-American Commission submitted this Case on July 11, 2019, and it relates to Luis Eduardo Guachalá Chimbo, 23 years of age, a person with a disability, who suffered from epilepsy and was interned in the Julio Endara Hospital in Quito on January 10, 2004, under the authorization of his mother. Mr. Guachalá Chimbo was interned until January 17, 2004, the day on which, according to his medical record, he abandoned the hospital and, from that moment, his whereabouts are unknown. Zoila Chimbo filed a complaint before the authorities and, following an investigation conducted by the Pichincha Prosecution Service, this was rejected by the courts, in final instance, on July 19, 2006.

Ruling: On March 26, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the Republic of Ecuador internationally responsible for the violation of the rights: (i) to recognition of juridical personality, life, personal integrity, personal liberty, dignity, privacy, access to information, equality and health, in relation to the obligations to respect and ensure these rights without discrimination and the duty to adopt domestic legal provisions to the detriment of Luis Eduardo Guachalá Chimbo; (ii) to an effective remedy, judicial guarantees and judicial protection, to the detriment of Luis Eduardo Guachalá Chimbo and the members of his family, Zoila Chimbo Jarro and Nancy Guachalá Chimbo, and (iii) to personal integrity and to know the truth to the detriment of Zoila Chimbo Jarro and Nancy Guachalá Chimbo.

The Judgment can be found [here](#) and the official summary [here](#).

4. Case of Guerrero, Molina et al. v. Venezuela. Merits, Reparations and Costs. Judgment of June 3, 2021

Summary: The Inter-American Commission submitted this Case on May 24, 2019, and it relates to the extrajudicial execution of Jimmy Guerrero and Ramón Antonio Molina by police agents in Falcón state. Prior to this, they had been victims of harassment, unlawful and arbitrary detention and acts of torture committed by members of the police forces. The acts perpetrated against Jimmy Guerrero were based on the police officers’ preconception that a young man living in poverty represented a supposed danger. Following the murder, the police agents committed acts of excessive cruelty against Mr. Guerrero’s body, which was understood to be an expression of police violence against young men living in poverty, and also of the aggressors’ conviction that the crime would go unpunished.

Ruling: On June 3, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the Bolivarian Republic of Venezuela internationally responsible for the violation of: (i) the rights to life, personal integrity, personal liberty, judicial guarantees and judicial protection, in relation to the obligations to respect and ensure these rights without discrimination, as well as the prohibition to commit acts of torture, and the obligations relating to the investigation and punishment of such acts, to the detriment of Jimmy Rafael Guerrero Meléndez; (ii) the right to life, to the detriment of Ramón Antonio Molina Pérez, and (iii) the rights to personal integrity, and judicial guarantees and judicial protection, as well as the obligations relating to the investigation and punishment of acts of torture, to the detriment of the families of Messrs. Guerrero and Molina.

The Judgment can be found [here](#) and the official summary [here](#).

5. Case of Moya Solís v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 3, 2021

Summary: The Inter-American Commission submitted this Case on January 9, 2020, and it relates to Norka Moya Solís, who served as Judicial Clerk of the Tenth Court with Privative Jurisdiction for Labor and Labor Communities of Lima when, in 1992, proceedings were initiated that ended with the failure to ratify her in her position. During these proceedings, various rights recognized in the American Convention were violated. Ms. Moya Solís was not informed of the content of the non-ratification resolution opportunely and the decision was not duly reasoned. Also, the record of the Plenary Chamber and the non-ratification resolution did not reveal the grounds based on which it was decided not to ratify her, because such grounds were not contained in any norm, and this resulted in a violation of the principle of legality.

Ruling: On June 3, 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared the Republic of Peru responsible for the violation of the rights to judicial guarantees, the principle of legality, political rights and judicial protection, to the detriment of Norka Moya Solís. The Court established that the administrative ratification process that culminated in the removal of Ms. Moya Solís from her position as Judicial Clerk, disregarded her right to know previously and in detail the charges against her and to have adequate time and means for her defense, the right to have a duly reasoned decision, the principle of legality, the right to judicial protection and the guarantee of a reasonable time. It also considered that the non-ratification decision violated the right of Ms. Moya Solís to remain in her post in equal conditions.

The Judgment can be found [here](#) and the official summary [here](#).

6. Case of Grijalva Bueno v. Ecuador. Preliminary objection, Merits, Reparations and Costs. Judgment of June 3, 2021

Summary: The Inter-American Commission submitted this Case on July 26, 2019, and it relates to Vicente Aníbal Grijalva Bueno, who was dismissed in an irregular manner from the Ecuadorian Navy in 1993. In the exercise of his functions, Mr. Grijalva became aware of the unlawful and arbitrary detention, torture, forced disappearance and murder of three people by members of the Navy, and therefore reported the perpetration of these human rights violations to his superior officer in December 1991.

Ruling: On June 3, 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared the international responsibility of the State of Ecuador for: (i) the violation of the right to question witnesses; (ii) the violation of due process and of essential judicial guarantees relating to the rights of defense, and to the presumption of innocence, procedural equality, a fair trial, and a reasonable time, and (iii) the violation of the right to freedom of thought and expression. Consequently, the Court concluded that Ecuador was responsible for the violation of the rights recognized in Articles 8(1), 8(2), 8(2)(f), and also Article 13(1) of the American Convention on Human Rights, in relation to Article 1(1) of this instrument, to the detriment of Mr. Grijalva Bueno, in relation to the military criminal proceedings. It also determined that, in light of the partial acknowledgement of international responsibility made by Ecuador, the State was responsible for the violation of the rights recognized in Articles 8(1), 8(2), 8(2)(b), 8(2)(c), 25(1) and 25(2)(c) of the American Convention on Human Rights, in relation to Article 1(1) thereof, in relation to the dismissal proceedings, to the detriment of Mr. Grijalva Bueno.

The Judgment can be found [here](#) and the official summary [here](#).

7. Case of Ríos Avalos et al. v. Paraguay. Merits, Reparations and Costs. Judgment of August 19, 2021

Summary: The Inter-American Commission submitted this Case on October 3, 2019, and it relates to Carlos Fernández Gadea and Bonifacio Ríos Avalos, who were dismissed from their posts by the Senate in impeachment proceedings. Their removal was based on decisions issued in the exercise of their jurisdictional functions.

Ruling: On August 19, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the Republic of the Paraguay internationally responsible for the violation of judicial independence, the right to judicial protection and the guarantee of a reasonable time to the detriment of Bonifacio Ríos Avalos and Carlos Fernández Gadea, as a result of their dismissal from their posts as justices of the Supreme Court of Justice, by means of impeachment proceedings against them in 2003. The Court determined that the impeachment proceedings and the Senate's consequent decision to remove Messrs. Ríos Avalos and Fernández Gadea from office failed to respect the necessary guarantees to safeguard judicial independence. The Inter-American Court also concluded that the judicial remedies filed by the two victims to contest the impeachment proceedings and the dismissal decision were ineffective in a context of failure to respect the guarantees against external pressure that should protect the function of Judges. The Court also established that the guarantee of a reasonable time was violated during the processing of the said proceedings.

The Judgment can be found [here](#) and the official summary [here](#).

8. Case of Villarroel Merino et al. v. Ecuador. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 24, 2021

Summary: The Inter-American Commission submitted this Case on September 13, 2019, and it relates to the prosecution of 14 officers of the National Police of Ecuador, including the six victims, for the offense of embezzlement. Jorge Villarroel Merino, Jorge Coloma Gaibor, Fernando López Ortiz, Amílcar Ascáubi Albán and Patricio Vinueza Pánchez remained deprived of liberty in detention without the possibility of bail for eight months, from May 26, 2003, to January 27, 2004. On the latter date, the detention was changed to pre-trial detention until May 25, 2004, for the last four presumed victims. Jorge Humberto Villarroel Merino remained detained until June 4, 2004. In the case of Mario Romel Cevallos Moreno he remained in detention without the possibility of bail for five months and 17 days, from May 26, 2003, to November 13, 2003.

Ruling: On August 24, 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared the international responsibility of the State of Ecuador for: (i) the violation of personal liberty, the principle of the presumption of innocence, and equality before the law, owing to the failure to oversee the detention; the failure to prove the reasoning for the decision that ordered the detention, and the absence of an appropriate and effective remedy to control the legality of the deprivation of liberty, and (ii) the violation of the judicial guarantees of independence and impartiality in relation to the obligations to respect and ensure the rights and the duty to adopt domestic legal provisions, to the detriment of Jorge Humberto Villarroel Merino, Mario Romel Cevallos Moreno, Jorge Enrique Coloma Gaibor, Fernando Marcelo López Ortiz, Leoncio Amílcar Ascáubi Albán and Alfonso Patricio Vinueza Pánchez.

The Judgment can be found [here](#) and the official summary [here](#).

9. Case of Bedoya Lima et al. v. Colombia. Merits, Reparations and Costs. Judgment of August 26, 2021

Summary: The Inter-American Commission submitted this Case on July 16, 2019, and it relates to Jineth Bedoya Lima, journalist, victim of threats and acts of harassment, especially based on her work covering the internal armed conflict and her investigative activities in the prisons in 1998. During her coverage of a confrontation between paramilitaries and members of ordinary criminal groups inside the La Modelo Prison, which culminated in the death of 32 prisoners, she received a phone call informing her that someone interned in the La Modelo Prison wished to be interviewed by her the following day at 10 a.m. in the prison. On May 25, 2000, the journalist attended the appointment accompanied by the newspaper's legal editor, a photographer, and the driver of their vehicle. In the prison, someone pointed a gun at her and threatened to kill her and she was taken to a storeroom where she was retained and sexually abused for 10 hours.

Ruling: On August 26, 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared the international responsibility of the State of Colombia for the violation of the rights to personal integrity, personal liberty, honor and dignity and freedom of thought and expression to the detriment of the journalist, Jineth Bedoya Lima, as a result of the events that occurred on May 25, 2000, when Ms. Bedoya was intercepted and kidnapped at the doors to the La Modelo Prison by paramilitaries and subjected to extremely violent and degrading treatment for the approximately 10 hours that the kidnapping lasted, during which she suffered extreme verbal and physical aggression, including rape by several of her kidnappers. The Court also declared the State's international responsibility for the violation of the rights to judicial guarantees, judicial protection and equality before the law, owing to lack of due diligence in the investigations conducted into these events, the gender-based discriminatory nature of those investigations and the violation of the reasonable time. It also declared the State's international responsibility for the violation of the rights to personal integrity, honor and dignity, freedom of thought and expression and judicial guarantees to the detriment of the journalist owing to the absence of investigations into the threats she received before and after the events of May 25, 2000. Lastly, the Court declared the violation of the rights to personal integrity, honor and dignity, judicial guarantees and judicial protection to the detriment of Ms. Bedoya Lima's mother, Luz Nelly Lima.

The Judgment can be found [here](#) and the official summary [here](#).

10. Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021

Summary: The Inter-American Commission submitted this Case on May 24, 2019, and it relates to the violations suffered by 42 members of the Miskito indigenous community and their families, who reside or resided in the department of Gracias a Dios. The victims in this case worked for companies dedicated to scuba fishing. While carrying out this activity 34 of these divers suffered accidents owing to the deep dives that they made, which caused them to suffer from decompression sickness and other ailments related to their activity; 12 of the divers died as a result such accidents. Also seven Miskito divers died due to a fire on the "Lancaster," the boat transporting them, owing to the explosion of a butane cylinder, and the child Licar Méndez Gutiérrez was abandoned in a dugout by the boat's owner, and his whereabouts remain unknown.

Ruling: On August 31, 2021, the Inter-American Court of Human Rights delivered Judgment in which it endorsed a friendly settlement agreement between the State of Honduras and the victims' representatives. Nevertheless, the Court found it necessary to refer to the facts and to include some considerations on the merits in relation to the rights that were violated. The Court then declared the State's international responsibility for the violation of the rights to life, a decent life and personal integrity, the rights of the child, the rights to work in just, equitable and satisfactory conditions that ensure the worker's health and hygiene, to health, social security, equality and the prohibition of discrimination, and to judicial guarantees and judicial protection, to the detriment of 42 Miskito divers who suffered scuba diving accidents while working for private companies, and for the violation of the right to personal integrity to the detriment of their families.

The Judgment can be found [here](#) and the official summary [here](#).

11. Case of Garzón Guzmán et al. v. Ecuador. Merits, Reparations and Costs. Judgment of September 1, 2021

Summary: The Inter-American Commission submitted this Case on July 26, 2019, and it relates to the disappearance of César Gustavo Garzón, writer and workshop facilitator of the *Casa de la Cultura Ecuatoriana*, who also worked for the "El Conejo" publishing house. At the date of his disappearance, he was 32 years of age and was writing his doctoral thesis in literature. On November 9, 1990, he was in a discotheque with a group of friends and this was the last place he was seen. On realizing that he had not arrived home, his family began to look for him and went to the Pichincha Criminal Investigation Service to report his disappearance. Ecuador's Truth Commission documented the case of César Gustavo Garzón Guzmán in its final report "Sin Verdad no hay Justicia" [Without truth there is no justice], and qualified what happened as a forced disappearance in which "the responsibility of the National Police is presumed." After the final report of the Truth Commission was presented in September 2011, a preliminary inquiry was opened into this case. In May 2013, Mr. Garzón Guzmán's family filed a complaint that resulted in a new inquiry. The procedure remains open without having advanced significantly; consequently the events that affected Mr. Garzón Guzmán remain in impunity.

Ruling: On September 1, 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared the Republic of the Ecuador responsible for the forced disappearance of César Gustavo Garzón Guzmán and for the violation of his rights to recognition of juridical personality, life, integrity, personal liberty, judicial guarantees and judicial protection (Articles 3, 4(1), 5, 7, 8(1) and 25(1) of the American Convention, in relation to Article 1(1) of this treaty and to the Inter-American Convention on Forced Disappearance of Persons (ICFDP). It also declared that the State was responsible for the violation of the rights to judicial guarantees, judicial protection and personal integrity of Mr. Garzón Guzmán's family (Articles 8(1) and 25(1), in relation to Article 1(1) of the American Convention and to the CIDFP, and Article 5(1) in relation to Article 1(1) of the American Convention).

The Judgment can be found [here](#) and the official summary [here](#).

12. Case of Barbosa de Souza et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 7, 2021

Summary: The Inter-American Commission submitted this Case on July 11, 2019, and it relates to the murder of Márcia Barbosa de Souza, an Afro-descendant student aged 20, living in poverty in the town of Cajazeiras, located in the interior of the state of Paraíba, Brazil. On June 19, 1998, the official police investigation into her death was opened. On July 21, 1998, the Police Commissioner in charge of the investigation issued a report indicating the direct participation in the crime of the then state representative, Aécio Pereira de Lima, with indications of the participation of another four individuals. On October 8, 1998, owing to the parliamentary immunity enjoyed by the then state representative, the Prosecutor General filed a criminal action before the Court of Justice of the state of Paraíba with the reservation that it could only begin if the Legislative Assembly allowed this. In this regard, on October 14, 1998, and on March 31, 1999, the respective authorization was requested and, on both occasions, it was denied. In 2008, Aécio Pereira de Lima died of a heart attack, thus the possibility of punishing him ceased, and the Case was archived.

Ruling: On September 7, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the Federative Republic of Brazil internationally responsible for the violation of the rights to judicial guarantees, equality before the law and judicial protection, in relation to the obligation to respect and to ensure these rights without discrimination and the duty to adopt domestic legal provisions and also the obligation to act with due diligence to prevent, investigate and punish violence against women, to the detriment of M.B.S. and S.R.S., Márcia Barbosa de Souza's mother and father. This was due to the undue application of parliamentary immunity benefiting the main perpetrator of the murder of Ms. Barbosa de Souza, the lack of due diligence in the investigations conducted into the events, the gender-based discriminatory nature of the said investigations, and also the violation of the reasonable time. On this basis, the Court declared that the State was responsible for the violation of Articles 8(1), 24 and 25 of the American Convention on Human Rights, in relation to Articles 1(1) and 2 of this instrument and Article 7(b) of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. The Court also declared that the State was responsible for the violation of the right to personal integrity, recognized in Article 5(1) of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of M.B.S. and S.R.S.

The Judgment can be found [here](#) and the official summary [here](#).

13. Case of González et al. v. Venezuela. Merits and reparations. Judgment of September 20, 2021

Summary: The Inter-American Commission submitted this Case on August 8, 2019, and it relates to various members of the González family, who are members of the Wayúu indigenous people. On November 23, 1998, Belkis, María Angélica and Fernando González were detained by police authorities who considered that there were indications leading to a presumption of their participation in a murder. Belkis and María Angélica González were kept in solitary confinement for several months, in a cell that was totally inadequate. This constituted cruel and inhuman treatment. On January 28, 1999, Wilmer Antonio Barliza González, Luis Guillermo González and Olimpiades González were detained. Following a report of an exchange of gunfire, police agents entered the house where they were. The police authorities affirmed that there were indications leading to the presumption that these three men had taken part in the murder in which their relatives were implicated. Despite the requests for alternative measures to deprivation of liberty, they all remained in prison. Then, on April 21, 1999, the detention of Olimpiades González and Luis Guillermo González was rescinded. However, their above-named relatives remained detained and implicated in the criminal proceedings. On September 19, 1999, the hybrid Criminal Trial Court delivered Judgment acquitting Fernando González, María Angélica González, Belkis Míreles González and Wilmer Antonio Baliza González, and ordered their immediate release. On October 20, 1999, the acquittal became final.

Ruling: On September 20, 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared the Bolivarian Republic of Venezuela internationally responsible for the violation of the rights to personal liberty, personal integrity and judicial guarantees to the detriment of Belkis González, María Angélica González, Fernando González, Wilmer Antonio Barliza González, Luis Guillermo González and Olimpiades González. It also determined that the State had violated the right to judicial guarantees of Aura González. The Inter-American Court declared that Venezuela was responsible for the violation of Articles 7(1), 7(2), 5(1) and 5(4) of the American Convention on Human Rights, in relation to Article 1(1) thereof with regard to the first six persons named above, who were deprived of their liberty. It also determined that the State was responsible for the violation of Articles 7(3) and 8(2) of the Convention, in relation to Articles 1(1) and 2 thereof, in relation to the same individuals. Furthermore, the Court declared that the State was responsible for the violation of Articles 7(1) and 7(6) of the Convention to the detriment of Wilmer Antonio Barliza González, Fernando González, María Angélica González and Belkis Mirelis González, and also of Article 8(1), in relation to Article 1(1) thereof, to the detriment of María Angélica González, Belkis Mirelis González, Fernando González, Luis Guillermo González, Wilmer Antonio Barliza González and Aura González. Lastly, the Court determined that the State was responsible for the violation of Article 5(1) and 5(2) of the Convention, in relation to Articles 1(1) thereof and 6 of the Inter-American Convention to Prevent and Punish Torture to the detriment of María Angélica González and Belkis Mirelis González.

The Judgment can be found [here](#) and the official summary [here](#).

14. Case of the Julien Grisonas family v. Argentina. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 23, 2021

Summary: The Inter-American Commission submitted this Case on December 4, 2019, and it relates to the Julien Grisonas family composed of Mario Roger Julien Cáceres and Victoria Lucía Grisonas Andrijauskaite, both members of the opposition and activists of the Partido por la Victoria del Pueblo (P.V.P.) in Uruguay, and their children, Anatole and Victoria. In 1973, in light of the establishment of the dictatorship in Uruguay following a coup d'état, Mr. Julien went to live in Argentina where he obtained refugee status through the United Nations High Commissioner for Refugees (UNHCR). In 1974, he was reunited with his wife and their son, Anatole, in Buenos Aires. In the afternoon of September 26, 1976, a joint military and police operation was conducted with numerous heavily armed law enforcement agents of both Argentina and Uruguay in the residence of the Julien Grisonas family, located in San Martín, province of Buenos Aires. During the operation, Mr. Julien Cáceres was killed by the authorities and, to date, there is no information on the whereabouts of his remains. Mrs. Grisonas Andrijauskaite was tortured and subjected to inhuman detention conditions; to date, her whereabouts are unknown. The agents took their children, who at the time were approximately four years old and one year old, to a service station and, subsequently, they were also taken to the clandestine detention and torture center where their mother was being held. After being taken to a protection institution in Chile, and being separated and taken to different homes, Anatole and Victoria were left in the custody and care of Jesús Larrabeiti Correa and Sylvia Yáñez Vera, a Chilean couple without any ties to the repressive apparatus, who were appointed their legal guardians in June 1977.

Ruling: On September 23, 2021, the Inter-American Court of Human Rights delivered Judgment in which it declared that the State was responsible for the forced disappearance of Mario Roger Julien Cáceres and Victoria Lucía Grisonas Andrijauskaite. It therefore declared the violation of their rights to recognition of juridical personality, life, personal integrity and personal liberty. The Court also determined that Argentina had violated the rights to judicial guarantees and judicial protection, to the detriment of Anatole and Victoria, son and daughter of the Julien Grisonas couple, for the following reasons: (a) the excessive and unjustified delay in processing the actions filed to clarify the acts perpetrated against Mrs. Grisonas Andrijauskaite, her son and daughter; (b) the failure to prosecute and punish the acts committed against Mr. Julien Cáceres; (c) the delay in defining by law the crime of forced disappearance of persons, which resulted in the failure to apply it to this specific case and impaired the investigation and punishment of the facts that harmed Mr. Julien Cáceres; (d) the failure to observe due diligence in the investigation to find the whereabouts or, if appropriate, to search for and locate the remains of Mrs. Grisonas Andrijauskaite; (e) the failure to respond to the requests made to take steps to search for the remains of Mr. Julien Cáceres; (f) the failure to provide, promptly and by the appropriate means, information in response to the requests made in relation to the search for the remains of these two people, and (g) the decision of the judicial authorities to declare the application of the statute of limitations to the action filed to claim the reparations corresponding to the damage caused as a result of the acts that were perpetrated. The Court also declared the violation of the right of Anatole and Victoria to know the truth about the whereabouts and fate of the remains of their biological parents. Also, the Court determined the violation of the right to personal integrity of Anatole and Victoria.

The Judgment can be found [here](#) and the official summary [here](#).

15. Case of Cuya Lavy et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 28, 2021

Summary: The Inter-American Commission submitted this Case on August 6, 2019, and it relates to irregularities in the context of the evaluation and ratification procedures conducted by the National Judicial Council, to the detriment of Jorge Luis Cuya Lavy, a special civil judge of the Lima Judicial District; Jean Aubert Díaz Alvarado, the deputy provincial prosecutor attached to the hybrid Provincial Prosecution Service of Huancayo; Walter Antonio Valenzuela Cerna, also a special civil judge of the Lima Judicial District, and Marta Silvana Rodríguez Ricse, deputy provincial prosecutor attached to the Huancayo hybrid Provincial Prosecution Service of the Junin Judicial District. In all these cases, the prosecutors and Judges were faced with proceedings ordered by the National Judicial Council (CNM) that culminated in decisions not to ratify them in their posts. The victims were not permitted to have prior, detailed knowledge of the charges, or to have adequate time and means to prepare their defense.

Ruling: On September 28, 2021, the Inter-American Court of Human Rights delivered its Judgment in which it declared the State's international responsibility for a series of violations committed in the context of the evaluation and ratification proceedings to which two Judges and two prosecutors were subjected by the National Judicial Council (CNM) in 2001 and 2002. The proceedings culminated in decisions not to ratify them in their posts. The victims were not permitted to have prior, detailed knowledge of the charges, or to have adequate time and means to prepare their defense. No reasoning was provided for the non-ratification decisions, which resulted in a violation of the right to honor and dignity. In addition, the right to remain in office under equal conditions was also unduly affected. Moreover, the victims did not have an appropriate and effective mechanism to protect the guarantee of stability in office, because the appeals filed were declared inadmissible with the argument that the courts were unable to review the decisions of the CNM.

The Judgment can be found [here](#) and the official summary [here](#).

16. Case of Vera Rojas et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021

Summary: The Inter-American Commission submitted this Case on September 6, 2019, and it relates to Martina Vera Rojas, a child who suffers from "Leigh syndrome," a progressive neurological disorder that gives rise to progressive loss of mental and movement abilities. Her rights were violated as a result of the decision of the private insurance company, Isapre MasVida, to terminate the home-based hospitalization regime that the child enjoyed. This care regime was essential for the adequate medical treatment of Martina, who also required special care in light of her condition as a girl child with a disability.

Ruling: On October 1, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the Chilean State's international responsibility for the violation of various rights of Martina Vera Rojas, and of the right to personal integrity of her parents, Carolina Andrea del Pilar Rojas Farías and Ramiro Álvaro Vera Rojas. In particular, the Court found that the rights to life, a decent life, personal integrity, the rights of the child, and to health and social security, in relation to the obligation to ensure these rights without discrimination and the duty to adopt domestic legal provisions, had been violated as a result of the private insurance company's decision, terminating the home-based hospitalization of Martina Vera, which was necessary for her appropriate medical treatment. The insurance company's decision was taken based on a regulatory provision of the Health Superintendence that permitted this termination. The Court therefore determined that the State had failed to comply with its obligation to regulate the health services. The Court also determined that the suffering of Martina's parents constituted a violation of their right to personal integrity.

The Judgment can be found [here](#) and the official summary [here](#).

17. Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021

Summary: The Inter-American Commission submitted this Case on April 3, 2020, and it relates to the impossibility of four Guatemalan indigenous communities (the Maya Kaqchikel of Sumpango, the Maya Achí of San Miguel Chicaj, the Maya Mam of Cajolá and the Maya Mam of Todos Santos Cuchumatán) to freely exercise their right to freedom of expression and their cultural rights through their community radios. At least 43.6% of Guatemala's population is indigenous, and around 80% of the indigenous population is considered to be living in poverty. In Guatemala, there are approximately 424 licensed FM radio stations and 90 AM stations; of these, one is an indigenous community station. In addition, there are various community radio stations operated by indigenous peoples that do not have a state license to operate, such as the stations operated by the indigenous peoples of the Maya Kaqchikel of Sumpango, the Maya Achí of San Miguel Chicaj, the Maya Mam of Cajolá and the Maya Mam of Todos Santos Cuchumatán. Radios Ixchel and Uqul Tinamit La Voz del Pueblo, operated by the Maya Kaqchikel of Sumpango, and the Maya Achí of San Miguel Chicaj were raided by state authorities as a result of court orders issued in the context of criminal proceedings. Their transmission equipment was confiscated and some of their operators, members of the respective communities, were criminally prosecuted. Radio Ixchel suspended its transmissions for seven months and the members of the community had to collect funds to buy new equipment to be able to broadcast again. Radio Uqul Tinamit stopped transmitting after suffering a second raid.

Ruling: On October 6, 2021, the Court delivered a Judgment in which it declared that Guatemala was internationally responsible for the violation of the rights to freedom of expression, equality before the law, and to participate in cultural life, in relation to the obligations to respect and to ensure these rights, without discrimination, and the duty to adopt domestic legal provisions, to the detriment of the Mayan indigenous peoples, Kaqchikel of Sumpango, Achí of San Miguel Chicaj, Mam of Cajolá and Mam of Todos Santos Cuchumatán. This was in light of the regulatory framework for broadcasting in Guatemala, especially the General Telecommunications Act.

The Judgment can be found [here](#) and the official summary [here](#).

18. Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021

Summary: The Inter-American Commission submitted this Case on July 30, 2019, and it relates to Manuela, who was an illiterate woman living in poverty in a rural area with her family. In February 2008, Manuela was pregnant and on February 27, 2008, she suffered an obstetric emergency and was attended in the San Francisco Gotera Hospital. The medical staff concluded that Manuela had suffered from severe postpartum preeclampsia together with anemia as a result of a significant loss of blood. The doctor who attended her filed a complaint against Manuela because her symptoms indicated that she had given birth; however, there was no product. On February 28, 2008, the police searched Manuela's home and found the body of a dead newborn inside the septic tank. Manuela was arrested the same day "for the crime of murder of her newborn son" and handcuffed to the hospital bed where she lay. A criminal trial against her was held from March to August and, during this time, she remained detained. On August 11, 2008, the San Francisco Gotera Court sentenced her to 30 years' imprisonment for the crime of aggravated homicide. The Judgment became final on August 26, 2008, because no appeal was filed against it. While she was detained, Manuela was diagnosed with Hodgkin's lymphoma and received belated and irregular treatment; as a result of this, she died on April 30, 2010.

Ruling: On November 2, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the Republic of El Salvador internationally responsible for the violation of the rights: (i) to personal liberty and to the presumption of innocence to the detriment of Manuela; (ii) to a defense, to be tried by an impartial court, to the presumption of innocence, to the duty to provide a reasoned decision, to the obligation not to apply laws in a discriminatory manner, to equality before the law, to the right not to be subjected to cruel, inhuman or degrading punishment, and the obligation to ensure that the purpose of the punishment of imprisonment is the rehabilitation and social readaptation of those convicted, to the detriment of Manuela; (iii) to life, personal integrity, privacy, equality before the law, to the detriment of Manuela, and (iv) to personal integrity to the detriment of Manuela's mother, father, elder and younger son, in relation to the obligations to respect and ensure these rights and the duty to adopt domestic legal provisions, to the detriment of Manuela.

The Judgment can be found [here](#) and the official summary [here](#).

19. Case of the Massacre of the Village of Los Josefinos v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 3, 2021

Summary: The Inter-American Commission submitted this Case on July 10, 2021, and it relates to execution of at least 38 inhabitants of the Village of Los Josefinos in the municipality of La Libertad, department of Petén. In the early morning hours of April 30, 1982, after having laid siege to the village, members of the Guatemalan Army entered it, killing all those who were in their homes, and then set fire to the houses. At least 38 people died as a result of the massacre, men, women and children. Following the massacre, some members of the community had to flee. Some of them took refuge in other villages and even outside the country. Despite a complaint filed by the Asociación de Familiares Detenidos y Desaparecidos de Guatemala (FAMDEGUA), the criminal investigations only began almost 14 years after the above events. Currently, the case is still at the investigation stage by the Unit for Special Cases of the Internal Armed Conflict of the Human Rights Prosecution Service.

Ruling: On November 3, 2021, the Inter-American Court of Human Rights delivered Judgment declaring that the State was responsible for the forced disappearance of 14 people, the forced displacement of 7 people and their family units, the violation of the rights of the family to the detriment of 6 people, the violation of the rights of the child of 6 children, and the violation of the right to judicial guarantees and judicial protection, as well as the right to know the truth to the detriment of 1,439 people, all as a result of the massacre perpetrated on April 29 and 30, 1982, by members of the Guatemalan Army in the village of Los Josefinos, in the department of Petén. The Court also determined that the State had violated the right to personal integrity of the families of those who were disappeared and extrajudicially executed, as well as of the victims who survived the massacre. Lastly, the Court concluded that, more than 39 years after the massacre occurred, it remained in total impunity.

The Judgment can be found [here](#) and the official summary [here](#).

20. Case of the Teachers of Chañaral and other Municipalities v. Chile. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 10, 2021

Summary: The Inter-American Commission submitted this Case on December 13, 2019, and it relates to the violation of various rights to the detriment of 846 teachers of the municipalities of Chañaral, Chanco, Pelluhue, Parral, Vallenar and Cauquenes. In the context of the military dictatorship in Chile, public education was heavily intervened during the 1980s. In this way, the administration of public education establishments was transferred from the central level to the country's municipalities. This municipalization meant that the teaching staff were thenceforth subject to the Labor Code and were governed by the norms applicable to the private sector. Due to the context of the dictatorship, it was not until the democratic transition, starting in 1990, that the teachers could file judicial actions for the payment of a special allowance. As a result of 13 actions filed against the municipalities of Chañaral, Chanco, Pelluhue, Parral, Vallenar and Cauquenes, final Judgment were handed down that recognized the payment of the special allowance to the 846 teachers, victims in this case. As a result of all 13 actions, settlements were calculated establishing the individual amounts owed. In four of the 13 proceedings, municipal decrees were issued; however, the decrees were not executed in any of the cases because the municipalities did not have the funding that would have permitted payment of the amount established. In six proceedings, an attempt was made to embargo municipal assets, but the effective embargo and sale of assets was not achieved in all cases. An arrest warrant against the mayor was ordered in the cases against the municipality of Chañaral and the municipality of Vallenar. Finally, in six of the proceedings, agreements were achieved for partial payment. Despite all these measures, when the Court's Judgment was delivered, it had still not been possible to achieve total payment of what was owed to the teachers.

Ruling: On November 20, 2021, the Inter-American Court of Human Rights delivered Judgment declaring that the State was responsible for the violation of various rights to the detriment of 846 teachers of the municipalities of Chañaral, Chanco, Pelluhue, Parral, Vallenar and Cauquenes. In particular, the Court considered that the procedures for the execution of the final Judgments delivered in favor of the 846 teachers sentencing the municipalities to pay the special allowance, were irregular and ineffective, entailing a violation by the State of the teachers' rights to judicial guarantees, judicial protection and to property. In addition, taking into account that the victims are all over 60 years of age and that a fifth of them died while waiting more than 25 years for the execution of those Judgments, the Court considered that the State had disregarded its enhanced obligation to ensure due diligence in access to justice for older persons and the need for promptness in any proceedings in which this vulnerable population is a party.

The Judgment can be found [here](#) and the official summary [here](#).

21. Case of Maidanik et al. v. Uruguay. Merits and Reparations. Judgment of November 15, 2021

Summary: The Inter-American Commission submitted this Case on May 24, 2020, and it relates to the violent death of Diana Maidanik, Silvia Reyes and Laura Raggio and the disappearance of Luis Eduardo González, as well as the subsequent investigation of each event. The facts that gave rise to the human rights violations determined in this case occurred during the civil-military dictatorship in Uruguay which lasted from June 27, 1973, following a coup d'état, to February 28, 1985. During this period, state agents committed gross human rights violations. These included the systematic practice of arbitrary detentions, torture, executions, and forced disappearances perpetrated by the intelligence and security forces. During the dictatorship, forms of daily surveillance and control of the population were implemented and, specifically, repression of left wing political organizations.

Ruling: On November 15, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the State responsible for the forced disappearances of Luis Eduardo González and Óscar Tassino Asteazu. It also determined that Uruguay was internationally responsible for human rights violations to the detriment of the families of Diana Maidanik, Silvia Reyes and Laura Raggio, who were executed by the military.

The Judgment can be found [here](#) and the official summary [here](#).

22. Case of the Former Employees of the Judiciary v. Guatemala. Preliminary Objections, Merits and Reparations. Judgment of November 17, 2021

Summary: The Inter-American Commission submitted this Case on February 27, 2020, and it relates to a strike by judiciary employees from March 19 to April 2, 1996, which was declared to be illegal by the First Chamber of the Appellate Labor and Social Security Court and resulted in the dismissal of those who took part in it.

Ruling: On November 17, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the State of Guatemala's international responsibility for the violation of various rights to the detriment of 65 former employees of the Guatemalan Judiciary who were dismissed because they had taken part in a strike that was declared to be illegal. In particular, the Court considered that since the dismissals were executed as a direct result of the declaration that the strike was illegal, without a prior, individualized procedure, this violated the victims' right to due process. In addition, since it had not established a clear procedure for contesting the declaration that the strike was illegal, the Court considered that the State was responsible for violating the right to judicial protection, in relation to its duty to adopt domestic legal provisions. The Court also considered that the State had established arbitrary limitations on the right to strike, freedom of association, trade union freedom, and the right to work and to job stability of the 65 victims.

The Judgment can be found [here](#) and the official summary [here](#).

23. Case of Palacio Urrutia et al. v. Ecuador. Merits, Reparations and Costs. Judgment of November 24, 2021

Summary: The Inter-American Commission submitted this Case on October 16, 2019, and it relates to the violations suffered by the journalist, Emilio Palacio Urrutia, and also Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga. On February 6, 2011, Emilio Palacio Urrutia, who worked as a journalist for the El Universo newspaper, published an article entitled "NO a las mentiras" [NO to lies], in which he referred to events that had taken place in Ecuador on September 30, 2010, and criticized some actions of the president at the time, Rafael Correa Delgado. Due to the publication of this article, Mr. Palacio Urrutia, and the directors of El Universo, Nicolás Pérez Lapentti, César Enrique Pérez Barriga and Carlos Eduardo Pérez Barriga, were sentenced to three years' imprisonment for a "serious libelous offense against the authority" and joint payment of the sum of thirty million United States dollars. In turn, El Universo had to pay the sum of ten million United States dollars.

Ruling: On November 24, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the State of Ecuador's international responsibility for the violation of various rights to the detriment of the journalist, Emilio Palacio Urrutia, and the directors of the El Universo newspaper. In particular, the Court concluded that the article "NO a las mentiras" published by Mr. Palacio Urrutia with regard to events that had occurred in Ecuador on September 30, 2010, constituted an opinion article that referred to a matter of public interest; therefore, it enjoyed special protection in light of its importance in the democratic debate. Therefore, the Court noted that the sentence imposed for a "serious libelous offense against the authority" and the civil sanction imposed due to this sentence, constituted a violation of the

right to the freedom of expression of the victims in this case. The Court also found that Mr. Palacio Urrutia had been obliged to leave the country and renounce his work owing to the sentence and all the events related to the criminal proceedings, and this constituted a violation of his right to freedom of movement and residence and job stability. However, the State did acknowledge its responsibility for the violation of the rights to the principle of legality and non-retroactivity, and judicial guarantees and judicial protection.

The Judgment can be found [here](#) and the official summary [here](#).

24. Case of Digna Ochoa and family members v. Mexico. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2021

Summary: The Inter-American Commission submitted this Case on October 2, 2019, and it relates to the serious shortcomings in the investigation into the death of the human rights defender, Digna Ochoa y Plácido, on October 19, 2001. Digna Ochoa was found lifeless by her colleague Gerardo González Pedraza in the offices of her organization. According to the record drawn up by the prosecution, the human rights defender was lying dead in an armchair with gunshot wounds. There were numerous flaws in the handling of the crime scene, as well as in the forensic autopsy and, especially in the documentation, with significant errors committed in the description of the findings, both in relation to the corpse at the crime scene, and in the external and internal examinations during the autopsy. In addition, the investigation into the circumstances of Ms. Ochoa's death were biased from the outset by the application of gender stereotyping, where intimate and personal aspects of the defender's life were referred to, all in order to question her credibility.

Ruling: On November 25, 2021, the Inter-American Court of Human Rights delivered Judgment declaring the international responsibility of the State of Mexico for the serious irregularities in the investigation into the death of the human rights defender, Digna Ochoa y Plácido, on October 19, 2001. After examining the facts, arguments and evidence in the case file, the Court declared that the Mexican State was responsible for the violation of Articles 8, 11 and 25 of the American Convention, in relation to Article 1(1) of this instrument and Article 7(b) of the Convention of Belém Do Pará, to the detriment of Ms. Ochoa's family, as well as the violation of Article 11 of the American Convention in relation to Article 1(1) thereof and Article 4(1) of the Convention, in relation to Articles 1(1), 8 and 25 thereof to the detriment of Digna Ochoa. The Court also declared the violation of Article 5(1) of the American Convention on Human Rights, in relation to its Article 1(1), to the detriment of Ms. Ochoa's family.

The Judgment can be found [here](#) and the official summary [here](#).

C.2. Interpretation Judgments

1. Case of the Workers of the Fireworks Factor of Santo Antônio de Jesus and their families v. Brazil. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of June 21, 2021

Summary: On January 21, 2021, the representatives submitted a request for interpretation of the Judgment in relation to the absence of the names of some of the child victims in paragraph 303(a) of the Judgment, and with regard to errors in the spelling of the names of some victims. In addition, on January 22, 2021, Brazil submitted a request for interpretation of the Judgment with regard to: (a) the Court's jurisdiction *ratione materiae* to declare supposed violations of the right to work contained in Article 26 of the American Convention on Human Rights; (b) the consideration – for the payment of compensation for pecuniary and non-pecuniary damage – of the compensation amounts related to the internal proceedings that had acknowledged the State's civil responsibility for the facts that were the subject of this case, and (c) the method of compliance with the payments ordered.

Ruling: The Court declared the admissibility of the request for interpretation submitted by the State of Brazil, but rejected, as inadmissible, the points relating to: (i) the Court's jurisdiction *ratione materiae* to declare supposed violations of Article 26 of the American Convention on Human Rights; (ii) the payment of compensation for pecuniary and non-pecuniary damage, and (iii) the type of banking interest applicable to arrears. Lastly, it determined the meaning and scope of the decision adopted in the Judgment on Preliminary Objections, Merits, Reparations and Costs, in the sense that if the amounts indicated could not be paid in United States dollars, they must be paid in Brazilian currency, using the exchange rate in force on the New York Stock Exchange (United States of America) the

day before payment.

The Judgment can be found [here](#).

2. Case of Martínez Esquivia v. Colombia. Interpretation of the Judgment on Preliminary Objections, Merits and Reparations. Judgment of June 21, 2021

Summary: On March 15, 2021, the State submitted a request for the annulment of the Judgment owing to “the violation of due process and procedural balance during the processing” of the case. Subsidiarily, it requested an interpretation of the scope of two operative paragraphs of the Judgment. Regarding the seventh operative paragraph, it asked the Court to interpret whether the State was exempt from covering contributions to the pension over the period during which Yenina Esther Martínez Esquivia was reinstated in her post. It also asked the Court to interpret the ninth operative paragraph on the need to adapt domestic law in order to ensure the stability of provisional prosecutors.

Ruling: The Court declared that the State’s request was inadmissible as regards the annulment of the Judgment for alleged violations of due process and procedural balance, and declared it admissible in relation to the subsidiary request for interpretation. It clarified, by interpretation, that the State must cover the contributions to Yenina Esther Martínez Esquivia’s pension from the time of her dismissal until March 16, 2017, deducting the days paid over the period August 2 to October 15, 2005, during which she had been reinstated in her post. Lastly, it rejected the request for interpretation of the ninth operative paragraph as inadmissible.

The Judgment can be found [here](#).

3. Case of Casa Nina v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs. Judgment of September 1, 2021

Summary: On March 12, 2021, the victim’s representative submitted a request for interpretation with regard to the scope of the measure of restitution ordered, as well as to the amount established as compensation for pecuniary damage in relation to loss of earnings. Also, on March 18, 2021, the State submitted a request for interpretation relating to the scope of the adaptation of its laws ordered as a guarantee of non-repetition and with regard to the reimbursement of “reasonable expenses” at the stage of monitoring compliance.

Ruling: The Court declared that the requests for interpretation submitted by the victim’s representative and the State were admissible. It rejected, as inappropriate, the request submitted by the representative, considering that, in its Judgment, the Court had considered that since reinstatement in his post was not feasible, it had established compensation in favor of the victim as a measure of restitution. Therefore, as this matter had been decided in the Judgment, it was not viable to seek to modify the measure of reparation ordered by a request for interpretation. It also dismissed, as inappropriate, the request that it include the “pension rights” for the “years affected,” as well as “the labor rights, such as the AFP, the ONP and others,” in the compensation for pecuniary damage. In this regard, the Court considered that the amount established in the Judgment for pecuniary damage had included the concept of loss of earnings, and all the elements inherent in or derived from the employment relationship for the corresponding period, so that there was no need for a subsequent clarification. The Court also rejected as inappropriate the request for interpretation filed by the State, considering that the issues that the State questioned had been answered precisely and completely by paragraph 81 read in conjunction with paragraph 83 of the Judgment. Lastly, the Court rejected as inappropriate the request made by the State concerning clarification of the concept of “reasonable expenses” at the monitoring stage. In this regard, the Court considered that the purpose of this request was to require the Court to define, in advance, parameters that would limit the reimbursement of expenses at the stage of monitoring compliance, and this was not possible by means of interpretation of the Judgment.

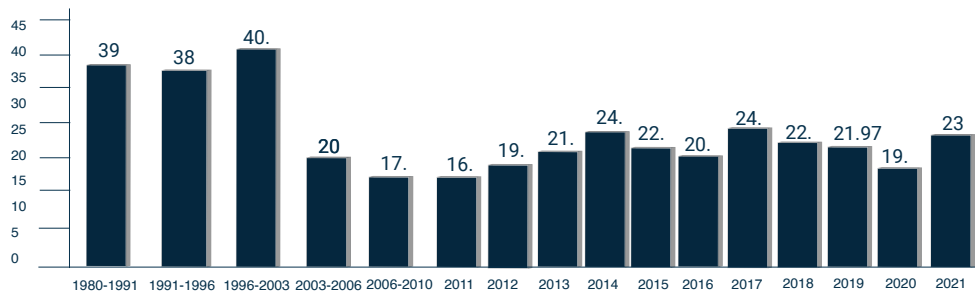
The Judgment can be found [here](#).

D. Average time to process Cases

Every year the Court makes a great effort to decide the Cases before it promptly. The principle of a reasonable time established in the American Convention and the Court's consistent case law is applicable not only to the domestic proceedings in each State Party, but also to the international organs or courts whose function it is to decide petitions concerning presumed human rights violations.

In 2021, the average time required to process Cases before the Court was **23 months**.

AVERAGE DURATION OF CASES BEFORE THE COURT (MONTHS) (1980-2021)



JUDGMENTS ON THE MERITS AND INTERPRETATION IN 2021



ARGENTINA

- I/A Court H.R. Case of the Julien Grisonas family v. Argentina. Preliminary objections, merits, reparations and costs. Judgment of September 23, 2021. Series C No. 437.

BRAZIL

- I/A Court H.R. Case of the Workers of the Fireworks Factor of Santo Antônio de Jesus and their families v. Brazil. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of June 21, 2021. Series C No. 427.
- I/A Court H.R. Case of Barbosa de Souza et al. v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of September 7, 2021. Series C No. 435.

CHILE

- I/A Court H.R. Case of Vera Rojas et al. v. Chile. Preliminary objections, merits, reparations and costs. Judgment of October 1, 2021. Series C No. 439.
- I/A Court H.R. Case of the Teachers of Chañaral and other municipalities v. Chile. Preliminary objection, merits, reparations and costs. Judgment of November 10, 2021. Series C No. 443.

COLOMBIA

- I/A Court H.R. Case of Martínez Esquivia v. Colombia. Interpretation of the judgment on preliminary objections, merits and reparations. Judgment of June 21, 2021. Series C No. 428.
- I/A Court H.R. Case of Bedoya Lima et al. v. Colombia. Merits, reparations and costs. Judgment of August 26, 2021. Series C No. 431.

ECUADOR

- I/A Court H.R. Case of Guachalá Chimbo et al. v. Ecuador. Merits, reparations and costs. Judgment of March 26, 2021. Series C No. 423.
- I/A Court H.R. Case of Grijalva Bueno v. Ecuador. Preliminary objection, merits, reparations and costs. Judgment of June 3, 2021. Series C No. 426.
- I/A Court H.R. Case of Villarroel Merino et al. v. Ecuador. Preliminary objections, merits, reparations and costs. Judgment of August 24, 2021. Series C No. 430.
- I/A Court H.R. Case of Garzón Guzmán et al. v. Ecuador. Merits, reparations and costs. Judgment of September 1, 2021. Series C No. 434.
- I/A Court H.R. Case of Palacio Urrutia et al. v. Ecuador. Merits, reparations and costs. Judgment of November 24, 2021. Series C No. 446.

EL SALVADOR

- I/A Court H.R. Case of Manuela et al. v. El Salvador. Preliminary objections, merits, reparations and costs. Judgment of November 2, 2021. Series C No. 441.

GUATEMALA

- I/A Court H.R. Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, reparations and costs. Judgment of October 6, 2021. Series C No. 440.
- I/A Court H.R. Case of the Massacre of the village of Los Josefinos v. Guatemala. Preliminary objection, merits, reparations and costs. Judgment of November 3, 2021. Series C No. 442.
- I/A Court H.R. Case of the Former Employees of the Judiciary v. Guatemala. Preliminary objections, merits and reparations. Judgment of November 17, 2021. Series C No. 445.

HONDURAS

- I/A Court H.R. Case of Vicky Hernández et al. v. Honduras. Merits, reparations and costs. Judgment of March 26, 2021. Series C No. 422.
- I/A Court H.R. Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432.

MEXICO

- I/A Court H.R. Case of Digna Ochoa and family members v. Mexico. Preliminary objections, merits, reparations and costs. Judgment of November 25, 2021. Series C No. 447.

PARAGUAY

- I/A Court H.R. Case of Ríos Avalos et al. v. Paraguay. Merits, reparations and costs. Judgment of August 19, 2021. Series C No. 429.

PERU

- I/A Court H.R. Case of Moya Solís v. Peru. Preliminary objections, merits, reparations and costs. Judgment of June 3, 2021. Series C No. 425.
- I/A Court H.R. Case of Casa Nina v. Peru. Interpretation of the judgment on preliminary objections, merits, reparations and costs. Judgment of September 1, 2021. Series C No. 433.
- I/A Court H.R. Case of Cuya Lavy et al. v. Peru. Preliminary objections, merits, reparations and costs. Judgment of September 28, 2021. Series C No. 438.
- I/A Court H.R. Case of Cordero Bernal v. Peru. Preliminary objection and merits. Judgment of February 16, 2021. Series C No. 421.

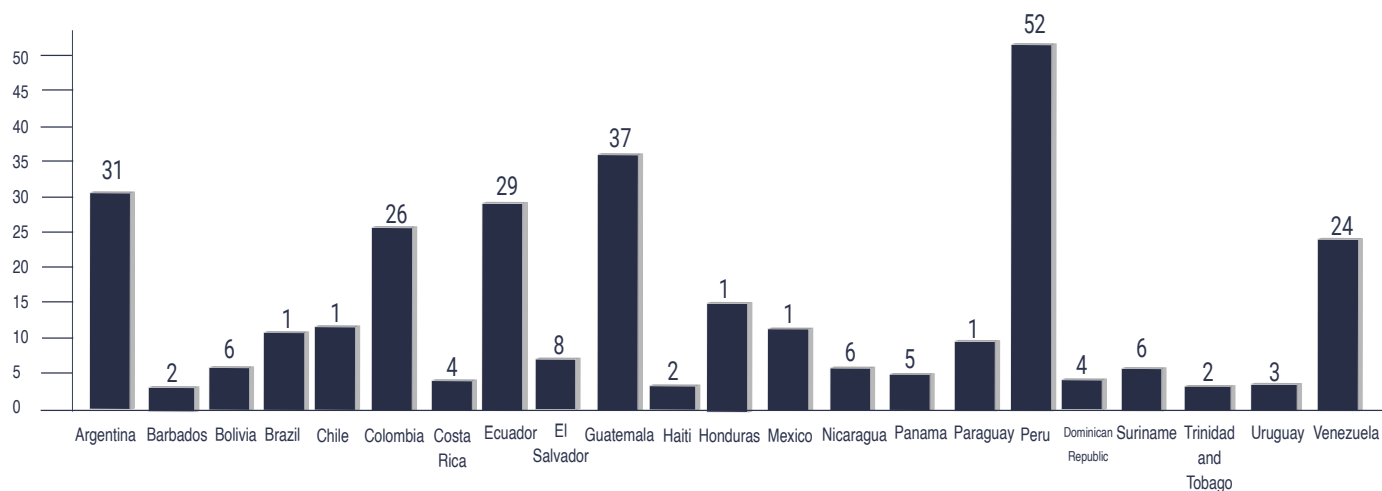
URUGUAY

- I/A Court H.R. Case of Maidanik et al. v. Uruguay. Merits and reparations. Judgment of November 15, 2021. Series C No. 444.

VENEZUELA

- I/A Court H.R. Case of Guerrero, Molina et al. v. Venezuela. Merits, reparations and costs. Judgment of June 3, 2021. Series C No. 424.
- I/A Court H.R. Case of González et al. v. Venezuela. Merits and reparations. Judgment of September 20, 2021.

TOTAL CASES RESOLVED BY STATE AT THE END OF 2021





Monitoring Compliance with Judgments



V. Monitoring Compliance with Judgments

A. Summary of the work of Monitoring Compliance

Monitoring compliance with the Court's Judgments has become one of the most demanding activities of the Court, because each year there is a considerable increase in the number of Cases at this stage. Numerous measures of reparation are ordered in each Judgment,⁶⁸ and the Court monitors their implementation, rigorously and continually, until every reparation ordered has been fully complied with. When assessing compliance with each reparation, the Court makes a thorough examination of the way in which the different components are executed, and how they are implemented with regard to each victim who benefits from the measures, because there are numerous victims in most cases. Currently, **258 Cases**,⁶⁹ are at the stage of monitoring compliance, and this entails monitoring **1373 measures of reparation**.

Both the number of reparations ordered, and also their nature and complexity have an impact on the time a Case may remain at the stage of monitoring compliance. Compliance with some measures entails a greater degree of difficulty. Before the Court is able to close a Case, the State that has been found internationally responsible must have complied with each and every measure of reparation. Therefore, it is not unusual that, in some cases at the stage of Monitoring Compliance with Judgment, only one measure of reparation is pending,⁷⁰ while, in others, numerous reparations remain pending implementation. Consequently, despite the fact that, in many cases, numerous measures have been executed, the Court keeps this stage open until it considers that the State has complied fully with the Judgment.

In the original Judgment the Court requires the State to present an initial report on the implementation of its decisions within one year.⁷¹ It then monitors compliance with the Judgment by issuing orders, holding hearings, conducting on-site procedures in the State found responsible, and daily monitoring by means of notes issued by the Court's Secretariat. In 2015, the Secretariat established a unit dedicated exclusively to Monitoring Compliance with Judgments (the Unit for Monitoring Compliance with Judgments), in order to follow up more thoroughly on State compliance with the diverse measures of reparation ordered. Until then this task had been divided up among the different working groups in the legal area of the Court's Secretariat, which were also responsible for working on Contentious Cases pending Judgment, following up on Provisional Measures, and developing Advisory Opinions.

The Court executes this function by monitoring each case individually, and also by the joint monitoring of measures of reparation ordered in Judgments in several cases against the same State. The Court employs this strategy when it has ordered the same or similar reparations in the Judgments in several cases and when compliance with them faces common factors, challenges or obstacles. The joint hearings and monitoring orders have had positive repercussions for those involved in implementing the measures. This joint specialized monitoring mechanism allows the Court to have a greater impact because it can address, at one and the same time, an issue that is common to several cases involving the same State, approaching it comprehensively, instead of having to monitor the same measure in several cases separately. It also enables the Court to encourage discussion among the different representatives of the victims in each case and results in a more dynamic participation by the State officials responsible for implementing the reparations at the domestic level. In addition, it provides an overview of the advances made and the factors impeding progress in the State concerned, identifies the reparations regarding which a significant dispute exists between the parties, and those to which they can give most attention and make most progress.

68 To understand the wide range of measures ordered by the Court, they can be grouped into the following forms of reparation: measures to guarantee to the victims the right that has been violated; restitution; rehabilitation; satisfaction; search for the whereabouts and/or identification of the remains; guarantees of non-repetition; the obligation to investigate, prosecute and punish, as appropriate, those responsible for the human rights violations; compensation, and reimbursement of costs and expenses.

69 The list of 258 cases at the stage of monitoring compliance includes cases to which the Court had previously applied Article 65 of the American Convention based on non-compliance by the State and in which the situation has not varied, as well as those in which this article was applied in 2021.

70 At December 2021, in approximately 23% of the cases at the monitoring stage (60 cases), one or two measures of reparation were pending. Most of these refer to reparations that are complex to execute, such as the obligation to investigate, prosecute and punish, as appropriate, those responsible for the human rights violations; the search for the whereabouts and/or identification of the remains, and guarantees of non-repetition – fundamentally those related to the adaptation of domestic law to international standards.

71 In addition, in the case of the measures relating to the publication and dissemination of the Judgment, the Court may require the State, regardless of the one-year time frame for presenting its first report, to advise the Court immediately when each publication ordered in the respective Judgment has been made.

To provide more information on, and increased visibility to, the status of compliance with the reparations ordered in the Judgments delivered by the Inter-American Court, in recent years the information available in both the Court's Annual Report and on its website has gradually been increased.

In the case of the website, the home page (<https://corteidh.or.cr/index.cfm?lang=en>), includes a link to "Monitoring Compliance with Judgments," which includes information on this function of the Court. It includes a link to "Cases closed" owing to compliance with the reparations⁷²: https://www.corteidh.or.cr/casos_en_supervision_por_pais_archivados.cfm?lang=en, and another to "Cases at the stage of monitoring compliance" https://www.corteidh.or.cr/casos_en_supervision_por_pais.cfm?lang=en, which includes a chronological table of the Judgments delivered, organized by State, with direct links to:

- The Judgment establishing reparations;
- The orders issued at the stage of monitoring compliance in each Case;
- The "Reparations" column that contains links to the "Reparations declared completed"(differentiating those partially completed from those totally complete) and "Reparations pending compliance;" and
- The column of "public documents pursuant to Court Decision 1/19 of March 11, 2019".

On the last point, it should be mentioned that, since mid-2019, the Court's above-mentioned webpage is publishing the information presented during the stage of Monitoring Compliance with Judgments that relates to the execution of the guarantees of non-repetition ordered in the Court's Judgments. In addition, the Court has also decided to publish information on the guarantees of non-repetition presented by "other sources" that are not parties to the international proceedings, or in expert opinions pursuant to the application of Article 69(2) of the Court's Rules of Procedure.⁷³ LThis is because the Court adopted **Decision 1/19 on "Clarifications on the publication of information contained in the files of cases at the stage of Monitoring Compliance with Judgment,"** in which it emphasized, among other matters, that compliance with its Judgments could benefit from the involvement of entities, human rights organizations, and domestic courts that, under their terms of reference, could require the corresponding public authorities to execute the measures of reparation ordered in the Judgments, in particular, the guarantees of non-repetition. To this end, it is essential that the Court provide access to information on the implementation of this type of measure of reparation. The complete text may be accessed [here](#).

During 2021, the Court continued to update the information on this webpage, which allows the different users of the Inter-American System to have a simple and flexible tool to consult and to learn about the reparations that the Court is monitoring and those that have already been executed by the States, and to obtain updated information on the implementation status of the guarantees of non-repetition.

Also in 2021, owing the exceptional circumstances resulting from the COVID-19 pandemic, it was not possible to hold hearings at the Court's seat, or in the territory of the responsible States.⁷⁴ Furthermore, it was not possible to travel to the territory of the responsible States to conduct on-site hearings and procedures in order to monitor compliance with Judgments on site.⁷⁵ The Court plans to resume this type of in-person activity with regard to monitoring when the circumstances of the pandemic allow this.

Despite the foregoing, in order to continue its work of Monitoring Compliance with Judgment, the Court used technological methods to hold hearings, as established in its Rules of Procedure. Accordingly, during 2021, the Inter-American Court held **14 virtual hearings in 17 Cases at the stage of monitoring compliance**.

⁷² 42 Cases had been closed at the end of 2021.

⁷³ Article 69(2) of the Court's Rules of Procedure establishes: "The Court may require relevant information on the case from other sources of information in order to evaluate compliance. To that end, it may also request the expert opinions or reports it considers appropriate.

⁷⁴ Starting in 2015, the Court initiated the positive initiative of holding hearings in the territory of the responsible States. This type of hearing enabled a greater participation by victims and the different State officials and authorities directly in charge of executing the diverse reparations ordered in the Judgments. With the significant collaboration of the States, from 2015 to 2019, the Court held monitoring hearings in Panama, Honduras, Mexico, Guatemala, Paraguay, El Salvador, Argentina and Colombia.

⁷⁵ Starting in 2015, the Court began to conduct on-site procedures in the context of Monitoring Compliance with Judgment. This type of procedure has the advantage of enabling the Court to observe directly the conditions for the execution of the measures, as well as ensuring increased participation for the victims, their representatives, and the different State officials and authorities directly in charge of executing the diverse reparations ordered in the Judgments and a better willingness to make commitments addressed at the prompt execution of the reparations. In addition, it allows for direct and immediate communication between the victims and senior State officials so that the latter may immediately commit to taking specific steps to make progress in executing the measures and the victims' opinion on the progress and shortcomings identified can be heard. Since this process was initiated in 2015, and up until 2019, this type of procedure has been conducted in El Salvador, Guatemala, Panama, Paraguay and Costa Rica, with important collaboration from those States.

- **12 hearings** were held to receive updated and detailed information from the States concerned on implementation of the measures of reparation ordered, together with the observations of the victims' representatives and the Inter-American Commission. Six of these hearings were public, and the other six were private. Two of them were held to jointly monitor cases in Honduras⁷⁶ and Brazil,⁷⁷ while the other ten hearings monitored individual cases concerning El Salvador,⁷⁸ Brazil,⁷⁹ Guatemala,⁸⁰ Panama⁸¹ and Venezuela.⁸²
- **1 hearing** was held to monitor the implementation of the provisional measures ordered by the Court in a case regarding Panama that is currently at the stage of monitoring compliance with judgment,⁸³ in which the President of the Court had ordered urgent measures. The Court subsequently ratified this decision by ordering provisional measures. This was a public hearing.
- **1 hearing** was held on a request for Provisional Measures presented in two cases with regard to Guatemala that are at the stage of Monitoring Compliance with Judgment.⁸⁴ This hearing was also public.

With regard to orders on Monitoring Compliance with Judgment, during 2020, the Court or its President issued **47 orders**. Of these, **42 orders** were issued by the Court to monitor compliance with Judgments delivered in **38 Cases**,⁸⁵ and to monitor the implementation of the Provisional Measures it had ordered in one case. The other **5 orders** were issued by the President of the Court declaring compliance with the reimbursements to the Victims' Legal Assistance Fund ordered by the Court in its Judgments. The orders on Monitoring Compliance with Judgment issued by the Court in 2021 had different contents and purposes:

- To monitor compliance in individual Cases of all or several reparations ordered in a Judgment,⁸⁶ including reimbursement of the Victims' Legal Assistance Fund of the Court;
- To close two Cases following full compliance with the reparations ordered;
- To rule on four requests for Provisional Measures presented in relation to five Cases at the stage of Monitoring Compliance with Judgment and, as appropriate, to monitor the measures of reparation that those requests refer to;
- To monitor the implementation of the Provisional Measures ordered in one Case; and
- To apply Article 65 of the American Convention to inform the OAS General Assembly of non-compliance of one State with regard to one Judgment.

In addition to monitoring by means of these orders and hearings, during 2021, the Commission and the parties were asked to provide information or observations by notes sent by the Court's Secretariat, on the instructions of the Court or its President, in 144 of the 258 Cases⁸⁷ at the stage of Monitoring Compliance with Judgment.

In 2021, the Court received 399 reports and attachments from the States in 163 of the 258 Cases at the stage of Monitoring Compliance with Judgment. Additionally, over the course of the year, the Court receive 454 briefs with observations from either the victims or their legal representatives, or from the Inter-American Commission, in 167 of

76 Joint public hearing for the cases of the Triunfo de la Cruz Garifuna Community and its members v. Honduras and the Punta Piedra Garifuna Community and its members v. Honduras on the implementation of Provisional Measures and Monitoring Compliance with Judgment.

77 Joint public hearing for the cases of Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil and Herzog et al. v. Brazil on and Monitoring Compliance with Judgment.

78 Public hearing on Monitoring Compliance with Judgment for: Case of the Massacres of El Mozote and neighboring places v. El Salvador.

79 Public hearings on Monitoring Compliance with Judgment for: Case of Ximenes Lopes v. Brazil and Case of Favela Nova Brasília v. Brazil.

80 Private monitoring hearings for Case of the Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala; Case of the Río Negro Massacres v. Guatemala, and Case of the Plan de Sánchez Massacre v. Guatemala.

81 Private monitoring hearing for: Case of Heliodoro Portugal v. Panama.

82 Public monitoring hearing for: Case of Montero Aranguren (Retén de Catia) v. Venezuela.

83 Public hearing on monitoring implementation of provisional measures for: Case of Vélez Looor v. Panama.

84 Public hearing on a request for Provisional Measures for: Cases of Valenzuela Ávila and Ruiz Fuentes et al.

85 In order to: assess the degree of compliance with the reparations ordered; request detailed information on the measures taken to comply with certain measures of reparation; urge the States to comply and guide them on compliance with the measures of reparation ordered; give instruction for compliance, and clarify aspects on which there was a dispute between the parties regarding the execution of the reparations, all of this in order to ensure full and effective implementation of its decisions.

86 In 2021, the Court declared full compliance and partial compliance or progress in compliance in the case of 73 measures of reparation. It also declared that the monitoring of 3 reparations had concluded.

87 The list of 258 Cases at the stage of Monitoring Compliance with Judgment includes those in which the one-year time frame established in the Judgment for the State to present its first report on compliance has not yet expired because, formally, those Cases are at this stage and, frequently, the parties present information to the Court before the time frame has expired.

the 258 Cases at the stage of Monitoring Compliance with Judgment. All these briefs were promptly forwarded to the parties.

Also, during 2021, the Court continued to implement the mechanism of joint monitoring with regard to the following measures of reparation:

- The adaptation of domestic law with regard to the right to appeal a Judgment before a higher judge or court in two Cases against Argentina;
- The provision of medical and psychological treatment to the victims in two Cases against Colombia;
- The search for the whereabouts or identification of remains in six Cases against Colombia;
- The obligation to investigate, prosecute and punish, as appropriate, those responsible for gross human rights violations in 14 Cases against Guatemala;
- Guarantees of non-repetition addressed at the investigation with due diligence of femicide and other crimes of violence against women, as well as to prevent and eradicate gender-based discrimination against women in two Cases against Guatemala;
- The adaptation of domestic law to international standards and those of the Convention with regard to the guarantee of an ordinary judge in relation to the military criminal jurisdiction in four Cases against Mexico;
- Guarantees of non-repetition addressed at providing attention to and investigating with due diligence cases of sexual violence against women, with a gender and ethnic perspective, in two Cases against Mexico;
- Guarantees of non-repetition in two Cases against Honduras regarding the protection of human rights defenders, and in particular environmental defenders;
- Guarantees of non-repetition in relation to creating the conditions to ensure the fundamental rights of prison inmates, ordered in two Cases against Honduras;
- Measures to ensure the use and enjoyment of the traditional lands of two Garifuna communities and to create appropriate mechanisms to regulate the land registration system in order to avoid violations of rural property, in two Cases against Honduras;
- Measures relating to the identification, delivery and titling of indigenous community lands ordered in two Cases against Paraguay; and
- The search for the whereabouts of disappeared persons or the identification of their remains in eleven Cases against Peru.

B. Virtual hearings of Cases at the stage of Monitoring Compliance with Judgment held in 2021

Durante 2021, the Inter-American Court held **14 hearings in 17 Cases at the stage of monitoring compliance**. Of these, **2 public hearings** were held during the 140th Regular Session to monitor compliance with diverse measures of reparation ordered in Judgments in **3 Cases**. During the 141st Regular Session, **4 hearings** were held; two of them were public and two private, and they were held to monitor compliance with Judgment in **3 Cases** and implementation of Provisional Measures in 1 Case. **3 hearings** were held during the 142nd Regular Session to monitor compliance in **4 Cases**. One of them was private and two were public. During the 143rd and 144th Regular Session, 3 and 2 hearings were held, respectively. Three of those hearings were private and two public.

1. Case of the Massacres of El Mozote and neighboring places v. El Salvador

On March 4, 2021, during the 140th Regular Session, a virtual public hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with the measure of reparation concerning the obligation to investigate, prosecute and punish, as appropriate, those responsible for the gross violations in this case. The hearing was also held to receive the observations of the victims' representatives and the opinion of the Inter-American Commission. In addition, the Salvadoran Ombudsman was asked to take part in the hearing as "another source of information," based on Article 69(2) of the Court's Rules of Procedure.

2. Cases of the Punta Piedra and Triunfo de la Cruz Garifuna Communities and their members v. Honduras

On March 4, 2021, during the 140th Regular Session, a joint virtual public hearing was held for the two cases on implementation of the Provisional Measures and monitoring of compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on the Provisional Measures required in the order of September 2, 2020, and also on compliance with three measures of reparation ordered in the Judgment in the *Case of the Punta Piedra Garifuna Community and its members v. Honduras* and four measures of reparation ordered in the Judgment in the *Case of the Triunfo de la Cruz Garifuna Community and its members v. Honduras*: (i) ensure the use and enjoyment, free of third-party interference, of the traditional lands that were titled by the State in favor of the Punta Piedra Garifuna Community; carrying out this obligation, *ex officio*, and with extreme diligence; (ii) create, within a reasonable time, appropriate mechanisms to regular its land registration system; (iii) continue and conclude, within a reasonable time, the investigation into the death of Félix Ordóñez Suazo and the other complaints filed in the domestic jurisdiction and, punish those responsible, as appropriate; (iv) demarcate the lands over which collective ownership has been granted to the Triunfo de la Cruz Garifuna Community; (v) grant the Triunfo de la Cruz Garifuna Community collective property title, duly delimited and demarcated, over the area known as "Lot A1"; (vi) open an investigation into the deaths of Jesús Álvarez, Óscar Brega, Jorge Castillo Jiménez and Julio Alberto Morales, to determine the possible criminal responsibilities and, as appropriate, apply effectively the punishments and consequences established by law, and (vii) ensure free access, use, and enjoyment of collective property by the Community of Triunfo de la Cruz in the part of its territory that overlaps an area of the Punta Izopo National Park. The hearing was also held to receive the observations of the victims' representatives and the opinion of the Inter-American Commission.

3. Case of Ximenes Lopes v. Brazil

On April 23, 2021, during the 141st Regular Session, a virtual public hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with the measure of reparation on the need to continue implementing an education and training program for medical staff and those providing psychiatric, psychological, and nursing services as well as for all those involved in providing mental health care, on the principles that should govern the treatment of people with mental disabilities. The hearing was also held to receive the observations of the victims' representatives and the opinion of the Inter-American Commission. In addition, the National Council of Justice of Brazil was asked to take part in the hearing as "another source of information," based on Article 69(2) of the Court's Rules of Procedure.

4. Case of the Members of the Village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala

On April 23, 2021, during the 141st Regular Session, a virtual private hearing was held on Monitoring Compliance with Judgment. The hearing was held on the reparations relating to: compensation for pecuniary and non-pecuniary damage; investigation, prosecution and punishment, as appropriate, of those responsible for the violations; to determine the whereabouts of the members of the village of Chichupac and neighboring communities who were forcibly disappeared, as well as to locate, exhume and identify the deceased; to provide medical, psychological and/or psychiatric treatment to the victims in the case; to hold a public act to acknowledge international responsibility; to make the publications of the Judgment; to including permanent training on human rights and international humanitarian law in the curricula of the different training, education, professionalization and vocational training centers of the Guatemalan Army; to design and implement, in the permanent curricula of both the judicial career and the prosecutorial career, educational programs on human rights and international humanitarian law; to incorporate into the curriculum of the national educational system, at all levels, an education program the content of which

reflects the multicultural and multilingual nature of Guatemalan society, encouraging respect and awareness of the different indigenous cultures, and to reinforce existing or future institutions in order to eradicate racial and ethnic discrimination. The hearing was also held to receive the observations of the victims' representatives and the opinion of the Inter-American Commission.

5. Case of Norín Catrimán et al. (Leaders, members and activist of the Mapuche Indigenous People) v. Chile

On April 23, 2021, during the 141st Regular Session, a virtual private hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with the four pending reparations regarding: the annulment of all judicial, administrative, criminal or police records that exist against the eight victims in relation to the criminal Judgments convicting them, as well as the annulment of their inclusion on any type of national or international list linking them to acts of a terrorist nature; provide medical and psychological and/or psychiatric treatment, grant scholarships to the victims' children and regulate the procedural measure for witness protection involving anonymity. The hearing was also held to receive the observations of the common intervenors of the victims' representatives and the opinion of the Inter-American Commission.

6. Case of Vélez Loor v. Panama

On May 6, 2021, during the 141st Regular Session, a virtual public hearing was held on monitoring implementation of the Provisional Measures adopted in this case on July 29, 2020, to provide effective protection to the rights to health, personal integrity and life of the people at the La Peñita and Lajas Blancas Migrant Reception Stations in the province of Darien and to ensure, immediately and effectively, access to essential health services, without discrimination, to those people, including early detection and treatment of COVID-19. The purpose of the hearing was to receive detailed updated information from the State on the implementation of the said measures, and the corresponding observations of the victim's representatives and of the Inter-American Commission. In addition, the Panamanian Ombudsman was asked to take part in the hearing as "another source of information," so that he could present any relevant information based on his terms of reference.

7. Case of Montero Aranguren (Retén de Catia) v. Venezuela

On June 23, 2021, during the 142nd Regular Session, a virtual public hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with the reparation concerning the adaptation of prison conditions to the relevant international standards. The hearing was also held to receive the observations of the victims' representatives and the opinion of the Inter-American Commission. On the day itself, the State advised that it would not attend the hearing.

8. Cases of Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil, and Herzog et al. v. Brazil

On June 24, 2021, during the 142nd Regular Session, a virtual public hearing was held on Monitoring Compliance with Judgment jointly in the *cases of Gomes Lund et al. (Guerrilha do Araguaia) v. Brazil and the Herzog et al. v. Brazil*. The purpose of the hearing was to receive detailed updated information from the State on compliance with five measures of reparation ordered in the Judgment in the *case of Gomes Lund et al. (Guerrilha do Araguaia)* and two measures of reparation ordered in the Judgment in Herzog et al. Regarding the *Case of Gomes Lund et al. (Guerrilha do Araguaia)*, the following measures of reparation were monitored: (i) conduct, effectively, in the ordinary jurisdiction, the criminal investigation of the facts of this case in order to clarify them, determine those criminally responsible, and effectively apply the punishments and consequences established by law; (ii) make every effort to determine the whereabouts of the disappeared persons, and where applicable, identify and return the remains to the next of kin; (iii) continue to develop training programs and implement, within a reasonable time, a permanent and compulsory program or course on human rights, for all ranks of the Armed Forces; (iv) adopt, within a reasonable time, the necessary measures to codify the crime of enforced disappearance of persons in conformity with Inter-American standards; while complying with this measure, the State must adopt all actions to guarantee an effective prosecution, and where applicable, punishment of the constituent elements of enforced disappearance under existing domestic law, and (v) continue to implement the search initiatives, and the systematization and publication of all the information on the Guerrilha do Araguaia, as well as information on the human rights violations that occurred during the military regime, ensuring that this is widely accessible. In the Case of Herzog et al., the Court monitored the following measures of reparation: (i) re-open, with due diligence, the criminal investigation and proceedings in relation to the events of October 25, 1975, to identify, prosecute and punish, as appropriate, those responsible for the torture and death of Vladimir Herzog,

based on the nature of these events as a crime against humanity and their corresponding legal consequences under international law, observing the standards and requirements established in the Judgment, and (ii) adopt the most appropriate measures, in accordance with its institutions, to ensure, without exception, the imprescriptibility of actions related to crimes against humanity and international crimes. The hearing was also held to receive the observations of the victims' representatives and the opinion of the Inter-American Commission. The National Council of Justice of Brazil was asked to take part in the hearing as "another source of information," based on Article 69(2) of the Court's Rules of Procedure.

9. Case of the Santo Domingo Massacre v. Colombia

On June 24, 2021, during the 142nd Regular Session, a virtual private hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with the following two reparations: (i) provide comprehensive health care to the victims, and (ii) grant and execute, within one year by an expedite domestic mechanism, the pertinent compensation for pecuniary and non-pecuniary damage in favor of the injured victims, and also the next of kin of victims who had not received reparation under the domestic administrative contentious jurisdiction. The hearing was also held to receive the observations of the victims' representatives and the opinion of the Inter-American Commission. In addition, the Colombian Ombudsman and Prosecutor General were asked to take part in the hearing as "another source of information," based on Article 69(2) of the Court's Rules of Procedure.

10. Case of Favela Nova Brasília v. Brazil

On August 20, 2021, during the 143rd Regular Session, a virtual public hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with the following reparations: (i) publish an official annual report with data on the deaths that occur during police operations in all the country's states; (ii) establish the necessary legal mechanisms so that, in situations of presumed deaths, torture or sexual violence resulting from a police intervention in which prima facie it appears possible that police agents could be involved, immediately following the *notitia criminis*, the investigation is entrusted to an independent body, distinct from the police force involved in the incident, such as a judicial authority or the Public Prosecution Service, assisted by police, criminalistic and administrative personnel unrelated to the law enforcement agency to which the possible perpetrator or perpetrators belong; (iii) take the necessary measures to ensure that the state of Rio de Janeiro establishes goals and policies to reduce police brutality and lethal violence; (iv) implement a permanent and mandatory program or course for all ranks of the Civil and Military Police of Rio de Janeiro and officials who provide health care on the assistance that should be given to women victims of rape; (v) adopt the legislative or other measures required to permit victims of offenses or their family members to take part, formally and effectively, in the investigation of crimes conducted by the police or the Public Prosecution Service, and (vi) take the necessary steps to standardize the expression "bodily injury or homicide as a result of a police intervention" in the reports and investigations of the police or the Public Prosecution Service in cases of death or injuries caused by the actions of the police. The concept of "opposition" or "resistance" to the actions of the police should be abolished. The hearing was also held to receive the observations of the victims' representatives and the opinion of the Inter-American Commission. In addition, the National Council of Justice of Brazil and the National Council of the Public Prosecution Service were asked to take part in the hearing as "another source of information," based on Article 69(2) of the Court's Rules of Procedure.

11. Case of Heliodoro Portugal v. Panama

On August 20, 2021, during the 143rd Regular Session, a virtual private hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with two pending reparations: the obligation investigate, prosecute and punish, as appropriate, those responsible, and to provide medical and psychological treatment to the victims.

12. Cases of Valenzuela Ávila and Ruiz Fuentes et al. v. Guatemala

On August 27, 2021, during the 143rd Regular Session, a virtual public hearing was held on the request for Provisional Measures presented by the representatives of the victims who asked the Court to require Guatemala to implement measures of protection in favor of the former prosecutor, Juan Francisco Sandoval Alfaro, Prosecutor "B" and Assistant Prosecutor "C", members of the Special Prosecution Service against Impunity in Guatemala, involved in the

investigation of the execution of Tirso Román Valenzuela Ávila and Hugo Humberto Ruiz Fuentes, “in order to avoid irreparable harm to the rights to life, to personal integrity, to live a life free of violence, to personal liberty and safety, to stability in office, and to basic judicial guarantees.” The hearing was held to receive information and arguments on the request of the victims’ representatives “to reinstate” Juan Francisco Sandoval Alfaro in the post of Head of Section of the Special Prosecution Service against Impunity in Guatemala, as well as to hear the corresponding observations of the State and the opinion of the Inter-American Commission. The information and arguments on the other requests for measures of protection made by the victims’ representatives form part of the written proceedings only to avoid divulgation of confidential information.

13. Case of the Río Negro Massacres v. Guatemala

On October 14, 2021, during the 144th Regular Session, a virtual private hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with the following reparations: investigate, promptly, seriously and effectively the facts that gave rise to the violations declared in the Judgment, in order to prosecute and, eventually, punish those presumably responsible; conduct an effective search for the whereabouts of the victims who were forcibly disappeared; publish and disseminate the Judgment and its official summary; hold a public act of acknowledgement of international responsibility for the facts of this case; implement the following measures in the Colonia Pacux: reinforce the Pacux health center, design and implement food and nutritional security programs, improve the roads and streets, implement a drainage and sewage treatment systems, provide drinking water, rebuild or improve the primary schools and establish a secondary bilingual education program in Spanish and in Maya Achí and ensure the provision of electricity to the inhabitants at an accessible cost; design and implement a project to rescue the Maya Achí culture, provide medical and psychological treatment to the victims in the instant case; pay the compensation for pecuniary and non-pecuniary damage, and establish an appropriate mechanism to ensure that other members of the Río Negro community may be considered victims. The hearing was also held to receive the observations of the victims’ representatives and the opinion of the Inter-American Commission.

14. Case of the Plan de Sánchez Massacre v. Guatemala

On October 14, 2021, during the 144th Regular Session, a virtual private hearing was held on Monitoring Compliance with Judgment. The purpose of the hearing was to receive detailed updated information from the State on compliance with the following reparations: investigate, identify and punish the perpetrators and masterminds of the violations; provide medical treatment to the victims, and establish a specialized program of psychological and psychiatric treatment; implement a housing program to provide appropriate housing to the surviving victims who live in the village of Plan de Sánchez, and implement a program to improve and maintain the road system, and a program to provide a drainage system and to supply drinking water in the 13 communities indicated in paragraph 110 of the Judgment. The hearing was also held to receive the observations of the victims’ representatives and the opinion of the Inter-American Commission.

C. Orders on Monitoring Compliance with Judgment issued in 2021

In 2021, the Court or its President issued **47 orders** to Monitor Compliance with Judgment. All the orders on Monitoring Compliance with Judgment adopted by the Court are available [here](#). The orders concerning compliance with reimbursement of the Victims’ Legal Assistance Fund are available [here](#).

These orders are listed below in the order in which they were issued, and by categories based on their content and purpose.

C.1. Monitoring Compliance with Judgment (evaluating compliance with all or several reparations ordered in the Judgment in each Case)

Monitoring Compliance with Judgment	
[Evaluating compliance with all or several reparations ordered in the Judgment in each Case]	
Name of the Case	Link
1. Case of Ximenes Lopes v. Brazil. Order of January 28, 2021.	Here
2. Case of Rosadio Villavicencio v. Peru. Order of January 28, 2021.	Here
3. Case of the National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT) v. Peru. Order of January 28, 2021.	Here
4. Case of the Río Negro Massacres v. Guatemala. Order of February 16, 2021.	Here
5. Case of Norín Catrimán et al. (Leaders, members and activist of the Mapuche Indigenous People) v. Chile. Order of February 18, 2021.	Here
6. Case of Cuscul Pivaral et al. v. Guatemala. Order of March 16, 2021.	Here
7. Case of Acosta et al. v. Nicaragua. Order of March 16, 2021.	Here
8. Case of the Miguel Castro Castro Prison v. Peru. Request for Provisional Measures and Monitoring Compliance with Judgment. Order of March 23, 2021.	Here
9. Case of Gorigoitia v. Argentina. Order of April 22, 2021.	Here
10. Case of the Punta Piedra Garifuna Community and its members and Case of the Triunfo de la Cruz Garifuna Community and its members v. Honduras. Provisional Measures and Monitoring Compliance with Judgment. Order of April 30, 2021.	Here
11. Case of Herzog et al. v. Brazil. Order of April 30, 2021.	Here
12. Case of the Plan de Sánchez Massacre v. Guatemala. Order of April 30, 2021.	Here
13. Case of Acevedo Jaramillo et al. v. Peru. Order of April 30, 2021.	Here
14. Case of the Punta Piedra Garifuna Community and its members and Case of the Triunfo de la Cruz Garifuna Community and its members v. Honduras. Order of April 30, 2021.	Here

15. Case of Barbani Duarte et al. v. Uruguay. Order of May 14, 2021.	Here
16. Case of Spoltore v. Argentina. Order of May 27, 2021.	Here
17. Case of Hernández v. Argentina. Order of May 27, 2021.	Here
18. Case of Acevedo Buendía et al. (“Discharged and retired employees of the Comptroller’s Office”) v. Peru. Order of June 21, 2021.	Here
19. Case of Veliz Franco et al. and Case of Velásquez Paiz et al. v. Guatemala. Order of June 21, 2021.	Here
20. Case of the Campesino Community of Santa Bárbara v. Peru. Order of June 21, 2021.	Here
21. Case of Juan Humberto Sánchez v. Honduras. Order of June 21, 2021.	Here
22. Case of Favela Nova Brasília v. Brazil. Request for Provisional Measures and Monitoring Compliance with Judgment. Order of June 21, 2021.	Here
23. Case of Petro Urrego v. Colombia. Request for Provisional Measures and Monitoring Compliance with Judgment. Order of June 24, 2021.	Here
24. Case of Mendoza et al. v. Argentina. Monitoring Compliance with Judgment. Order of September 23, 2021.	Here
25. Case of Velásquez Paiz et al. v. Guatemala. Monitoring Compliance with Judgment. Order of September 1, 2021.	Here
26. Case of the Dismissed Congressional Employees (Aguado Alfaro et al.) v. Peru. Monitoring Compliance with Judgment. Order of September 1, 2021.	Here
27. Case of Véliz Franco et al. v. Guatemala. Monitoring Compliance with Judgment. Order of September 1, 2021.	Here
28. Case of Vásquez Durand v. Ecuador. Monitoring Compliance with Judgment. Order of September 1, 2021.	Here
29. Case of Baena Ricardo et al. v. Panama. Monitoring Compliance with Judgment. Order of September 1, 2021.	Here
30. Case of Urrutia Laubreaux v. Chile. Monitoring Compliance with Judgment. Order of September 1, 2021.	Here

31. Case of Terrones Silva et al. v. Peru. Monitoring Compliance with Judgment. Order of September 1, 2021.	Here
32. Case of Guzmán Albarracín et al. v. Ecuador. Monitoring Compliance with Judgment. Order of September 23, 2021.	Here
33. Case of Valenzuela Ávila and Case of Ruiz Fuentes et al. v. Guatemala. Provisional Measures and Monitoring Compliance with Judgment. Order of September 23, 2021.	Here
34. Case of Ortiz Hernández et al. v. Venezuela. Order of November 17, 2021.	Here
35. Case of I.V. v. Bolivia. Order of November 17, 2021.	Here
36. Case of Roche Azaña et al. v. Nicaragua. Order of November 17, 2021.	Here
37. Case of Perrone and Preckel v. Argentina. Order of November 17, 2021.	Here
38. Case of Members of the village of Chichupac and neighboring communities of the Municipality of Rabinal v. Guatemala. Order of November 17, 2021.	Here
39. Case of Favela Nova Brasilia v. Brazil. Order of November 25, 2021.	Here
40. Case of the Massacres of El Mozote and neighboring places v. El Salvador. Order of November 25, 2021.	Here
41. Case of the "Five Pensioners" v. Peru. Order of November 25, 2021.	Here
42. Case of Petro Urrego v. Colombia. Order of November 25, 2021.	Here

Compliance with reimbursement of the Victims' Legal Assistance Fund

[Orders of the President on compliance with reimbursement to the Victims' Legal Assistance Fund]

Name of the Case	Link
1. Case of Flor Freire v. Ecuador. Order of December 13, 2021.	Here
2. Case of V.R.P., V.P.C et al. v. Nicaragua. Order of December 13, 2021.	Here
3. Case of Torres Millacura et al., Case of Furlán and family, and Case of López et al. v. Argentina. Order of December 13, 2021.	Here
4. Case of Casa Nina v. Peru. Order of December 13, 2021.	Here

5. Case of Herzog et al. v. Brazil. Order of December 23, 2021.	Here
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C.2. Requests for Provisional Measures presented in cases at the stage of Monitoring Compliance with Judgment

During 2021, The Court ruled on **4 requests** for Provisional Measures submitted by victims or their representatives in **5 Cases** at the stage of Monitoring Compliance with Judgment in relation to implementation of measures of reparation:

1. Case of the Miguel Castro Castro Prison v. Peru
2. Case of Petro Urrego v. Colombia
3. Case of Favela Nova Brasilia v. Brazil
4. Case of Valenzuela Ávila v. Guatemala
5. Case of Ruiz Fuentes et al. v. Guatemala

As a general rule, the Court has considered that information relating to compliance with measures of reparation ordered in the Judgments should be assessed at the stage of Monitoring Compliance with Judgment. However, exceptionally, if a request for Provisional Measures is related to the purpose of the case, the Court has analyzed whether the requirements of extreme gravity, urgency and the risk of irreparable harm are met that are necessary in order to adopt such measures.

In the cases of Valenzuela Ávila and Ruiz Fuentes et al., the Court declared that one part of the request was inadmissible; however, it decided to adopt Provisional Measures to require Guatemala to adopt the necessary measures to protect the rights to life, personal integrity and independence in the exercise of their functions of FECI Prosecutor “B” and FECI Assistant Prosecutor “C”.

Regarding the other three requests for Provisional Measures, the Court decided to reject them and to assess the matters described in the context of Monitoring Compliance with Judgment.

C.3. Closure of Cases due to compliance with Judgment

During 2021, the Court declared the closure of two Cases (one concerning Panama and the other Argentina) due to full compliance with the reparations ordered in the respective Judgments.

1. Baena Ricardo et al. v. Panama

On September 1, 2021, the Court issued an order in which it decided that the State of Panama had complied with the execution of the reparations ordered in the Judgment of February 2, 2001.⁸⁸ Therefore, the Inter-American Court decided to close and archive the Case.

Between 2002 and 2021, the Court issued 11 orders on monitoring compliance in this case. In the orders issued between 2002 and 2005, the Court declared full compliance with the reimbursement of costs and expenses and partial compliance with the payment of compensation for non-pecuniary damage and the payment of loss of earnings and other labor rights, because it had verified that the State had made partial payment to some of the victims or their heirs.

Subsequently, in an order of October 30, 2008, the Court decided to endorse various agreements entitled “Agreement establishing the bases for compliance with the February 2 Judgment of the Inter-American Court of Human Rights

⁸⁸ In the Judgment, the Court ordered the following measures of reparation: (i) payment to 270 workers of the sums corresponding to unpaid salaries and other labor rights applicable under the laws of Panama; (ii) reinstatement in their positions or in other positions where the conditions respect those they had when they were dismissed, or if this is not possible, payment of the indemnity that corresponds to termination of employment; (iii) payment to each of the 270 workers of the amount established in the Judgment for non-pecuniary damage, and (iv) reimbursement of costs and expenses to both the group of 270 workers and to their representatives.

of the Organization of American States (OAS) in the Case of Baena Ricardo et al. v. Panama,” which, at that time, had been signed by the State and 202 victims in the case or their heirs. Among other aspects, these agreements established the sums that would be paid to each victim or their heirs for “all the rights referred to in the Judgment [concerning] loss of earnings and other labor rights that correspond to them, under Panamanian law, non-pecuniary damage, costs and expenses, and any other amount relating to the case,” and also that these amounts would be paid “in four annual instalments starting in September 2008 and ending in September 2011.” Added to this, this order indicated that the Court would keep the procedure on Monitoring Compliance with Judgment in this case open, merely to receive: (a) the vouchers for the payments made to the victims or heirs who had signed the agreements, and (b) the vouchers of bank deposits for those persons who had not signed the agreements or who, following the signature, had retracted.

In the orders issued from 2009 to 2021, based on the vouchers that had been forwarded, the Court verified whether the State had complied with making the four payments to each victim or heir, and the deposits that it had undertaken to make in the agreements endorsed by the Court. The Court verified that Panama had paid all the amounts established in the agreements to the 269 victims in this case or their heirs, and that it had made the bank deposit of a sum in favor of the victim who had not signed the agreement. Starting in 2008, the Court repeatedly indicated in the orders that any complaints or discrepancies of the victims in relation to the rights included in the agreements and the amounts of the compensation should be decided in the domestic sphere, which included the possibility of having recourse to the competent authorities, including the domestic courts. Similarly, in the order of September 1, 2021, the Court indicated that “if any of the victims in this case considers that there are non-derogable labor rights that were not included in the agreements, they should file the corresponding actions or complaints and these must be assessed and decided by the domestic courts pursuant to the laws of Panama.”

Additionally, in the order of September 2021, the Court expressed its appreciation for the additional efforts made by Panama, especially between 2015 and 2020, to pay 120 employee-employer social security instalments in relation to the 270 victims, corresponding to the period from December 1990 to January 2001, which will have a positive impact on the possibilities of the victims to receive a pension, or for their heirs to receive this and/or to improve the pensions of those who had already begun to receive this benefit.

The order of September 1, 2021, declaring the closure of the Case can be consulted [here](#).

2. Case of Perrone and Preckel v. Argentina

On November 17, 2021, the Court issued an order in which it decided that the State of Argentina had complied with the execution of all the reparations ordered in the Judgment of October 8, 2019. Based on the verifications made in this order, it declared that Argentina had complied with the reparations relating to the payment of the amounts established in the Judgment as compensation for non-pecuniary damage to the two victims in the case; the reimbursement of costs and expenses to their representative, and the publication and dissemination of the Judgment of the Inter-American Court and of the official summary.

The order of November 17, 2021, declaring the closure of the Case can be consulted [here](#).

C.4. Compliance with guarantees of non-repetition

In 2021, the Court assessed compliance (total or partial) with different measures of reparation that constitute guarantees of non-repetition, and it finds it appropriate to underline them in order to disseminate these good practices and the progress made by the States. Due to the kind of structural changes that the execution of these measures involve, they benefit both the victims of the Cases and society as a whole. Compliance with them requires actions that involve amendments to the law, changes in Jurisprudence, the design and execution of public policies, changes in administrative practices, and other particularly complex measures.

Such measures were complied with (totally or partially) by the States of Argentina, Bolivia, Ecuador and Guatemala.

a) **Argentina: ensure that no one can be sentenced to life imprisonment or confinement for crimes committed while a minor**

In the Judgment in the *Case of Mendoza et al.*, of May 14, 2013, the Court declared, inter alia, the international responsibility of the State for the violation of personal liberty in relation to the rights of the child, to the detriment of five victims in this case. These violations were committed because the victims were sentenced to life imprisonment for crimes committed while a minor, based on Law 22,278, on the criminal regime for minors. The Court determined that this type of punishment was not an exceptional sanction; it did not entail deprivation of liberty for the least possible time or for a specific term established at the time it was imposed; it did not allow for periodic review of the need to maintain the deprivation of liberty of the child and, due to its nature, it did not comply with the goal of the child's social reintegration. Consequently, in the Judgment, among other guarantees of non-repetition, the Court established the obligation of the State to ensure that no one would again be sentenced to life imprisonment or confinement for crimes committed while a minor.

In the order of September 23, 2021, the Court declared that the State had been complying with this guarantee of non-repetition, and should continue to do so. The Court noted, among other matters, that most jurisdictions in the country had been complying with this measure because, following the Judgment in this case, they had not imposed life imprisonment for crimes committed while a minor. The Court also noted that Argentina had recognized that it had not provided complete information on all the country's jurisdictions because it had only presented communications from the higher courts of 17 of the 24 jurisdictions and from the National Criminal Cassation Chamber. Therefore, the Court considered that the information provided by the State did not allow it to verify that, since the delivery of the Judgment, non-imposition of life imprisonment for crimes committed while a minor was the policy of all the country's jurisdictions and asked it to present the required information.

The Court also indicated that, as soon as possible, the State should amend the law revoking this type of punishment for minors, and recalled that, while compliance with this amendment remains pending, the State should ensure a control of conventionality.

b) **Bolivia: publication or leaflet on women's rights in relation to sexual and reproductive health**

In the Judgment in the *Case of I.V.*, the Court noted the impact on the right to personal integrity of Ms. I.V. because she was subjected to tubal ligation without her prior, free, full and informed consent. Among other reparations, the Court established that the Court should design a publication or leaflet that described women's rights in relation to sexual and reproductive health in a brief, clear and accessible form, and which made specific mention of prior, free, full and informed consent. The Court indicated that this publication should be made available in all public and private hospitals in Bolivia, for both patients and medical staff, as well as on the website of the Ministry of Health and Social Security. In addition, it indicated that access to this leaflet or publication should also be provided through the Ombudsman's Office and civil society organizations working in this area.

In the order of November 17, 2021, the Court declared that the State had complied fully with this guarantee of non-repetition and made a positive assessment of the different actions taken by the State to implement it from the end of 2017 and up until 2021. It found that Bolivia had designed the leaflet: "Sexual health and reproductive health: informed consent and contraceptive methods" which included the contents ordered in the Judgment. Added to this, the State had designed brochures, posters and other material distributed by the use of QR codes and, from 2018 to 2020, had taken steps to ensure its dissemination digitally and by delivering materials through the Ombudsman's Office, and in health centers, especially maternity hospitals, in coordination with the departmental Health Services, including that of La Paz, where the hospital in which the facts of the case occurred is located. The Court also appreciated that the State had expanded the methods of distributing the material to improve its reach. The Court indicated that, despite this, it was essential that the State distribute the printed leaflets, which could have been affected by the pandemic in 2020, and distribution should be resumed to ensure different means of access to the information by health system users. In addition, the Court stressed that it was important that the State verify that the leaflets and other information materials in the hospitals had been duly distributed to the target community, and also stressed the importance of the State continuing to distribute this information on women's sexual and reproductive rights on a permanent basis, as a tool to ensure that the health centers guarantee these rights.

c) Ecuador: declare an official day against sexual violence in schools

In the Judgment in the *Case of Guzmán Albarracín et al. v. Ecuador*, of June 24, 2020, the Court established that, within a reasonable time, the State should “declare an official national day against sexual violence in schools, using a title that explicitly mentions the phenomenon of sexual violence against children in the educational context.”

In the order of September 23, 2021, the Court declared that the State had complied with this reparation because, during the public act to acknowledge international responsibility on December 9, 2020, the President of Ecuador signed a decree declaring August 14 each year the “Official day against sexual violence in schools,” which seeks “to recognize and create awareness in the educational community of the National Education System and in society as a whole, of the serious nature of sexual violence against children and adolescents, disseminate and promote the right of children and adolescents to a life free of sexual violence, and implement specific actions to prevent, detect and punish acts of sexual violence against children and adolescents in the educational sphere.” This decree ordered the Ministry of Education and the Human Rights Secretariat to “disseminate and promote the rights of the child, and to implement awareness-raising actions on the importance of eradicating sexual violence against children and adolescents in the educational sphere.”

d) Guatemala: incorporate into the National Educational System a program to prevent and eradicate discrimination and violence against women

In the Judgment in the *Case of Velásquez Paiz et al.*, the Court established that the State should, “within a reasonable time, incorporate into the curriculum of the national educational system, at all levels of education, a permanent education program on the need to eradicate gender-based discrimination, gender stereotyping, and violence against women in Guatemala, in light of the corresponding international standards and the case law of this Court.”

In the order of June 21, 2021, the Court considered that the State had complied fully with this measure of reparation. The Court took into consideration that a communication of the Minister of Education dated October 29, 2020, had advised that the basic national curriculum of the Ministry of Education included the issue of “[t]he eradication of gender-based discrimination, gender stereotyping and violence against women,” under the following three crucial equity areas: (1) gender, (2) ethnicity, and (3) social. These issues were developed based on the following four components: (i) equity and equality; (ii) gender and self-esteem; (iii) equity in the workplace, and (iv) social equality – the latter with two subcomponents: (a) gender and power, and (b) gender and ethnicity. The said communication also explained that the basic national curriculum integrated the issue of violence against women in the areas of social sciences, citizenship training, interculturality, and physical education at the primary, basic, diversified and college level and the baccalaureate in arts and science, with a major in education. In this regard, the Court noted that, according to the basic national curriculum, which is accessible on the webpage of the Ministry of Education (<https://www.mineduc.gob.gt/DIGECUR/>), the issues, components and content mentioned in the Minister of Education’s communication are included for the primary, basic and diversified levels.

e) Guatemala: adopt a national strategy, system, mechanism or program to achieve the immediate and effective search for missing women

In the Judgment in the *Case of Velásquez Paiz et al.*, the Court established that the State must, “within a reasonable time, adopt a national strategy, system, mechanism or program, by legislative or other means, to institute the immediate and effective search for missing women.” In this Judgment, it indicated that, this measure was required to “ensure that, in cases of reports of this nature, the corresponding authorities receive them immediately, without the need for formalities and, at the same time, initiate actions to locate the possible victims and prevent the violation of their rights to life and to personal integrity. All this, within a reasonable time and with the respective allocation of institutional and budgetary resources”.

In the order of June 21, 2021, the Court considered that the State had complied fully with this measure of reparation taking into account the creation and implementation of the “Mechanism for the immediate search for missing women,” established in the Law on the immediate search for missing women (Decree No. 9-2016 in force as of March 2, 2016), as well as the regulation, in 2019, of a compulsory procedure for the reception and follow up of reports of disappearances by the Public Prosecution Service. Among the urgent measures to search for a missing woman this procedure includes activating the “Isabel-Claudina Alarm,” which bears the name of the victims of two emblematic

Cases in which the Court has handed down Judgments, and this was implemented starting in August 2018.

f) Guatemala: implement permanent programs and courses for officials of the Judiciary, the Public Prosecution Service and the National Civil Police

In the Judgments in the *Cases of Veliz Franco et al., and Velásquez Paiz et al.*, the Court established that the State must, “within a reasonable time, implement programs and courses for public officials who are members of the Judiciary, the Public Prosecution Service and the National Civil Police and who are involved in the investigation of the murder of women on standards with regard to prevention, and the eventual punishment and eradication of the murder of women, and provide them with training on the proper application of the relevant laws and regulations.” In the Judgment in the Case of Velásquez Paiz et al., the Court established that the programs or courses must be permanent.

In the order of June 21, 2021, the Court concluded that the State had complied fully with the component of the measure concerning the implementation of permanent programs and course for members of the Judiciary. In its decision, the Court took into consideration that the School of Judicial Studies had incorporated a permanent program of “Initial training for new specialized organs on crimes of femicide and other forms of violence against women and sexual violence,” as well as a program of “On-going training for agents of both special and ordinary justice,” and had also provided training on issues of gender throughout the country. In addition, the Judicial School and the Judiciary’s Secretariat for Women and Gender Analysis had offered courses, training sessions, workshops, forums and videoconferences on women’s rights and gender for the judiciary in general. The Secretariat had also signed an agreement with a university that, since 2018, had provided judicial officials with the possibility of enrolling in a master’s program on gender and justice.

In the said order of June 21, 2021, the Court concluded that the State had complied fully with the measure concerning the implementation of permanent programs and courses for members of the National Civil Police. This is because the Training Unit of the General Subdirectorates of Personnel of the General Directorate of the National Civil Police (responsible for promoting the development of police personnel and police professionalization), in coordination with the General Subdirectorates for Studies and Doctrine, had implemented the permanent training program entitled “Strengthening competencies in police operations, application of human rights and legal bases for the protection of persons, and police actions,” by means of the methodology known as the “Academic Hour.” The subject-matter included in this program includes the study of international human rights treaties, and upgrading on domestic legislation, including the following laws: Law against Femicide and other forms of violence against women; Law against Sexual Violence, Exploitation and People-trafficking; Law on the immediate search for disappeared women, and Law on the National Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

Lastly, in this order of June 21, 2021, the Court considered that the State had complied partially with the component relating to the implementation of permanent programs and course for members of the Public Prosecution Service. In its decision, the Court took into consideration that the Public Prosecution Service’s Training Unit had provide on-site and virtual training over the period January 1 to November 18, 2020, on standards for the prevention, punishment and eradication of femicide, in which professional and technical personnel of the Prosecution Service to counter the crime of femicide took part, as well as criminal investigation personnel of the National Civil Police and, personnel responsible for processing crime scenes and criminalistic investigation of the Criminalistic Investigations Directorate assigned to that Prosecution Service. However, the State did not provide evidence that it had implemented a permanent program. Also, given that the technical and professional personnel of the District and Municipal Prosecution Services throughout the country may be involved in receiving complaints and investigating criminal acts defined in the Law against Femicide in places in which personnel from the Special Prosecution Service may only have an oversight role, the Court considered it necessary that Guatemala clarify whether those officials also receive permanent training.

g) Guatemala: draw up a plan to reinforce the National Institute of Forensic Science (INACIF), with a specific timetable

In the Judgments in the *Cases of Veliz Franco et al., and Velásquez Paiz et al.*, the Court established that the State must, “within a reasonable time, draw up a plan to reinforce the INACIF with a specific timetable, which includes the allocation of adequate resources to allow it to expand its activities throughout national territory and to fulfill its functions”.

In the order of June 21, 2021, the Court concluded that the State had complied partially with this reparation because it had prepared and implemented the INACIF Institutional Strategic Plan for 2018-2022, which established six strategic areas: (1) Reinforcement of the quality and expansion of the forensic service; (2) Review and implementation of service with a victim-based focus; (3) System for institutional integrity; (4) Institutional administrative reinforcement; (5) e-government, and (6) Infrastructure and equipment. The Court considered that, even though execution of this strategy has been limited by the budget allocated to the INACIF, it has led to an improvement in its functions in several areas, a slight increase in territorial coverage, and an extension of the hours of the services. However, considering that the INACIF authorities themselves have indicated that they have been unable to execute the scheduled activities under the Strategic Plan satisfactorily owing to an inadequate budget, which has prevented the expansion of the territorial coverage as established in the plan, the Court found that the State still had to provide evidence of a substantial improvement in the coverage of the work of INACIF in relation to the execution of the Institutional Strategic Plan for 2021 and 2022.

h) Guatemala: bring into operation the “specialized jurisdictional organs” and the special prosecutor’s office” indicated in the Law against Femicide

In the Judgments in the *Cases of Veliz Franco et al.*, and *Velásquez Paiz et al.*, the Court established that the State must, “within a reasonable time, bring into operation the “specialized jurisdictional organs” and the special prosecutor’s office” indicated in the Law against Femicide.

In the order of June 21, 2021, the Court considered that the State had complied partially with this reparation. First, it appreciated that, in 2016, during the stage of Monitoring Compliance with Judgment, the Office of the Prosecutor for crimes of femicide had been created and brought into operation, and also a Sectional Prosecutor’s Office of the Public Prosecution Service, and that, during the four years they had been in operation, a substantial increase in human resources had been secured. However the Court noted that although this Prosecutor’s Office has national coverage, its headquarters are in Guatemala City and the victims’ representatives had warned that “it was not enough” to have a single Office of the Prosecutor for crimes of femicide to receive complaints from the whole country and process them satisfactorily in accordance with the law, and considered it necessary “to have municipal agencies in the country’s 340 municipalities.” Consequently, the Court required the State to provide information on whether it had made any recent evaluation to measure the impact of having a single center for the Office of the Prosecutor for crimes of femicide at the national level for the reception and investigation of complaints, and also whether there was a strategy to improve its budget and budget execution capacity. In addition, based on Article 69(2) of the Court’s Rules of Procedure, it asked the Guatemalan Office of the Prosecutor for crimes of femicide to present a report with any information it considered relevant on the functioning and territorial coverage of the office.

Second, the Court noted that, in recent years, the State had made substantial progress in the incremental operation of courts, tribunals and chambers of the Appellate Court on crimes of femicide and other forms of violence against women in the country’s departments. To assess the full functioning of the “specialized jurisdictional organs,” the Court found it necessary to require the State to provide information on several of the aspects indicated.

C.5. Partial compliance with the obligation to investigate

The obligation to investigate is one of the positive measures that States must adopt to guarantee the rights recognized in the American Convention, as well as to contribute to making reparation to the victims and their families. In particular, it relates to the States’ obligation to ensure the rights to life, and to personal integrity and liberty by an effective investigation of the facts that violated those rights and, as appropriate, by the punishment of those responsible.⁸⁹ This obligation has been ordered in numerous Judgments of the Court and is one of the measures that it is most difficult for the States to comply with owing to the many complexities that its implementation involves. These include: legal obstacles such as amnesty laws; shortcomings in the systems of justice; concealment, coercion or pacts of silence among those possibly responsible; lack of access to records to obtain evidence; failure to gather evidence promptly or flaws in the chain of custody of the evidence; the time that has passed between the events and the investigation, and

⁸⁹ This obligation means that States must remove all the factual and legal obstacles that prevent due investigation of the facts and use all available means to expedite the said investigation and the respective procedures in order to avoid the repetition of violations. The Inter-American Court has established that this is an obligation of means and not of results, that must be assumed by the State as an inherent legal obligation and not as a mere formality preordained to be unsuccessful, or simply as a measure taken by private interests that depends on the procedural initiative of the victims or their next of kin, or on the private contribution of evidence.

insufficient personnel or adequate resources to expedite investigations.

In several cases the Inter-American Court has recognized that considerable progress has been made in complying with this obligation; but only in very few cases has the Court been able to determine that the State's efforts have been sufficient to declare partial or total compliance with this obligation.⁹⁰ In 2021, the Court declared partial compliance with this obligation in four cases with regard to Argentina, Guatemala and Peru.

a) Case of *Mendoza et al. v. Argentina*: determination of the criminal responsibility of three prison officers for the crime of torture

In the Judgment in this Case, delivered on May 14, 2013, the Court established that Argentina must conduct effectively the criminal investigation into the acts of torture committed to the detriment of Claudio David Núñez and Lucas Matías Mendoza, to determine the eventual criminal responsibilities and, as appropriate, apply effectively the punishments and consequences established by law.

In the order of September 23, 2021, the Court declared partial compliance with the said obligation on verifying that a Judgment had been handed down in which three prison officers had been sentenced to six and five years' imprisonment and to "absolute and permanent disqualification, loss of civil rights and payment of costs" as "co-perpetrators of the crime of the torture of Lucas Matías Mendoza and Claudio David Núñez." Although the Court appreciated the progress made in the criminal proceedings as regards determining the said criminal responsibilities, it also noted that a decision was pending on the punishments that should be imposed on these individuals and on the possible responsibility of two officers who were acquitted, as well as with regard to a new investigation before the corresponding Federal Court, because the statements that were taken could suggest that other actionable offenses had been committed in relation to the same facts. Therefore, the Court will continue to monitor this measure for the State to present information on the decision adopted by the Supreme Court of Justice of the Nation in relation to the remedy of complaint filed by the accused in this criminal case, and the issue of a new decision in relation to the ruling of the Federal Chamber of Criminal Cassation regarding the sentences of the three convicted men and the situation of the two individuals whose acquittal has been annulled.

b) Case of *Velásquez Paiz et al. v. Guatemala*: determination of the criminal responsibility of one individual in relation to the death of María Isabel Veliz Franco

In the Judgment in this Case, delivered on May 19, 2014, the Court established that Guatemala must conduct the investigation effectively and, as appropriate, open the corresponding criminal proceedings and, if pertinent, any others required to identify, prosecute and punish, as appropriate, those responsible for the abuse and deprivation of life of the child, María Isabel Veliz Franco.

In the order of September 1, 2021, the Court declared that the State had complied partially with these measures. The Court appreciated that the State had made progress in determining the criminal responsibility and convicting a person in relation to the events surrounding the death of María Isabel Veliz Franco. In this regard, it stressed that, in the domestic Judgment, the Court of Criminal Sentencing had recognized that the case had "served to present an x-ray of the irresponsible actions of the institutions responsible for imparting justice at the time of the events. This is a case that should lead the State authorities to reflect on their investigative capacity and their obligation to ensure the life and safety of women." In addition, it referred to "the relentless actions of her mother, Rosa Elvira Franco Sandoval, who, overcoming all obstacles, has fought to clarify her daughter's murder." The Court appreciated that the criminal Judgment established additional measures of reparation to be provided by state institutions, such as a measure of satisfaction (prepare a plaque that recognizes women's fight for access of justice, to be placed in a central square in Guatemala City), and another of non-repetition (urge all state institutions, within their terms of reference, to apply the Inter-American Convention on the Prevention and Eradication of Violence against Women). However, since the Court was not sure whether the sentence handed down in March 2021 was now final, or whether it had been executed – because the most recent information presented by the parties indicated that the convicted man had filed an appeal – the State was asked to present updated information in this regard, as well as to adopt the necessary measures to

⁹⁰ Prior to 2021, the Court had declared total compliance with the obligation to investigate in two cases: against Colombia and Peru, and partial compliance in eight cases: against Argentina, Bolivia, Brazil, Colombia, Guatemala and Peru. It had also declared that monitoring compliance with this obligation had concluded in two cases: against Brazil and Peru.

ensure that this appeal is decided promptly and with due diligence.

c) Case of the Plan de Sánchez Massacre v. Guatemala: determination of the criminal responsibility of five persons for the crime of murder and crimes against humanity for the facts corresponding to the Plan de Sánchez Massacre

In the Judgment in this Case, delivered on November 19, 2004, the Court established that Guatemala must investigate the events of the Plan de Sánchez massacre in order to identify, prosecute and punish the masterminds and perpetrators. It considered that “[m]ore than 22 years after the massacre and 10 years after the opening of the corresponding investigations, the State ha[d] not investigated the events or effectively identified, prosecuted and punished those responsible. Therefore, a situation of impunity existe[d] that constitute[d] a violation of this State obligation, harm[ed] the victims, and encourage[d] the chronic repetition of the human rights violations concerned.”

In the order of April 30, 2021, the Court declared that the State had complied partially with this measure. It appreciated that the State had made progress in determining the criminal responsibility and convicting five people for the crime of murder and crimes against humanity based on the facts corresponding to the Plan de Sánchez Massacre, and this had constituted important progress in relation to the situation of total impunity verified in the Judgment. However, given that the Court was uncertain whether the sentences imposed were final, or if they had been executed – because the most recent information presented by the parties indicated that remedies of appeal and cassation had been filed by the convicted men – the State was asked to present updated information in this regard, and also to take the necessary measures to ensure that the said remedies were decided promptly and with due diligence. The Court also recalled that, in the Judgment, it had considered proved that the Command that perpetrated the violations was composed of approximately 60 individuals, including soldiers, and that the victims were approximately 268 people who had been executed, and this required the State to guarantee due diligence to continue making progress in the investigation and determination of responsibilities promptly.

d) Case of the Campesino Community of Santa Bárbara v. Peru: determination of the criminal responsibility of two soldiers for the forced disappearances of fifteen victims

In the Judgment in this Case, delivered on September 1, 2015, the Court established that Peru must conduct the necessary wide-ranging, systematic and thorough investigations to determine, prosecute and punish, as appropriate, those responsible for the violations declared in the Judgment.

In the order of June 21, 2021, the Court declared that the State had complied partially with the said measures. The Court appreciated that the State had made progress in determining the criminal responsibility and convicting two soldiers and in investigations addressed at identifying others who were potentially responsible for masterminding or perpetrating the violations committed against 15 victims of forced disappearance, as well as with actions to discover the location and identify the victims’ mortal remains. Despite this, it stressed that, almost seven years after the delivery of the Judgment, apart from the said two criminal convictions, it had still not been possible determine the specific circumstances or all of those who were the masterminds and perpetrators of the forced disappearance of the 15 victims. This was despite the fact that it was well-known that the events took place in the context of a military operation in which more individuals took part and that a chain of command existed for its planning and execution. Therefore, taking into account that Judgments had been delivered determining the criminal responsibility of two soldiers who took part in the perpetration of the forced disappearance and that the sentence of one of them (who was in command of the military patrol) is final, and that a criminal investigation remains open into others who are possibly responsible for these facts, the Court concluded that the State had complied partially with this measure.

The order of June 21, 2021, is available [here](#).

C.6. Application of Article 65 of the American Convention to inform the OAS General Assembly of non-compliance

Regarding the application of Article 65 of the American Convention on Human Rights, it should be recalled that this article establishes that, in the annual report on its work that the Court submits to the consideration of the OAS General

Assembly, “[i]t shall specify, in particular, the cases in which a State has not complied with its Judgments, making any pertinent recommendations.” Also, Article 30 of the Inter-American Court’s Statute stipulates that, in this annual report, “[i]t shall indicate those cases in which a State has failed to comply with the Court’s ruling.” As can be seen, the States Parties to the American Convention have established a system of collective guarantee. Thus, it is in the interests of each and every State to uphold the system for the protection of human rights that they themselves have created and to prevent Inter-American justice becoming illusory by leaving it to the discretion of a State’s internal decisions. In previous years, the Inter-American Court has issued orders in which it has decided to apply the provisions of the said Article 65 and, thus inform the OAS General Assembly of non-compliance with the reparations ordered in the Judgments in several cases, requesting the General Assembly that, in keeping with its task of protecting the practical effects of the American Convention, it urge the corresponding States to comply.

On November 17, 2021, the Court issued an order applying the said article in the Case of Roche Azaña et al. v. Nicaragua. The Court took this decision based on the position adopted by Nicaragua in the briefs submitted at the stage of Monitoring Compliance with Judgment not to comply with the decisions of the Court, which constitutes an evident act of contempt of court by the State in relation to the binding nature of the Judgment, contrary to the international principle of the need to abide by treaty-based obligations in good faith, as well as non-compliance with the obligation to provide information to the Court.

Pursuant to the decisions taken in the said order, when the Court has decided to apply Articles 65 of the Convention and 30 of its Statute in cases of failure to comply with its Judgment, and has reported this, in its Annual Report, to the General Assembly of the Organization of American States, the Court will continue referring to this non-compliance in its Annual Report every year, unless the State proves that it is adopting the necessary measures to comply with the reparations ordered in the Judgment, or the victims’ representatives or the Commission provide information on implementation and compliance with the points of the Judgment that must be assessed by this Court.

In total, at the end of 2021, Articles 65 of the American Convention had been applied in 21 cases at the stage of monitoring compliance (2 cases involving Haiti; 2 cases involving Nicaragua; 2 cases involving Trinidad and Tobago, and 15 cases involving Venezuela). Of these, in 20 cases this article was applied prior to 2021, and the situation has not changed. The list of cases can be found [here](#).

D. Requests for reports from sources that are not parties (Article 69(2) of the Rules of Procedure)

Starting in 2015, the Court has used the authority established in Article 69(2)⁹¹ of its Rules of Procedure to request relevant information on the implementation of reparations from “other sources” that are not parties to a case. This has allowed it to obtain direct information from specific State organs and institutions that have a competence or function that is relevant for implementation of the reparation or for requiring its implementation at the domestic level. This information differs from that provided by the State, as a party to the proceedings, at the stage of monitoring compliance.

During 2021, the Court applied this provision in the following Cases:

- a) In the **Cases of the Massacres of El Mozote and neighboring places v. El Salvador**, the **Salvadoran Ombudsman** provided an oral report in the public hearing on Monitoring Compliance with Judgment on March 4, 2021, in which he presented the information he considered relevant, under his terms of reference, on compliance with the obligation to investigate, prosecute and, eventually, punish those responsible for the gross violations in this Case.
- b) In the **Case of Ximenes Lopes v. Brazil**, in an order of January 28, 2021, the Court considered it expedient to ask the **National Council of Justice of Brazil** to provide an oral report during the public hearing on Monitoring Compliance with Judgment of April 23, 2021, to present any relevant information, under its terms of reference, concerning compliance with the obligation to investigate.

⁹¹ This article establishes that: “[t]he Court may require from other sources of information relevant data regarding the Case in order to evaluate compliance therewith. To that end, the Tribunal may also request the expert opinions or reports that it considers appropriate.”

- c) In the **Case of Cuscul Pivaral et al. v. Guatemala**, in an order of March 16, 2021, the Court considered it expedient to ask the **Guatemalan Ombudsman and the Representative of the Pan-American Health Organization in Guatemala** to provide a report presenting any information they considered relevant, under their terms of reference, on compliance with the guarantees of non-repetition established in paragraph 226 of the Judgment. This paragraph established that “[t]he State must design a mechanism to ensure the accessibility, availability and quality of antiretroviral drugs, diagnostic tests, and health services for people living with HIV. This mechanism must achieve the following minimum objectives, which must be reached by actions taken by State entities and its goals will be measured based on indicators established under a participative public policy: (i) to increase the availability, accessibility and quality of antiretroviral drugs, diagnostic tests for the HIV detection, and tests for the diagnosis and treatment of opportunistic diseases; (ii) to improve programs for the care of people living with HIV and to increase the coverage of care; (iii) to increase and improve urgent and immediate measures relating to health care for people living with HIV, and (iv) to improve the information available for decision making by all the competent authorities. In addition, to ensure that the design and implementation of this mechanism are effective, the State must invite the medical community, people living with HIV who are users of the health system and the organizations that represent them, and the Guatemalan Ombudsman, to take part in establishing care priorities, taking decisions, and the planning and evaluation of strategies to improve health care.”
- d) In the **Case of the Miguel Castro Castro Prison v. Peru**, in an order of March 23, 2021, the Court considered it expedient to ask the **Peruvian Ombudsman** to advise the Court if he could provide his cooperation as regards the enhanced monitoring of compliance with the measure concerning medical and psychological treatment for five victims who were in detention centers, so that the representatives could communicate with them promptly and appropriately.
- e) In the **Case of Herzog et al. v. Brazil**, in an order of April 30, 2021, the Court considered it expedient to ask the **National Council of Justice of Brazil** to provide, under its terms of reference, an oral report in the public hearing on Monitoring Compliance with Judgment of June 24, 2021, presenting any information it considered relevant on compliance with the obligation to investigate the torture and death of Mr. Herzog and the guarantee of non-repetition concerning the adoption of measures to ensure recognition of the non-derogable nature of actions filed for crimes against humanity and other international crimes.
- f) In the **Case of the Santo Domingo Massacre v. Colombia**, the President of the Court considered it expedient to ask the **Ombudsman and the Prosecutor General of Colombia**, or those appointed to represent them, to each provide an oral report in the private hearing on Monitoring Compliance with Judgment of June 2, 2021, to present any information they considered relevant, under their terms of reference, on compliance with the reparation relating to payment of compensation for pecuniary and non-pecuniary damage to certain victims.
- g) In the **Cases of Veliz Franco et al., and Velásquez Paiz et al. v. Guatemala**, in an order of June 21, 2021, the Court considered it expedient to ask the **Guatemalan Office of the Prosecutor for crimes of femicide** to provide a report with any information it considered relevant on its functions and territorial coverage.
- h) In the **Case of the Favela Nova Brasília v. Brazil**, in an order of June 21, 2021, the Court considered it expedient to ask the **National Council of Justice of Brazil** and the **National Council of the Public Prosecution Service** to each, under their respective terms of reference, provide an oral report in the public hearing on Monitoring Compliance with Judgment of August 20, 2021, to present any information they considered relevant on compliance with the measures of reparation ordered in the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth operative paragraph of the Judgment. Subsequently, in an order of November 25, 2021, the National Council of Justice of Brazil was asked to present a report on compliance with the guarantee of non-repetition ordered in the sixteenth operative paragraph of the Judgment concerning the adoption and implementation of norms to ensure that the investigation would be conducted by a body that was independent and different from the law enforcement body involved in the incident. On August 17 and September 20, 2021, the **Ombudsperson of the Union** presented a brief on compliance with this Judgment.
- i) In the **Case of Ortiz Hernández et al. v. Venezuela**, in an order of November 17, 2021, the Court considered it expedient to ask the **Prosecutor General of the Republic of Venezuela**, or the person who he designated, to present a detailed report on progress in compliance with the obligation to investigate, identify, prosecute and punish, as appropriate, all those responsible for the death of Johan Alexis Ortiz Hernández.

E. Informal meetings held with victims and/or state agents

During 2021, the Court implemented the positive measure of holding virtual meetings with state agents to provide them with information or to discuss the status of cases at the stage of Monitoring Compliance with Judgment. This type of meeting was held with agents of Colombia, Panama, Paraguay and Peru. These are informal meetings, rather than monitoring hearings, but they have a positive impact on greater communication regarding matters such as the different reparations that the States must comply with, deadlines for the presentation of reports, and observations presented by representatives of the victims and the Commission, among other matters.

F. Involvement of domestic institutions and courts to require the execution of reparations at the domestic level

Compliance with the Court's Judgments can benefit from the involvement of national institutions and organs that, within their spheres of competence and using their powers to protect, defend and promote human rights, urge the corresponding public authorities to take specific actions or adopt measures that lead to the implementation of the measures of reparation ordered, and compliance with the decisions made in the Judgments. Their involvement can provide support to the victims at the domestic level. This is particularly important in the case of reparations that are more complex to implement and that constitute guarantees of non-repetition which benefit both the victims in a case and the community as a whole by promoting structural, legislative and institutional changes that ensure the effective protection of human rights.

Depending on the components of the reparations, the active participation of different social agents, together with organs and institutions specialized in the proposal, planning or implementation of such measures, is relevant.

In this regard, it is worth noting the work that can be done by national human rights bodies and Ombudsmen. For example, in 2021:

- the Panamanian Ombudsman took part in the public hearing held in the case of Vélez Loo v. Panama concerning monitoring of the implementation of the Provisional Measures adopted in 2020 to protect the rights of the people in the San Vicente and Lajas Blancas Migrant Reception Stations in the province of Darien.
- the Guatemalan Ombudsman took part in the public hearing held in the cases of Valenzuela Ávila, and Ruiz Fuentes et al. v. Guatemala regarding the request for Provisional Measures (supra) related to compliance with the reparation on "continue any necessary investigations to identify, prosecute and punish, as appropriate, those responsible" for the deaths of Hugo Humberto Ruiz Fuentes and Tirso Román Valenzuela Ávila, and specifically on the obligation to ensure that those who participate in the investigation, including victims and agents of justice, have due guarantees for their safety.
- the Salvadoran Ombudsman took part in the public hearing held in the case of the Massacres of El Mozote and neighboring places v. El Salvador (supra) in which he presented information that he considered relevant on compliance with the obligation to investigate, prosecute and, eventually, punish those responsible for the gross violations in this Case.
- the Ombudsman's Office and the Office of the Prosecutor General of Colombia took part in the private hearing held in the case of the Santo Domingo Massacre v. El Salvador (supra). Each institution presented the information it considered relevant, under its terms of reference, on the implementation of the measure concerning the payment of compensation for pecuniary and non-pecuniary damage ordered in the Judgment in this Case.

The domestic courts also play an essential role by requiring, within their terms of reference, that specific reparations ordered by the Inter-American Court are complied with or directly complying with such reparations. In orders on monitoring compliance issued during 2021, the Court emphasized rulings made by domestic courts in Chile,⁹² Peru⁹³ and Guatemala,⁹⁴ that enabled progress to be made in, or compliance with, reparations ordered in the Court's Judgments.

G. Participation of academia and civil society

The interest in the execution of the Inter-American Court's Judgments shown by academia, non-governmental organizations and other members of civil society is also extremely relevant.

The filing of briefs *amicus curae* (Article 44(4) of the Court's Rules of Procedure) gives third parties, who are not party to the proceedings, an opportunity to provide the Court with their opinion or information on legal considerations concerning aspects that relate to compliance with reparations. For example, in 2021, the Court received in relation to compliance with the Judgments in the cases of: Gomes Lund et al. (Guerrilha do Araguaia) v. Brazil, the Favela Nova Brasilia v. Brazil, the Massacres of El Mozote and neighboring places v. El Salvador, and Montero Aranguren et al. (Retén de Catia) v. Venezuela.

The support that organizations and academia can provide in their respective fields is also essential, by organizing activities and initiatives that disseminate judicial standards, or others that examine, provide opinions on, and debate essential aspects and challenges relating to both the impact of, and compliance with, the Court's Judgments, and also to promote such compliance. Examples of such initiatives are the seminars, meetings, workshops and projects organized to this end, as well as the "Observatories" on the Inter-American System of human rights or to follow up on compliance with Judgments.⁹⁵ The most important activities carried out in 2021 included:

- the virtual seminar "*Más allá del cumplimiento, a más allá del impacto*" [*Over and above compliance and impact*], co-organized by the Max Planck Institute for Comparative Public Law and International Law, the Inter-American Court, the Inter-American Commission, and the Rule of Law Program for Latin America of the Konrad Adenauer Foundation (KAS), on July 5 and 6, 2021.
- the virtual seminar "*The Inter-American Human Rights System: Reparations Design and Compliance*" organized by Notre Dame Reparation Design and Compliance Lab of the Kellogg Institute for International Studies at the University of Notre Dame, on December 8, 2021.

To encourage the involvement of human rights organs and institutions and national courts, together with the participation of academia and civil society, in matters relating to compliance with the reparations ordered by the Inter-American Court, above all, the guarantee of non-repetition, in March 2019, the Court adopted Decision 1/19 on "Clarifications on the publication of information contained in the files of the cases at the stage of Monitoring Compliance with Judgment" (supra Section A), allowing publication of the information concerning guarantees of non-repetition in the files of cases at the stage of Monitoring Compliance with Judgment and also the briefs *amicus curae* submitted. During 2021, the Court continued publishing these documents.

H. List of Cases at the stage of Monitoring Compliance with Judgment

The Court ended 2021 with 258 Contentious Cases at the stage of Monitoring Compliance with Judgment. The updated list of cases at the stage of Monitoring Compliance with Judgment is available [here](#).

92 Case of Norín Catrimán et al. (Leaders, members and activist of the Mapuche Indigenous People) v. Chile. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of February 18, 2021.

93 Case of the Campesino Community of Santa Bárbara v. Peru. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of June 21, 2021.

94 Case of Veliz Franco et al., and Case of Velásquez Paiz et al. v. Guatemala. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of June 21, 2021.

95 Such as: the "Observatory on the Inter-American System of human rights" at the UNAM Legal Research Institute; the "Observatory of the Inter-American Association of Public Defenders (AIDEF) on compliance with the Judgments of the Inter-American Court of Human Rights," and the "Permanent Observatory on compliance with Judgments of the Inter-American Court of Human Rights in Argentina and monitoring of the Inter-American System of Human Rights" of the Faculty of Legal and Social Sciences of the Universidad Nacional del Litoral, Argentina.

In addition, 2020 ended with a total of 42 Cases closed because each and every reparation ordered in the respective Judgment had been completed.

TOTAL CASES UNDER SUPERVISION AND ON FILE, BY STATE

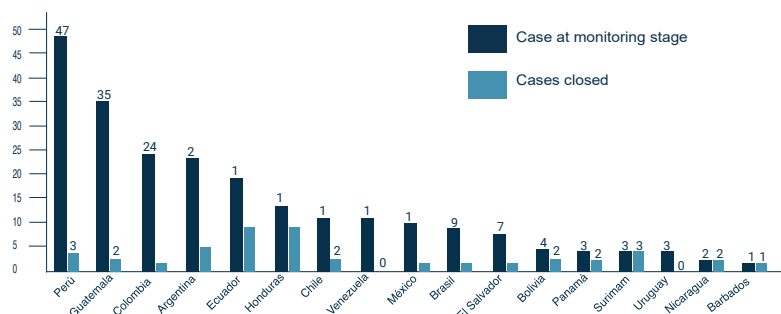
At the end of 2021, the following were in the monitoring stage

258 STAGES OF SUPERVISION
involving 1373 Reparation Measures



In 2021, a total of

47 ORDERS of Monitoring Compliance with Judgment



*Note: The information presented in this table is based on statements in the orders issued by the Court. Consequently, there could be other information provided by the parties in the files that has not yet been evaluated by the Court.

The cases in which the Court is Monitoring Compliance with Judgment appear below in two lists. The first list includes the 237 Cases where compliance with Judgment continues pending and is monitored by the Court. The second list contains the 21 Cases in which the Court has applied Article 65 of the American Convention, without any change in the situation verified; such Cases also continue at the stage of Monitoring Compliance with Judgment.

- List of Cases at the monitoring stage, excluding those to which Article 65 of the Convention has been applied.

List of Cases at the Monitoring Stage [Excluding those to which Article 65 of the Convention has been applied]

Número Total	Number by State	Name of the Case	Date of Judgment ordering reparations
ARGENTINA			
1	1	Garrido and Baigorria	August 27, 1998
2	2	Bulacio	September 18, 2003
3	3	Bueno Alves	May 11, 2007
4	4	Bayarri	October 30, 2008
5	5	Torres Millacura et al.	August 26, 2011

6	6	Fontev ecchia and D'Amico	November 29, 2011
7	7	Fornerón and daughter	April 27, 2012
8	8	Furlan and family	August 31, 2012
9	9	Mendoza et al.	May 14, 2013
10	10	Gutiérrez and family	November 25, 2013
11	11	Argüelles et al.	November 2, 2014
12	12	Gorigoitía	September 2, 2019
13	14	Romero Feris	October 15, 2019
14	15	Hernández	November 22, 2019
15	16	López et al.	November 25, 2019
16	17	Jenkins	November 26, 2019
17	18	Indigenous Communities of the Lhaka Honhat (Our Land) Association	February 6, 2020
18	19	Spoltore	June 9, 2020
19	20	Valle Ambrosio et al.	July 20, 2020
20	21	Acosta Martínez et al.	August 31, 2020
21	22	Fernández Prieto and Tumbeiro	September 1, 2020
22	20	Almeida	November 17, 2020
23	23	Julien Grisonas et al.	September 23, 2021
BARBADOS			
24	1	Dacosta Cadogan	September 24, 2009
BOLIVIA			
25	1	Trujillo Oroza	February 27, 2002
26	2	Ticona Estrada et al.	November 27, 2008
27	3	Ibsen Cárdenas and Ibsen Peña	September 1, 2010
28	4	I.V.	November 30, 2016
BRAZIL			
29	1	Ximenes Lopes	July 4, 2006
30	2	Garibaldi	September 23, 2009
31	3	Gomes Lund et al.	November 24, 2010
32	4	Hacienda Brazil Verde Workers	October 20, 2016
33	5	Favela Nova Brasília	February 16, 2017
34	6	Xucuru Indigenous People and its members	February 5, 2018
35	7	Herzog et al.	March 15, 2018
36	8	Workers of the Fireworks Factory of Santo Antônio de Jesus	July 15, 2020
37	9	Barbosa de Souza et al.	September 7, 2021
CHILE			
38	1	Palamara Iribarne	November 22, 2005
39	2	Almonacid Arellano et al.	September 26, 2006
40	3	Atala Riffo and daughters	February 24, 2012
41	4	García Lucero et al.	August 28, 2013

42	5	Norín Catrimán et al. (Leaders, members and activist of the Mapuche Indigenous People)	May 29, 2014
43	6	Maldonado Vargas et al.	September 2, 2015
44	7	Poblete Vilches et al.	March 8, 2018
45	8	Órdenes Guerra et al.	November 29, 2018
46	9	Urrutia Laubreaux	August 27, 2020
47	10	Vera Rojas et al.	October 1, 2021
48	11	Teachers of Chañaral and other municipalities	November 10, 2021
COLOMBIA			
49	1	Caballero Delgado and Santana	January 29, 1997
50	2	Las Palmeras	November 26, 2002
51	3	19 Traders	July 5, 2004
52	4	Gutiérrez Soler	September 12, 2005
53	5	Mapiripán Massacre	September 15, 2005
54	6	Pueblo Bello Massacre	January 31, 2006
55	7	Ituango Massacres	July 1, 2006
56	8	La Rochela Massacre	May 11, 2007
57	9	Escué Zapata	July 4, 2007
58	10	Valle Jaramillo et al.	November 27, 2008
59	11	Manuel Cepeda Vargas	May 26, 2010
60	12	Vélez Restrepo and family members	September 3, 2012
61	13	Santo Domingo Massacre	August 19, 2013
62	14	Afrodescendant Communities displaced from the Río Cacarica Basis (Operation Genesis)	November 20, 2013
63	15	Rodríguez Vera et al.	November 14, 2014
64	16	Yarce et al.	November 22, 2016
65	17	Vereda La Esperanza	August 31, 2017
66	18	Carvajal et al.	March 13, 2018
67	19	Villamizar Durán et al.	November 20, 2018
68	20	Isaza Uribe et al.	November 20, 2018
69	21	Omeara Carrascal et al.	November 21, 2018
70	22	Petro Urrego	July 8, 2020
71	23	Martínez Esquivia	October 6, 2020
72	24	Bedoya Lima et al.	August 26, 2021
ECUADOR			
73	1	Benavides Cevallos	June 19, 1998
74	2	Suárez Rosero	January 20, 1999
75	3	Tibi	September 7, 2004
76	4	Zambrano Vélez et al.	July 4, 2007
77	5	Chaparro Álvarez and Lapo Ñíguez	November 21, 2007
78	6	Vera et al.	May 19, 2011

79	7	Kichwa Indigenous People of Sarayaku	June 27, 2012
80	8	Gonzales Lluy et al.	September 1, 2015
81	9	Flor Freire	August 31, 2016
82	10	Herrera Espinoza et al.	September 1, 2016
83	11	Vásquez Durand et al.	February 15, 2017
84	12	Montesinos Mejía	January 27, 2020
85	13	Carranza Alarcón	February 3, 2020
86	14	Guzmán Albarracín et al.	June 24, 2020
87	15	Guachalá Chimbó et al.	March 26, 2021
88	16	Grijalva Bueno	June 3, 2021
89	17	Villarroel et al.	August 24, 2021
90	18	Garzón Guzmán	September 1, 2021
91	19	Palacio Urrutia et al.	November 24, 2021
EL SALVADOR			
92	1	Serrano Cruz sisters	March 1, 2005
93	2	García Prieto et al.	November 20, 2007
94	3	Contreras et al.	August 31, 2011
95	4	Massacres of El Mozote and neighboring places	October 25, 2012
96	5	Rochac Hernández et al.	October 14, 2014
97	6	Ruano Torres et al.	October 5, 2015
98	7	Manuela et al.	November 2, 2021
GUATEMALA			
99	1	“White Van” (Paniagua Morales et al.)	January 22, 1998
100	2	Blake	March 8, 1998
101	3	“Street Children” (Villagrán Morales et al.)	May 26, 2001
102	4	Bámaca Velásquez	February 22, 2002
103	5	Myrna Mack Chang	November 25, 2003
104	6	Maritza Urrutia	November 27, 2003
105	7	Molina Theissen	3 de julio de 2004
106	8	Plan de Sánchez Massacre	November 19, 2004
107	9	Carpio Nicolle et al.	November 22, 2004
108	10	Fermín Ramírez	20 de julio de 2005
109	11	Raxcacó Reyes	September 15, 2005
110	12	Tiu Tojín	November 26, 2008
111	13	Las Dos Erres Massacre	November 24, 2009
112	14	Chitay Nech et al.	May 25, 2010
113	15	Río Negro Massacres	September 4, 2012
114	16	Gudiel Álvarez et al. (“Diario Militar”)	November 20, 2012
115	17	García and family members	November 29, 2012
116	18	Véliz Franco et al.	May 19, 2014
117	19	Human Rights Defender et al.	August 28, 2014

118	20	Velásquez Paiz et al.	November 19, 2015
119	21	Chinchilla Sandoval et al.	February 29, 2016
120	22	Members of the village of Chichupac and neighboring communities of the Municipality of Rabinal	November 30, 2016
121	23	Gutiérrez Hernández et al.	August 24, 2017
122	24	Ramírez Escobar et al.	March 9, 2018
123	25	Coc Max et al. (Xamán Massacre)	August 22, 2018
124	26	Cuscul Pivaral et al.	August 23, 2018
125	27	Martínez Coronado	May 10, 2019
126	28	Ruiz Fuentes et al.	October 10, 2019
127	29	Valenzuela Ávila	October 11, 2019
128	30	Rodríguez Revolorio et al.	October 14, 2019
129	31	Girón et al.	October 15, 2019
130	32	Gómez Virula et al.	November 21, 2019
131	33	Maya Kaqchikel Indigenous Peoples of Sumpango et al.	October 14, 2019
132	34	Village of Los Josefinos Massacre	November 3, 2021
133	35	Former judicial employees	November 17, 2021
HONDURAS			
134	1	Juan Humberto Sánchez	June 7, 2003
135	2	López Álvarez	February 1, 2006
136	3	Servellón García et al.	September 21, 2006
137	4	Kawas Fernández	April 3, 2009
138	5	Pacheco Teruel et al.	April 27, 2012
139	6	Luna López	October 10, 2013
140	7	López Lone et al.	October 5, 2015
141	8	Triunfo de la Cruz Garifuna Community and its members	October 8, 2015
142	9	Punta Piedra Garifuna Community and its members	October 8, 2015
143	10	Pacheco León et al.	November 15, 2017
144	11	Escaleras Mejía et al.	September 26, 2018
145	12	Vicky Hernández et al.	March 26, 2021
146	13	Lemoth Morris et al. (Miskito Divers)	August 31, 2021
MEXICO			
147	1	González et al. ("Cotton Field")	November 16, 2009
148	2	Radilla Pacheco	November 23, 2009
149	3	Fernández Ortega et al.	August 30, 2010
150	4	Rosendo Cantú et al.	August 31, 2010
151	5	Cabrera García and Montiel Flores	November 26, 2010
152	6	García Cruz and Sánchez Silvestre	November 26, 2013
153	7	Trueba Arciniega et al.	November 27, 2018

154	8	Women Victims of Sexual Torture in Atenco	November 28, 2018
155	9	Alvarado Espinoza et al.	November 28, 2018
156	10	Digna Ochoa and Plácido and family	November 25, 2021
NICARAGUA			
157	1	Acosta et al.	March 25, 2017
158	2	V.R.P., V.P.C. et al.	March 8, 2018
PANAMA			
159	2	Heliodoro Portugal	August 12, 2008
160	3	Vélez Loor	November 23, 2010
161	4	Kuna Indigenous Peoples of Madungandí and Emberá of Bayano and their members	October 14, 2014
PARAGUAY			
162	1	"Juvenile Re-education Institute"	September 2, 2004
163	2	Yakye Axa Indigenous Community	June 17, 2005
164	3	Sawhoyamaxa Indigenous Community	March 29, 2006
165	4	Goiburú et al.	September 22, 2006
166	5	Vargas Areco	September 26, 2006
167	6	Xákmok Kásek Indigenous Community	August 24, 2010
168	7	Noguera et al.	March 9, 2020
169	8	Ríos Avalos et al.	August 19, 2021
PERU			
170	1	Neira Alegría et al.	September 19, 1996
171	2	Loayza Tamayo	November 27, 1998
172	3	Castillo Páez	November 27, 1998
173	4	Constitutional Court	January 31, 2001
174	5	Ivcher Bronstein	February 6, 2001
175	6	Cesti Hurtado	May 31, 2001
176	7	Barrios Altos	November 30, 2001
177	8	Cantoral Benavides	December 3, 2001
178	9	Durand and Ugarte	December 3, 2001
179	10	"Five Pensioners"	February 28, 2003
180	11	Gómez Paquiyauri Brothers	July 8, 2004
181	12	De La Cruz Flores	November 18, 2004
182	13	Huilca Tecse	March 3, 2005
183	14	Gómez Palomino	November 22, 2005
184	15	García Asto and Ramírez Rojas	November 25, 2005
185	16	Acevedo Jaramillo et al.	February 7, 2006
186	17	Baldeón García	April 6, 2006
187	18	Dismissed Congressional Employees (Aguado Alfaro et al.)	November 24, 2006
188	19	Miguel Castro Castro Prison	November 25, 2006
189	20	La Cantuta	November 29, 2006

190	21	Cantoral Huamaní and García	July 10 2007
191	22	Acevedo Buendía et al. (“Discharged and Retired Employees of the Comptroller’s Office”)	July 1, 2009
192	23	Anzualdo Castro	September 22, 2009
193	24	Osorio Rivera and family members	November 26, 2013
194	25	J.	November 27, 2013
195	26	Tarazona Arrieta et al.	October 15, 2014
196	27	Espinoza Gonzáles	November 20, 2014
197	28	Cruz Sánchez et al.	April 17, 2015
198	29	Canales Huapaya et al.	June 24, 2015
199	30	Wong Ho Wing	June 30, 2015
200	31	Santa Bárbara Campesino Community	September 1, 2015
201	32	Galindo Cárdenas et al.	October 2, 2015
202	33	Quispialaya Vilcapoma	November 23, 2015
203	34	Tenorio Roca et al.	June 22, 2016
204	35	Pollo Rivera et al.	October 21, 2016
205	36	Zegarra Marín	February 15, 2017
206	37	Lagos del Campo	August 31, 2017
207	38	Dismissed Employees of PetroPeru et al.	November 23, 2017
208	39	Munárriz Escobar et al.	August 20, 2018
209	40	Terrones Silva et al.	September 26, 2018
210	41	Muelle Flores	March 6, 2019
211	42	Rosadio Villavicencio	October 14, 2019
212	43	National Association of Discharged and Retired Employees of the National Tax Administration Superintendence (ANCEJUB-SUNAT)	November 21, 2019
213	44	Azul Rojas Marín et al.	March 12, 2020
214	45	Casa Nina	November 24, 2020
215	46	Moya Solís	June 3 2021
216	47	Cuya Lavy et al.	September 28, 2021
DOMINICAN REPUBLIC			
217	1	Yean and Bosico Girls	September 8, 2005
218	2	González Medina and family members	February 27, 2012
219	3	Nadege Dorzema et al.	October 24, 2012
220	4	Expelled Dominicans and Haitians	August 28, 2014
SURINAME			
221	1	Moiwana Community	June 15, 2005
222	2	Saramaka People	November 28, 2007
223	3	Kaliña and Lokono Peoples	November 25, 2015

URUGUAY			
224	1	Gelman	February 24, 2011
225	2	Barbani Duarte et al.	October 13, 2011
226	3	Maidanik et al.	November 15, 2021
VENEZUELA			
227	1	Chocrón Chocrón	July 1, 2011
228	2	Landaeta Mejías Brothers et al.	August 27, 2014
229	3	Ortiz Hernández et al.	August 22, 2017
230	4	San Miguel Sosa et al.	February 8, 2018
231	5	López Soto et al.	September 26, 2018
232	6	Álvarez Ramos	August 30, 2019
233	7	Díaz Loreto et al.	November 19, 2019
234	8	Olivares Muñoz et al.	November 10, 2020
235	9	Mota Abarullo et al.	November 18, 2020
236	10	Guerrero, Molina et al.	June 3, 2021
237	11	González et al.	September 20, 2021

- List of Cases at the stage of monitoring compliance to which Article 65 of the Convention has been applied, and the situation verified has not varied.

List of Cases at the stage of Monitoring Compliance [in which Article 65 of the Convention has been applied and the situation verified has not changed]			
Total number	Number per State	Name of the Case	Date of the judgment ordering reparations
HAITI			
1	1	<u>Yvon Neptune</u>	<u>May 6, 2008</u>
2	2	<u>Fleury et al.</u>	<u>November 23, 2011</u>
NICARAGUA			
3	1	<u>Yatama</u>	<u>June 23, 2005</u>
		<u>Roche Azaña et al.</u>	<u>June 3, 2020</u>
TRINIDAD AND TOBAGO			
4	1	<u>Hilaire, Constantine and Benjamin et al.</u>	<u>June 21, 2002</u>
5	2	<u>Caesar</u>	<u>March 11, 2005</u>
VENEZUELA			
6	1	<u>El Amparo</u>	<u>September 14, 1996</u>
7	2	<u>Caracazo</u>	<u>August 29, 2002</u>
8	3	<u>Blanco Romero et al.</u>	<u>November 28, 2005</u>
9	4	<u>Montero Aranguren et al. (Detention Center of Catia)</u>	<u>July 5, 2006</u>
10	5	<u>Apitz Barbera et al. ("First Court of Administrative Disputes")</u>	<u>July 5, 2006</u>
11	6	<u>Ríos et al.</u>	<u>January 28, 2009</u>

12	7	<u>Perozo et al.</u>	<u>January 28, 2009</u>
13	8	<u>Reverón Trujillo</u>	<u>June 30, 2009</u>
14	9	<u>Barreto Leiva</u>	<u>November 17, 2009</u>
15	10	<u>Usón Ramírez</u>	<u>November 20, 2009</u>
16	11	<u>López Mendoza</u>	<u>September 1, 2011</u>
17	12	<u>Familia Barrios</u>	<u>November 24, 2011</u>
18	13	<u>Díaz Peña</u>	<u>June 26, 2012</u>
19	14	<u>Uzcátegui et al.</u>	<u>September 3, 2012</u>
20	15	<u>Granier et al. (Radio Caracas Television)</u>	<u>June 22, 2015</u>

List of Cases closed following Compliance with Judgment

Total No.	Cases closed following compliance with judgment	Date of judgment ordering reparations	Date of order closing case
ARGENTINA			
1	1. Kimel	May 2, 2008	February 5, 2013
2	2. Mohamed	November 23, 2012	November 3, 2015
3	3. Mémoli	August 22, 2013	February 10, 2017
4	4. Cantos	November 28, 2002	November 14, 2017
BARBADOS			
5	1. Case of Boyce et al.	January 30, 2014	March 9, 2020
BOLIVIA			
6	1. Pacheco Tineo Family	November 25, 2013	April 17, 2015
7	2. Andrade Salmón	December 1, 2016	February 5, 2018
BRAZIL			
8	1. Escher et al.	July 6, 2009	June 19, 2012
CHILE			
9	1. "The Last Temptation of Christ" (Olmedo Bustos et al.)	February 5, 2001	November 28, 2003
10	2. Claude Reyes et al.	September 19, 2006	November 24, 2008
COLOMBIA			
11	1. Duque	February 26, 2016	March 12, 2020
COSTA RICA			
12	1. Herrera Ulloa	July 2, 2004	November 22, 2010
13	2. Amrhein et al.	April 25, 2018	
14	3. Artavia Murillo et al. (" <i>In Vitro</i> " Fertilization)	November 28, 2012	November 22, 2019
15	4. Gómez Murillo et al.	November 26, 2016	November 22, 2019
ECUADOR			
16	1. Acosta Calderón	June 24, 2005	February 6, 2008
17	2. Albán Cornejo et al.	November 22, 2007	August 28, 2015
18	3. Salvador Chiriboga	March 3, 2011	May 3, 2016
19	4. Mejía Idrovo	July 5, 2011	September 4, 2012

20	5. Suárez Peralta	May 21, 2013	August 28, 2015
21	6. Case of the Constitutional Tribunal (Camba Campos et al.)	August 28, 2013	June 23, 2016
22	7. García Ibarra et al.	November 17, 2015	November 14, 2017
23	8. Valencia Hinojosa et al.	November 29, 2016	March 14, 2018
24	9. Supreme Court of Justice (Quintana Coello et al.)	August 23, 2013	January 30, 2019
<u>EL SALVADOR</u>			
25	1. Colindres Schonenberg	February 4, 2019	November 18, 2020
<u>GUATEMALA</u>			
26	1. Maldonado Ordóñez	May 3, 2016	August 30, 2017
27	2. Villaseñor Velarde et al.	February 5, 2019	June 24, 2020
<u>HONDURAS</u>			
28	1. Velásquez Rodríguez	July 21, 1989	September 10, 1996
29	2. Godínez Cruz	September 10, 1993	September 10, 1996
<u>MEXICO</u>			
30	1. Castañeda Gutman	August 6, 2008	August 28, 2013
<u>NICARAGUA</u>			
31	1. Genie Lacayo	January 21 1997	August 29, 1998
32	2. Community of Mayagna (Sumo) Awas Tingni	August 31, 2001	April 3, 2009
<u>PANAMA</u>			
33	1. Tristán Donoso	January 27, 2009	September 1, 2010
<u>PARAGUAY</u>			
34	1. Ricardo Canese	August 31, 2004	August 6, 2008
<u>PERU</u>			
35	1. Castillo Petrucci et al.	May 30, 1999	September 20, 2016
36	2. Lori Berenson Mejía	November 25, 2004	June 20, 2012
37	3. Abrill Alosilla et al.	November 21, 2011	May 22, 2013
<u>SURINAME</u>			
38	1. Aloeboetoe et al.	July 20, 1989	February 5, 1997
39	2. Gangaram Panday	January 21, 1994	November 27, 1998
40	3. Liakat Ali Alibux	January 30, 2014	May 9, 2020



Provisional Measures



VI. Provisional Measures

During 2021, the Court issued **22 orders on Provisional Measures**. These orders have different purposes, such as: (i) adoption of provisional or urgent measures; (ii) continuation or, when appropriate, expansion of Provisional Measures; (iii) total or partial lifting of measures; (iv) rejection of requests to expand Provisional Measures, and (v) rejection of requests for Provisional Measures. In addition, three public hearings on Provisional Measures were held during the year.⁹⁶

A. Adoption of Provisional Measures

1. Case of Tavares Pereira et al. v. Brazil

During the processing of the case of Tavares Pereira et al. v. Brazil, in their pleadings and motions brief of June 7, 2021, the representatives requested the adoption of Provisional Measures “to maintain the integrity of the cultural asset [the monument] in its current location while the case is being processed before the Inter-American Court.”

In the order of June 24, 2021, the Court concluded that a prima facie situation of extreme gravity and urgency existed, with the possibility of irreparable harm, which merited the adoption of Provisional Measures. Consequently, the Court ordered that all adequate measures be taken immediately to protect the Antônio Tavares Pereira monument in the place where it is located, until the Court has decided the merits of the matter.

Access to the order of [June 24, 2021](#).

2. Cases of Valenzuela Ávila and Ruiz Fuentes et al. v. Guatemala

On October 10 and 11, 2019, the Court delivered Judgments on Merits, Reparations and Costs in the case of Ruiz Fuentes et al. and the Case of Valenzuela Ávila, respectively.

In the order of September 23, 2021, the Court established the obligation of the State of Guatemala to adopt Provisional Measures, to protect both the life and personal integrity, and also the independence in the exercise of their functions, of FECCI Prosecutor “B” and FECCI Assistant Prosecutor “C” and, thereby, ensure the right of access to justice of the victims in the cases of Ruiz Fuentes et al., and Valenzuela Ávila. Nevertheless, the Court declared inadmissible the adoption of the Provisional Measures requested by the victims’ representatives.

Access to the order of [September 23, 2021](#).

B. Adoption of new Provisional Measures and subsequent lifting of these because they were subsumed in the Judgment

1. Case of Bedoya Lima et al. v. Colombia

During the public hearing held on February 12, 2021, Ms. Bedoya Lima asked the Court to adopt Provisional Measures in favor of her mother, Luz Nelly Lima, and herself. In an order of March 24, 2021, the Court determined that a prima facie situation existed of extreme gravity and urgency, with the possibility of irreparable harm, with regard to the presumed victims Jineth Bedoya Lima and Luz Nelly Lima, which merited the adoption of Provisional Measures by the Court.

⁹⁶ Hearing on the Matter of Members of the Nicaraguan Human Rights Center and the Permanent Human Rights Commission with regard to Nicaragua; Joint public hearing on Provisional Measures with regard to the Federative Republic of Brazil in the Matters of the Socio-educational Unit, the Curado Prison, the Pedrinhas Prison, and the Plácido Sá Carvalho Prison; Hearing on the Matter of Members of the Choréachi Indigenous Community with regard to Mexico; Public hearing on monitoring Provisional Measures and urgent measures in the Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua, and Joint public hearing on request for Provisional Measures in the Case of Valenzuela Ávila and the Case of Ruiz Fuente et al., both against Guatemala.

In the Judgment of August 26, 2021, the Court ordered the State to adopt all necessary measures to ensure the life, personal integrity and safety of Ms. Bedoya and her mother during the investigations and court proceedings, and provide them with the necessary protection from anyone. Therefore, the Court considered that the Provisional Measures adopted during this case were subsumed within this measure of reparation and would be monitored in the context of monitoring the Judgment.

Access to the order of [March 24, 2021](#).

C. Maintenance of Provisional Measures

1. Case of the Barrios Family v. Venezuela

On May 30, 2013, the Court delivered the Judgment on merits in the case of the Barrios Family v. Venezuela in which it decided to maintain the Provisional Measures ordered by the Inter-American Court in its orders of November 23, 2004, June 29 and September 22, 2005, February 4 and November 25, 2010, February 21 and July 5, 2011, and February 13, 2013. On February 24, 2021, the representatives of the beneficiaries reported that new acts had allegedly occurred that represented a risk to one of the beneficiaries.

In the order of April 22, 2021, the Court noted that the State had not sent any information on compliance with these Provisional Measures since June 5, 2017, or with regard to the new information provided by the representatives on March 24, 2021, despite numerous requests by the Court.

Consequently, considering the serious incidents that had taken place while these Provisional Measures were in effect, and the lack of pertinent information from the State, the Court found it necessary that the State provide complete, detailed and updated information on the evolution of the measures adopted as a whole, and their impact on the elimination of the risk to each of the beneficiaries, making a risk assessment of the beneficiaries. Also, the Inter-American Commission and the representatives should forward their observations and any information they deemed pertinent in this regard. The State should continue taking the necessary steps to ensure that the Provisional Measures were planned and implemented with the participation of the representatives of the beneficiaries.

Access to the order of [April 22, 2021](#).

2. Case of Fernández Ortega et al. v. Mexico

On April 7, 2009, during the processing of this case before the Inter-American Commission, the Commission asked the Court to order the State to adopt Provisional Measures in favor of the presumed victims and other persons who were directly or indirectly related to the case. On April 9, 2009, the President of the Court issued an order for urgent measures in which she ordered the State to adopt the necessary measures to protect the life and personal integrity of the presumed victims and of other persons. The Court ratified this order on April 30, 2009. When the Court delivered Judgment in this case, the Provisional Measures it had ordered were in effect.

On June 10, 2020, the Court issued an order in which it decided to maintain the said measures. On March 26, 2021, the representatives requested the expansion of these Provisional Measures to “16 Tlachinollan defenders.” In the order of April 22, 2021, the Court considered that, from the information provided by the representatives, it was possible to infer, *prima facie*, that elements existed that reflected a situation of extreme gravity and urgency, with the reasonable possibility that irreparable harm to the rights to life and personal integrity of the 16 proposed beneficiaries could continue. Therefore, the Court decided to maintain the Provisional Measures ordered, and required the State to continue adopting all necessary measures to protect their life and personal integrity. It also ordered the expansion of those Provisional Measures to the 16 Tlachinollan defenders.

Access to the order of [April 22, 2021](#).

3. Case of the Punta Piedra Garifuna Community and its members, and the Case of the Triunfo de la Cruz Garifuna Community and its members v. Honduras

On October 8, 2015, the Court delivered the Judgment on Merits, Reparations and Costs in the case of the Punta Piedra Garifuna Community and its members. At the stage of Monitoring Compliance with Judgment, the victims' representatives presented a request for Provisional Measures in favor of the members of the communities of Triunfo de la Cruz and Punta Piedra in Honduras and, in particular, in favor of four individuals who act together to defend the rights of the Garifuna people and, in particular, their territorial rights.

In an order of August 6, 2020, the President of the Inter-American Court, having examined the information presented and verified the facts, considered that the requirements had been met of extreme gravity, urgency and the possibility of irreparable harm to the rights to life and integrity of the members of the Punta Piedra community who, together, carry out actions to defend the rights of the Garifuna people. Consequently, she determined that it was appropriate to admit the request for urgent measures in favor of those individuals so that the State would protect their rights to life and integrity.

In an order of September 2, 2020, the Court noted that the facts reported by the representatives were recent and that they involved possible forced disappearances of individuals, who were, *prima facie*, in a situation of extreme gravity and urgency, with the possibility of suffering irreparable harm because their life, and personal liberty and integrity were threatened.

In the order of April 30, 2021, based on the limited progress made in implementing this measure and the situation of violence against members of the communities, the Court concluded that the situation of the beneficiaries remained one of extreme gravity and urgency that justified maintaining the measures of protection in order to avoid irreparable harm to them. Therefore, the Court considered that it was essential that the State take the necessary steps to ensure due implementation of the pertinent measures with regard to the members of the Triunfo de la Cruz and de Punta Piedra Garifuna communities who, together, defend the rights of the Garifuna people.

Access to the order of [April 30, 2021](#).

4. Matter of Juan Sebastián Chamorro et al. with regard to Nicaragua

On June 22, 2021, the Inter-American Commission presented a request for Provisional Measures for the Court to require the Republic of Nicaragua to adopt, without delay, the necessary measures to protect the life, personal integrity and health of: (1) Juan Sebastián Chamorro, (2) José Adán Aguerri Chamorro, (3) Félix Alejandro Maradiaga Blandón, (4) Violeta Mercedes Granera Padilla and their family units, in Nicaragua.

In the order of June 24, 2021, the Court concluded that there was sufficient evidence to determine the existence of a situation of extreme gravity and, therefore, the urgent need to adopt all necessary measures to avoid irreparable harm to the rights to life and personal integrity of Messrs. Chamorro García, Aguerri Chamorro and Maradiaga Blandón and of Mrs. Granera Padilla.

This was due to the circumstances in which they had been detained, the subsequent lack of information from the State on the whereabouts and detention conditions of the proposed beneficiaries, their actual situation of incommunicado, as well as the alleged delicate state of health of most of them and their lack of access to the required health care and medicines. Subsequently, on July 19, 2021, the Court decided to expand the Provisional Measures in favor of Daisy Tamara Dávila Rivas and her family unit.

In an order of September 9, 2021, the Court noted that sufficient evidence existed to relate the threats, intimidation, harassment and violence of which Lester Lenin Alemán Alfaro and Freddy Alberto Navas López had been victims with the facts that had justified the adoption of Provisional Measures in the matter of Juan Sebastián Chamorro et al. with regard to Nicaragua. Consequently, it decided to again require the State of Nicaragua to proceed immediately to release Messrs. Chamorro García, Aguerri Chamorro and Maradiaga Blandón and Mrs. Granera Padilla, and to adopt the necessary measures to protect their life, and personal liberty and integrity, as well as that of their family units and, also, to require the State, while undertaking the administrative procedures required for their immediate release, to unequivocally inform their families and lawyers where they were being held, permit their immediate contact with their

families and lawyers, and ensure immediate access to health services and medicines for the beneficiaries. The State must also ensure that the beneficiaries' lawyers have access to the complete case file against them and to the online judicial information system.

In the order of November 4, 2021, the Court expanded the Provisional Measures. It also ordered the State to proceed to the immediate release of: (1) Cristiana María Chamorro Barrios; (2) Pedro Joaquín Chamorro Barrios; (3) Walter Antonio Gómez Silva; (4) Marcos Antonio Fletes Casco; (5) Pedro Salvador Vásquez; (6) Arturo José Cruz Sequeira; (7) Luis Alberto Rivas Anduray; (8) Miguel de los Ángeles Mora Barberena; (9) Dora María Téllez Arguello; (10) Ana Margarita Vijil Gurdíán; (11) Suyen Barahona Cuán; (12) Jorge Hugo Torres Jiménez; (13) Víctor Hugo Tinoco Fonseca, and (14) José Bernard Pallais Arana. It also required the State to abstain from ordering the detention or any other measure that restricted the liberty of Lourdes Arróliga.

In the order of November 22, 2021, the Court concluded that the State's indication that it rejected and did not accept the Provisional Measures adopted by this Court, the continuation of the detention of most of the beneficiaries of the Provisional Measures in the conditions reported by the representatives and by the Commission, and the risk to some of them of being detained in similar circumstances, kept all the beneficiaries in a situation of lack of protection that also entailed a serious failure to comply with the provisions of Article 63(2) of the Convention. Therefore, based on the Article 65 of the American Convention on Human Rights and the concept of the collective guarantee, this Court will submit Nicaragua's failure to respect its decision to the General Assembly of the Organization of American States.

In addition, the Court ordered that the Provisional Measures required in its orders of June 24, September 9 and November 4, 2021, be maintained in favor of Juan Sebastián Chamorro García, José Adán Aguerri Chamorro, Félix Alejandro Maradiaga Blandón, Lester Lenin Alemán Alfaro, Freddy Alberto Navas López, Pedro Joaquín Chamorro Barrios, Walter Antonio Gómez Silva, Marcos Antonio Fletes Casco, Pedro Salvador Vásquez Cortedano, Arturo José Cruz Sequeira, Luis Alberto Rivas Anduray, Miguel de los Ángeles Mora Barberena, Jorge Hugo Torres Jiménez, Víctor Hugo Tinoco Fonseca, José Bernard Pallais Arana, Violeta Mercedes Granera Padilla, Daisy Tamara Dávila Rivas, Cristiana María Chamorro Barrios, Lourdes Arróliga, Dora María Téllez Arguello, Ana Margarita Vijil Gurdíán and Suyen Barahona Cuán and their family units in Nicaragua. It also required the State to adopt, immediately and effectively, all necessary measures to protect and ensure the life, and personal liberty and integrity of the beneficiaries of the Provisional Measures. Furthermore, the Court reiterated its request to the State that it immediately release the persons named in the order who were deprived of liberty and reiterated its requirement that the State abstain from ordering the detention or any other measure that would restrict the liberty of Lourdes Arróliga.

Access to the orders of [June 24, 2021](#), [July 19, 2021](#), [September 9, 2021](#), [November 4, 2021](#), and [November 22, 2021](#).

5. Case of Vélez Loor v. Panama

On November 23, 2010, the Court delivered the Judgment on Preliminary Objections, Merits, Reparations and Costs in the case of Vélez Loor v. Panama.

In an order of May 26, 2020, the President of the Inter-American Court considered that the requirements had been met to adopt Provisional Measures, having verified that these related to alleged facts in the context of the COVID-19 pandemic concerning the absence of measures to prevent contagion, and also the lack of medical care for migrants retained in the La Peñita Center, which could jeopardize the health, personal integrity and life of a number of individuals.

In an order of July 29, 2020, the Court decided to ratify the order of the President of May 26, 2020, concerning the adoption of urgent measures and therefore found it necessary to order urgent measures to protect the health, life and personal integrity of the individuals who were in the La Peñita Migrant Reception Station, as well as those who had been transferred to Laja Blanca. It also required the State of Panama to ensure, immediately and effectively, access to essential health services, without discrimination, to all those who were in the La Peñita and Laja Blanca Migrant Reception Stations, including early detection and treatment of COVID-19.

In the order of June 24, 2021, in light of the information presented by the State of Panama, together with the observations of the representatives and the Inter-American Commission, the Court concluded, that although the State had taken important steps to implement the Provisional Measures ordered by the Court, risks still persisted for the

health, integrity and life of the persons who these measures sought to protect. Consequently, it determined that the Provisional Measures it had ordered should remain in force.

In addition, regarding the representatives' request to expand the Provisional Measures to "other migration detention stations in the Darien," the Court considered that this was related to the purpose of the Provisional Measures that it had already ordered in this case because it sought to expand the protection of fundamental rights in the context of COVID-19 pandemic to individuals in a situation of international mobility and who are in other shelters in the Darien.

Access to the order of the President of [May 26, 2020](#) and of the Court of [July 29, 2020](#) and [June 24, 2021](#).

6. Matter of Members of the Nicaraguan Human Rights Center (CENIDH) and the Permanent Human Rights Commission (CPDH) with regard to Nicaragua

On October 14, 2019, the Court issued an order for Provisional Measures in the matter of Members of the Nicaraguan Human Rights Center and the Permanent Human Rights Commission in which it decided to ratify the order of the President of July 12, 2012, and, therefore: require the State to adopt immediately, the necessary measures to provide effective protection to the life and personal integrity of the members of the Nicaraguan Human Rights Center (CENIDH) and of the Permanent Human Rights Commission (CPDH), and to ensure the continuation of their work in defense of human rights without being subjected to harassment, threats or aggression. Also to require the State to ensure that the specific measures of protection were established with the participation of the beneficiaries and to avoid, insofar as possible, these measures being provided by the law enforcement officials who, according to the beneficiaries were involved in the facts.

In an order of September 1, 2021, the Court concluded that the State had not taken the necessary steps to comply with the Provisional Measures required in its order of October 14, 2019. Also, regarding the actual situation of the beneficiaries, the Court observed that the campaigns of harassment and threats still continued, as verified by the documentary evidence provided by the representatives in their briefs, and reported in the public hearing by the representatives and the beneficiaries of the measures, acts that have taken place in the current context of persecution against anyone who is perceived by the Government as an "opponent," and against human rights defenders in particular. Therefore, the Court ordered the State to maintain the Provisional Measures it had ordered in favor of the members of the Nicaraguan Human Rights Center (CENIDH) and of the Permanent Human Rights Commission (CPDH).

Subsequently, on September 3, 2021, the representatives reported that Socorro Oviedo Delgado, a CPDH official had been detained. In an order of October 15, 2021, the Court considered that, prima facie, the detention of Ms. Oviedo and the judicial proceedings against her were taking place in a context of the harassment of anyone identified as an "opponent" in Nicaragua, a context which was exacerbated this year in light of the imminence of the general elections that would take place in November. Owing to the specific circumstances in which Ms. Oviedo was, and remains, detained, as well as the context in which this detention took place, the Court ordered her immediate release and that the State continue protecting her rights to life, and to personal integrity and liberty.

Access to the orders of [September 1, 2021](#) and of [October 14, 2021](#).

7. Matter of the Members of the Choréachi Indigenous Community with regard to Mexico

In an order of March 25, 2017, the Court adopted Provisional Measures in this matter. In an order of June 10, 2020, it decided that the State must "continue taking the necessary measures to protect the life and personal integrity of the members of the Choréachi indigenous community, located in the Sierra Tarahumara, state of Chihuahua." It also determined "that criteria of cultural pertinence be observed and that the necessary coordination be organized with the different authorities with competence in the area of security and justice."

In an order of September 23, 2021, the Court considered that the situation of risk for the members of the Choréachi community remained and that the Mexican State had failed to implement effectively the measures required in the 2017 order and reiterated in 2020, because the Court had no evidence that any progress had been made by specific actions addressed at providing the appropriate protection required by the beneficiaries. Consequently, it required the Mexican State, as soon as possible, to establish the interinstitutional commission proposed by the National Human Rights

Commission (CNDH), and composed of the pertinent local and federal authorities and also the beneficiaries or their representatives and other relevant organs or institutions, including the CNDH itself, as an observer and facilitator.

Therefore, it ordered the State to continue adopting the necessary measures to protect the rights to life and personal integrity of the members of the Choréachi indigenous people, and to implement, immediately, all other actions that it considered appropriate to this end, respecting criteria of cultural pertinence, and the necessary coordination with the different authorities with competence in the area of security and justice.

Access to the order of [23 de septiembre de 2021](#).

8. Matter of the Members of the Miskito indigenous people's communities of the Northern Caribbean Coastal Region with regard to Nicaragua

On September 1, 2016, the Court issued an order for Provisional Measures in the matter of the Members of the Miskito indigenous people's communities of the Northern Caribbean Coastal Region with regard to Nicaragua, in which it required the State, inter alia: (i) to eradicate the violence and protect the life, personal and territorial integrity, and the cultural identity of the members of the Miskito indigenous people who live in the communities of Klisnak, Wisconsin, Wiwinak, San Jerónimo and Francia Sirpi; (ii) to establish an authority or a body that diagnoses the sources of conflict and proposes potential ways to pacify the situation and resolve the conflicts, and (iii) to present a complete and detailed report on the actions taken to comply with the Provisional Measures ordered.

Subsequently, the Court issued orders on November 23, 2016, June 30, 2017, August 22 and 23, 2017, and February 6, 2020, in which it ordered the expansion of these measures.

In the order of October 14, 2021, the Court concluded that the requirements had been met of extreme gravity, urgency and imminent danger of irreparable harm to the rights of the members of the community of Santa Fe, which required their protection by means of Provisional Measures. Consequently, following indications of new incidents and the context of violence in which these occurred, the Court found it pertinent to expand the Provisional Measures of protection to all the members of the Miskito indigenous people who inhabit the community of Santa Fe, as well as in favor of those who have presumably had to abandon this community and wish to return, for whom measures of security and protection must also be provided.

Access to the order of [October 14, 2021](#).

D. Request for Provisional Measures denied and channeled through enhanced monitoring of compliance

1. Case of Petro Urrego v. Colombia

On July 8, 2020, the Court delivered the Judgment on Preliminary Objections, Merits, Reparations and Costs in the case of Petro Urrego v. Colombia. The request for Provisional Measures was presented by the victim's representatives on June 18, 2021. The representatives requested protection of the victim's "right of access to international justice" in light of a possible failure to comply with the Judgment.

In the order of June 24, 2021, the Court concluded that the information and arguments presented by the representatives in the request for Provisional Measures should be assessed in the context of monitoring compliance with the Judgment in question and not by an analysis of the Convention's requirements for Provisional Measures. Therefore, the Court found that adoption of the Provisional Measures requested in this Case was inappropriate.

Access to the order of [June 24, 2021](#).

E. Requests for Provisional Measures denied

1. Case of Members and Officials of the Patriotic Union v. Colombia

During the processing of the case of Members and Officials of the Patriotic Union v. Colombia, the representative of the presumed victims presented a request for Provisional Measures on February 1, 2021.

In the order of March 16, 2021, the Court concluded that the alleged acts of harassment and stigmatization did not allow it to infer, *prima facie*, that Luis Felipe Viveros or his family members were, as required by Article 63(2) of the American Convention, in a situation of “extreme gravity and urgency” related to the possibility of “irreparable harm.” Therefore, the Court decided to deny the request for Provisional Measures.

Access to the order of [March 16, 2021](#).

2. Case of the Miguel Castro Castro Prison v. Peru

On November 25, 2006, the Court delivered the Judgment on Merits, Reparations and Costs, in the case of the Miguel Castro Castro Prison v. Peru. On July 29, 2020, the Court issued an order on Provisional Measures and Monitoring Compliance with Judgment, in which it decided to “to carry out enhanced monitoring” of the reparation concerning the medical and psychological treatment for the five victims for whom the measures were requested, taking into account that two of them had become infected with COVID-19 and that they had all indicated that they had symptoms compatible with the disease, or risks or a special vulnerability in relation to COVID, considering that they were deprived of liberty in a prison.

On December 11, 14, 26, 27 and 28, 2020, January 14, February 9, 10 and 23, and March 2, 2021, the common intervenors of the victims’ representatives requested Provisional Measures “to protect the right of access to justice with the professional assistance of a lawyer of the [said five] victims, and to protect the right of the lawyer [Alex Puente Cárdenas] to defend them.”

In the order of March 23, 2021, the Court concluded that the request for Provisional Measures was unrelated to the purpose of the cases of the Miguel Castro Castro Prison v. Peru, because the victims of that case were in two cell blocks of the Miguel Castro Castro Prison that housed the prisoners accused or convicted of crimes of terrorism or treason. However, the judicial proceedings against the 537 victims for the alleged perpetration of those crimes did not form part of the facts of the case before this Court. Therefore, the representatives’ arguments that sought to relate the request for Provisional Measures to the possibility of Mr. Puente Cárdenas exercising the legal defense of his clients in criminal proceedings in Peru were inadmissible, because those proceedings were not part of the purpose of the Case.

Access to the order of [March 23, 2021](#).

3. Case of the Favela Nova Brasília v. Brazil

On February 16, 2017, the Court delivered the Judgment on Preliminary Objections, Merits, Reparations and Costs in the case of the Favela Nova Brasília v. Brazil. In their brief of May 10, 2021, the representatives requested the adoption of Provisional Measures in favor of the families of the 27 victims murdered during the police operation of May 6, 2021, in the Favela Jacarezinho in Río de Janeiro, in order to avoid irreparable harm to their rights of access to justice, and judicial guarantees, because the investigation into what happened was being conducted by the same police force that was involved in the events.

In the order of June 21, 2021, the Court concluded that the brief with this request contained both general information on compliance with the reparation ordered in the sixteenth operative paragraph, and also specific information on events that had taken place in May 2021 in Favela Jacarezinho. Therefore, it found that adoption of the Provisional Measures requested by the representatives in this case was inadmissible because they exceeded the purpose of the Case that is now at the monitoring stage.

Access to the order of [June 21, 2021](#).

F. Order with regard to Article 53 of the Court's Rules of Procedure

1. Matter of Cristina Arrom Suhurt with regard to Paraguay

On March 13, 2019, the Court delivered the Judgment on the merits in the case of Arrom Suhurt et al. v. Paraguay. In its orders of March 14 and November 26, 2019, the Court noted that the complaint filed against Ms. Arrom Suhurt was directly related to her statement during the public hearing held in the case of Arrom Suhurt et al. v. Paraguay. Therefore, the Court ordered the State to: (i) take the necessary measures to protect the “physical, psychic, psychological and moral integrity” of Cristina Arrom Suhurt; (ii) cease failing to comply with the orders issued by the Inter-American Court; (iii) adopt the necessary measures to archive any complaint against Cristina Arrom based on her statements before the Court; (iv) take the necessary measures to avoid an exacerbation of the situation of Ms. Arrom; (v) investigate and punish those responsible for the violation of the rights established in the American Convention, and (vi) pay the professional honoraria resulting from the successive reopening of the complaint against Ms. Arrom Suhurt.

In the order of March 11, 2021, the Court considered that the fact that Ms. Arrom Suhurt is subject to criminal proceedings that entail re-opening the complaint against her due to her statements before this Court means that the State has failed to comply with the obligation to apply, by control of conventionality, its orders of 2019 and also Article 53 of the Court's Rules of Procedure, which prohibits the adoption of “reprisals” due to statements before the Court.

Access to the orders of [February 6, 2019](#), [May 13, 2019](#) and [March 11, 2021](#).

G. Current status of Provisional Measures

There are currently 30 Provisional Measures under the Court's supervision, which are as follows:

Current status of Provisional Measures				
Number	Name	State	Year	Last order
1	Case of Torres Millacura v. Argentina	Argentina	2013	2017
2	Matter of Milagro Sala with regard to Argentina	Argentina	2017	2017
3	Matter of the Socio-educational Internment Unit with regard to Brazil	Brazil	2011	2021
4	Matter of the Curado Prison with regard to Brazil	Brazil	2014	2021
5	Matter of Pedrinhas Prison with regard to Brazil	Brazil	2014	2021
6	Matter of Plácido de Sá Carvalho Prison with regard to Brazil	Brazil	2017	2021
7	Case of Tavares Pereira et al. v. Brazil	Brazil	2021	2021
8	Matter of Almanza Suárez with regard to Colombia	Colombia	1997	2020
9	Matter of the Peace Community of San José de Apartadó with regard to Colombia	Colombia	2000	2018
10	Matter of Mery Naranjo et al. v. Colombia	Colombia	2006	2019
11	Case of the La Rochela Massacre v. Colombia	Colombia	2009	2017
12	Case of the 19 Traders v. Colombia	Colombia	2010	2020
13	Matter of Danilo Rueda with regard to Colombia	Colombia	2014	2017
14	Case of Bedoya Lima et al. v. Colombia	Guatemala	2021	2021
15	Case of Bámaca Velásquez v. Guatemala	Guatemala	1998	2018

16	Matter of the Forensic Anthropology Foundation with regard to Guatemala	Guatemala	2007	2018
17	Case of Mack Chang et al. v. Guatemala	Guatemala	2009	2020
18	Case of Members of the village of Chichupac, Case of Molina Theissen and another 12 Cases v. Guatemala	Guatemala	2019	2019
19	Cases of Valenzuela Ávila and Ruíz Fuentes et al. v. Guatemala	Guatemala	2021	2021
20	Case of Kawas Fernández v. Honduras	Honduras	2008	2015
21	Cases of the Punta Piedra Garifuna Community and its members and the Triunfo de la Cruz Garifuna Community and its members v. Honduras	Honduras	2020	2021
22	Case of Vicky Hernández et al. v. Honduras	Honduras	2020	2020
23	Case of Fernández Ortega v. Mexico	Mexico	2012	2021
24	Matter of Castro Rodríguez with regard to Mexico	Mexico	2013	2020
25	Matter of the Choréachi Indigenous Community with regard to Mexico	Mexico	2017	2021
26	Matter of Members of the Miskito Indigenous People's Communities of the Northern Caribbean Coastal Region with regard to Nicaragua	Nicaragua	2016	2021
27	Matter of Members of the Nicaraguan Human Rights Center and the Permanent Human Rights Commission with regard to Nicaragua	Nicaragua	2019	2021
28	Matter of Juan Sebastián Chamorro et al. v. Nicaragua	Nicaragua	2021	2021
29	Case of Vélez Loo v. Panama	Panama	2020	2021
30	Case of the Barrios Family v. Venezuela	Venezuela	2004	2021
31	Matter of certain Venezuelan Prisons	Venezuela	2009	2020

ACTIVE PROVISIONAL MEASURES BY STATE AT THE CLOSE OF 2021

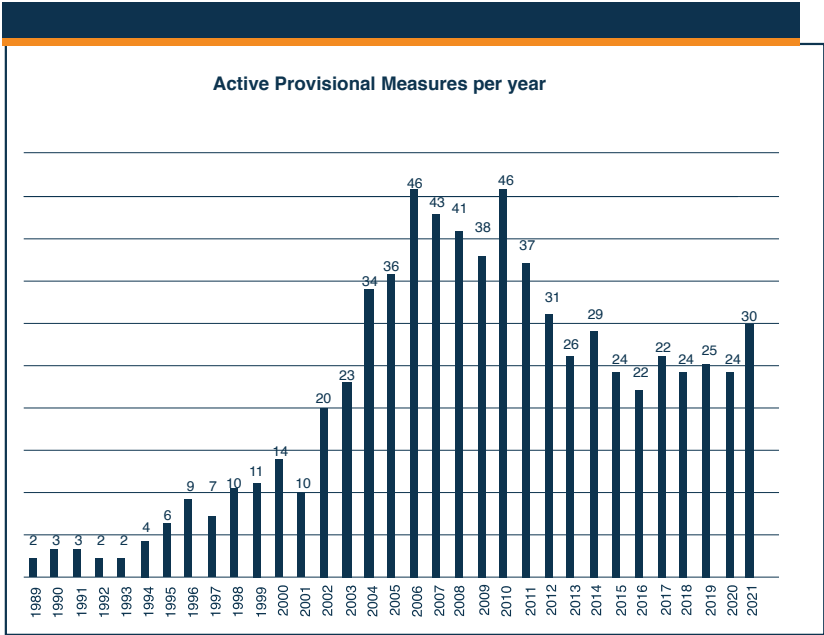
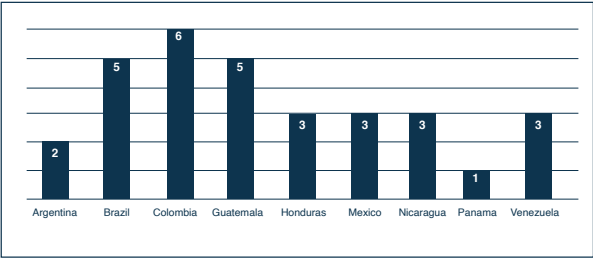
During 2021 the Court issued



22

Orders of
Provisional Measures





CURRENT STATUS OF PROVISIONAL MEASURES



- 1 Argentina**
Milagro Sala
Torres Millacura et. al.
- 2 Brazil**
Socio-educational Internment Unit
Curado Prison
Pedrinhas Prison
Plácido de Sá Carvalho Institute
Tavares Pereira y otros
- 3 Colombia**
19 Traders
Peace Community of San José de Apartadó
Danilo Rueda
Mery Naranjo et al.
Almanza Suárez
La Rochela Massacre
- 4 Guatemala**
Members of the village of Chichupac, Case of Molina Theissen and another 12 cases
Bámaca Velásquez
Forensic Anthropology Foundation
Mack Chang
Valenzuela Ávila and Ruiz Fuentes et al.
- 5 Honduras**
Kawas Fernández
Punta Piedra Garifuna Community and its members and the Triunfo de la Cruz Garifuna Community
Vicky Hernández et al.
- 6 Mexico**
Castro Rodríguez
Fernández Ortega et. al
Choréachi Indigenous Community
- 7 Nicaragua**
Members of the Nicaraguan Human Rights Center and the Permanent Human Rights Commission
Members of the Miskito Indigenous People's Communities of the Northern Caribbean Coastal Region
Juan Sebastián Chamorro et al.
- 8 Panama**
Velez Loor
- 9 Venezuela**
Certain Venezuelan Prisons
Barrios Family

Advisory Function

VII. Advisory Function

During 2021, the Court issued two Advisory Opinions and is currently examining three requests.

A. Advisory Opinions issued in 2021

Number: OC-27 / 21	
Subject:	Rights to freedom of association, collective bargaining and strike and their relationship to other rights, with a gender perspective
Interpretation and scope of Articles:	13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights 3, 6, 7 and 8 of the Protocol of San Salvador 2, 3, 4, 5 and 6 of the Convention of Belem do Pará 34, 44 and 45 of the Charter of the Organization of American States II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man
Date issued:	May 5, 2021
Date of hearing:	July 27, 28, and 29, 2020
Number of participants:	67

On May 5, 2021, the Court issued an Advisory Opinion in response to a request made by the Inter-American Commission on Human Rights on “the scope of State obligations, under the Inter-American System, in relation to the guarantees of freedom of association, their relationship to other rights and application from a gender perspective.” The Inter-American Commission on Human Rights presented the request on July 31, 2019.

Before analyzing the substantive issues raised by the Inter-American Commission, the Court underscored that combating poverty and inequality, and the guarantee of human rights is an essential component of the full democratic development of nations. It recalled that the goals established in the American Convention, the Protocol of San Salvador, and the Inter-American Democratic Charter are addressed at consolidating a system for the protection of human rights and social justice, within the framework of democratic institutions. Thus, the Court stressed that the protection of human rights was particularly important owing to the impact of the COVID-19 pandemic and, therefore, States must guarantee all human rights, without discrimination. In the context of this Advisory Opinion, the Court emphasized the need for the States to make every available effort to preserve sources of employment and to respect the labor and trade union rights of all workers.

The Court emphasized the need to guarantee the right to form trade unions to workers in both the public and the private sector, including those who work in state-owned commercial enterprises. States must ensure that associations of workers in the public sector enjoy the same advantages and privileges as those in the private sector. Regarding the objective scope of the right to freedom of association, no advance administrative authorization should be required that would invalidate the exercise of the right of workers to create whatever trade unions they judge appropriate. Workers must enjoy the right to create and join organizations of their own choosing, independent of those that may already exist in certain sectors. Freedom of association, requires the States to guarantee that workers and their representatives enjoy sufficient job protection against any act of coercion or discrimination, either direct or indirect, that could undermine the exercise of their freedom of association. In addition, workers must enjoy the right to conduct union activities, the right to regulate their union, the right to representation, the right to organize their own internal administration, and the right not to be dissolved by administrative measures.

Second, the Court clarified the rights to collective bargaining and to strike. It concluded that the right to collective bargaining was an essential component of freedom of association as it addresses the means by which workers can be in a position to defend and promote their interests. Consequently, States must refrain from intervening in negotiating processes, and should adopt measures to encourage and promote the full development and utilization of mechanisms for voluntary negotiation between employers’ organizations and workers’ organizations, with a view to the

regulation of terms and conditions of employment by means of collective agreements. In addition, public employees must enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Workers and their representatives must be able to participate fully and meaningfully in negotiation processes and, for this purpose, the State must provide workers with access to the information they need to familiarize themselves with the material necessary to conduct negotiations. The Court also established that the right to strike is essential because it is a legitimate means for defending economic, social and occupational interests. The exercise of the right to strike can be restricted or prohibited only in the case of: (a) public servants who serve as arms of public power and exercise authority on behalf of the State, and (b) workers in essential services. In this regard, the authority to declare a strike illegal should not lie with an administrative body; instead, it pertains to the judicial authority. Also, the State must refrain from applying sanctions to workers who take part in a legal strike.

The Court emphasized that the exercise of the rights to freedom of association, to collective bargaining and to strike may only be subject to limitations and restrictions established by law, provided such restrictions are characteristic of a democratic society and necessary for safeguarding public order, and for protecting public health or morals or the rights and freedoms of others. However, it indicated that any restrictions set on the exercise of these rights must be interpreted restrictively, applying the pro persona principle, and must never be stripped of their essential contents or reduced such as to deprive them of any practical value.

The Court specifically addressed the implications of the right to equality and non-discrimination. It asserted that women are bearers of the right to freedom of association, the right to collective bargaining, and the right to strike, which also means that women workers must enjoy all the qualities, powers and benefits for exercising these rights in the terms set forth previously. This includes the right to found worker organizations or to join them freely, with no discrimination, as they see fit and in accordance with their own interests. In this regard, the Court indicated that the State must respect and guarantee trade union rights and refrain from establishing any type of differential or unjustified treatment among persons merely based on their gender. Furthermore, women must have access to effective mechanisms of judicial protection of their rights when they are victims of discrimination.

The Court then clarified specific aspects concerning the full enjoyment of the right to freedom of association by women. The Court determined that union autonomy could not be claimed as an excuse for measures that could limit women's exercise of trade union rights in unions, but instead requires States to adopt measures that would allow women to enjoy formal and material equality in the workplace and in the union. Likewise, the Court considered that States should ensure there is no direct or indirect discrimination in the workplace or in the trade unions, which means tackling structural factors that underlie the persistence of gender stereotypes and roles and that prevent women from fully enjoying their rights. The Court reiterated that States are bound to respect and guarantee the rights of workers, including the right to freedom of association, right to collective bargaining and right to strike. It also pointed out that the recognition of these rights should also include sufficient guarantees for protecting them. Thus, and with respect to the questions raised by the Inter-American Commission regarding the participation of unions in the design, construction and evaluation of public policies related to work in the midst of changes taking place in labor markets with the use of new technologies, the Court underscored that States have the obligation to adapt their laws and practices to new conditions in the labor market, regardless of the type of technological developments that bring about such changes, and in consideration of the obligations to protect worker rights under the terms of international human rights law. The Court considered that labor regulations in the context of new technologies must be consistent with standards that hold labor rights as universal and inalienable, ensuring decent, dignified work. States must adopt legislative and other types of measures focused on individuals, and not primarily or exclusively on markets, that respond to the challenges and opportunities brought about by digital transformation of work, including work over digital platforms. Specifically, States must adopt measures designed to grant legal status to workers as employees if this is what they are, so they have access to the labor rights to which they are entitled under domestic law. The Court recognized that it is a fact that labor relations are in constant evolution in response to changing technologies and markets, and this brings new challenges for human rights involving labor. This is why workers must have the real option of setting up trade unions and thus be in a position to effectively negotiate fair, equitable working conditions.

The text of the Advisory Opinion is available [here](#).

Number OC-28 / 21	
Issue:	Indefinite presidential re-election in presidential systems in the context of the Inter-American Human Rights Systems
Interpretation and scope of Articles:	1, 23, 24 and 32 of the American Convention on Human Rights XX of the American Declaration of the Rights and Duties of Man 3(d) of the Charter of the Organization of American States Inter-American Democratic Charter
Date of issue::	June 7, 2021
Date of hearing:	September 28, 29 and 30, 2020
Numbers of participants:	91

On June 7, 2021, the Inter-American Court issued the Advisory Opinion on “Presidential re-election without term limits in the context of the Inter-American Human Rights System.” The request was presented by the Republic of Colombia on October 21, 2019.

The Court clarified that the considerations made in this Advisory Opinion related to the possibility of presidential reelection without term limits in a presidential system. The Court addressed the interdependence between democracy, the rule of law, and the protection of human rights that is the basis of the Inter-American Human Rights System. First, the Court reiterated that respect for human rights and fundamental freedoms is one of the fundamental elements of a representative democracy. In this sense, it stressed that the only way human rights can have real legal effectiveness is by recognition that the protection of human rights constitutes an insuperable limit to what can be decided by the majority by democratic means. Therefore, conditioning the validity of a human right recognized by the Convention to the criteria of the majority and its compatibility with the objectives of general interest, would remove all effectiveness from the Convention and international human rights treaties.

Second, the Court underscored that access to power and its exercise – subject to the rule of law – is a constitutive element of representative democracy. This means that the exercise of power must be subject to rules set in advance that citizens have prior knowledge of in order to avoid arbitrariness. In this regard, the Court indicated that, to protect minorities, the democratic process requires certain rules that limit the power of the majority as expressed at the polls; therefore, those who are temporarily exercising political power cannot be allowed to make changes without limit to the rules on access to the exercise of power. Identifying popular sovereignty with the majority opinion as expressed at the polls is not enough to classify a system as democratic. Identifying popular sovereignty with the majority opinion as expressed at the polls is not enough to classify a system as democratic. True democratic systems respect minorities and the institutionalization of the exercise of political power, which is subject to legal limits and a set of controls.

The Court noted that the regularity of the elections also has the aim of ensuring that different political parties or ideological currents can access power, emphasizing the essential role played by political groups and parties in democratic development. Thus, the Court clarified that the American Convention encourages political pluralism and this entails the obligation to guarantee rotation of power. There must be a real and effective possibility that different political movements and their candidates can win popular support and replace the ruling party. Furthermore, in democracies, power must be accessed and exercised subject to the rule of law and in keeping with the law. In this sense, the Court determined that changing the rules on access to power in a way that benefits the person in power and puts political minorities at a disadvantage cannot be decided by majorities or their representatives. Thus, authoritarian governments are prevented from staying in power indefinitely by changing the rules of the democratic game and thereby eroding the protection of human rights. In addition, the Court considered that the separation of powers was closely related to the aim of preserving related freedoms, with the understanding that concentration of power leads to tyranny and oppression. This, as well as the separation of State powers, allows for the efficient achievement of the various objectives entrusted to the State. The separation and independence of powers assumes the existence of a system of controls and oversight to constantly regulate the balance of powers.

Based on the foregoing, the Court considered that the principles of representative democracy include, in addition to regular elections and political pluralism, the obligation to prevent someone from remaining in power and to guarantee the rotation of power and the separation of powers.

The text of the Advisory Opinion is available [here](#).

B. Advisory Opinions being processed

• Differentiated approaches to persons deprived of liberty

On November 25, 2019, the Inter-American Commission on Human Rights submitted a request for an Advisory Opinion to the Inter-American Court, for the Court to interpret the “differentiated approaches to persons deprived of liberty.”

The complete text of the request is available [here](#).

During 2021, during the participative procedure included in the processing of an Advisory Opinion, and also pursuant to Article 73(3) of the Court’s Rules of Procedure, a virtual public hearing was held on April 19, 20, 21 and 22, 2021, during the 141st Regular Session, to receive oral arguments on the request for an Advisory Opinion, OC-29, submitted by the Inter-American Commission on Human Rights.

Eighty-six delegations took part in the public hearing, including representatives of States, OAS organs, international organisations, international associations, state agencies, non-governmental organizations, academic establishments, and members of civil society, who all participated from their respective countries.





Developments in the Court's Case Law



VIII. Developments in the Court's Case Law

This section highlights the aspects on which the Inter-American Court has developed new standards during 2020, as well as relevant criteria from the case law already established by the Court. These Case Law standards are very important for national authorities to be able to apply an adequate control of conventionality within their respective spheres of competence.

In this regard, the Court recalls its awareness that domestic authorities are subject to the rule of law and, consequently, obliged to apply the provisions in force under domestic law. However, when a State is a party to an international treaty such as the American Convention, all its organs, including its Judges, are also subject to this legal instrument. This obliges States Parties to ensure that the effects of the provisions of the Convention are not impaired by the application of norms that are contrary to its object and purpose. The Court has established that all State authorities are obliged to exercise a “control of conventionality” *ex officio* to ensure conformity between domestic law and the American Convention, evidently within their respective spheres of competence and the corresponding procedural regulations. This relates to the analysis that the State's organs and agents must make (in particular, Judges and other agents of justice) of the compatibility of domestic norms and practices with the American Convention. In their specific decisions and actions, these organs and agents must comply with the general obligation to safeguard the rights and freedoms protected by the American Convention, ensuring that they do not apply domestic legal provisions that violate this treaty, and also that they apply the treaty correctly, together with the Case Law standards developed by the Inter-American Court, ultimate interpreter of the American Convention.

This section is divided into the substantive rights established in the American Convention on Human Rights that incorporate these standards and that develop their meaning and scope. In addition, subtitles have been included that underscore the topics, and the content includes references to specific Judgments from which the Case Law was extracted.

Article 1 (obligation to respect and ensure rights without discrimination)

- **Disability as a category protected by the American Convention**

In the *Case of Guachala Chimbó et al. v. Ecuador*, the Court established that disability is a category protected by the expression “other social condition” in Article 1(1) of the American Convention. Therefore, the Convention prohibits any discriminatory law, act or practice based on a real or perceived disability. Consequently, no provision of domestic law, decision or practice either by State authorities or private individuals may reduce or restrict in a discriminatory manner the rights of a person due to their disability.⁹⁷

The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (IACDIS) defines the term “disability” to mean “a physical, mental, or sensory impairment, whether permanent or temporary, that limits the capacity to perform one or more essential activities of daily life, and which can be caused or aggravated by the economic and social environment.” Meanwhile, the Convention on the Rights of Persons with Disabilities (CRPD) establishes that persons with disabilities “include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”⁹⁸

In this regard, the Court observed that, these conventions take the social model into account to address disabilities, and this means that disability is not defined exclusively by the presence of a physical, mental, intellectual or sensorial impairment, but interrelates this with the barriers or limitations that exist in the social environment that prevent the individual from being able to exercise his or her rights effectively. Persons with functional diversity regularly face physical, architectural, communicative, attitudinal or socio-economic limitations or barriers in society.⁹⁹ Therefore, the State must promote socially inclusive practices and adopt differentiated positive measures to remove such barriers.

⁹⁷ Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 80.

⁹⁸ Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 84.

⁹⁹ Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 85.

The Court holds that persons with disabilities are often subject to discrimination based on their condition. Therefore, State must adopt the necessary legislative, social, educational, labor or any other measures to eliminate all disability-based discrimination and to promote the full integration of persons with disabilities into society. On this point, the CRPD establishes that disability-based discrimination also occurs when reasonable accommodation is denied.¹⁰⁰

- **Access to vaccination programs against COVID -19**

In the *Order on Provisional Measures in the Case of Velez Loor v. Panama*, the Court considered that, based on the principle of equality and non-discrimination, States must ensure that migrants have access to vaccination programs without any distinction based on their nationality or migratory status, in the same conditions as nationals and residents. The Court understood that, in the actual context, the scarcity of vaccines against COVID-19 makes it difficult for many countries to ensure that everyone has immediate access to them, so that it is necessary to establish priority groups. In this regard, States may only establish objective and reasonable distinctions, when this is done with due respect for human rights and in keeping with the principle of the application of the norm most favorable to the human being. Thus, the Court agreed with the opinion of several specialized agencies that the distinctions established for prioritizing access to vaccines against COVID-19 should be based on medical necessity and scientifically established risk criteria, including everyone who meets the requirement of a priority group, irrespective of their nationality or migratory situation.¹⁰¹

The Court also stressed the importance that, in order to overcome the pandemic, the international community take steps to ensure a global and equitable distribution of vaccines, to counteract the actual situation in which high-income countries have monopolized the acquisition of most of the vaccines. It is essential that low- and medium-income countries are able to acquire sufficient vaccines to permit, as a minimum, providing protection to all those persons who are at greater risk of contracting the virus and/or becoming seriously ill, and also to achieve herd immunity at the global level. The actions that the international community has been implementing or that are being discussed include: the establishment of the COVAX mechanism, under the World Health Organization, promoted by public and private actors; the expansion of vaccine production capacity, and the opening up the exportation of vaccines and inputs for their manufacture at the local level, as well as the elimination or temporary suspension of patent rights.¹⁰²

The Court reiterated the content of its Statement No. 1/20 entitled “COVID-19 and Human Rights: the problems and challenges that must be addressed from the perspective of human rights and respect for international obligations” in which it affirmed that “[t]he extraordinary problems and challenges resulting from this pandemic must be addressed through dialogue, together with regional and international cooperation that is implemented jointly, transparently and in a spirit of solidarity between all the States. Multilateralism is essential in order to coordinate regional efforts to contain the pandemic.” In addition, in this Statement, it recommended that “multilateral agencies, whatever their nature, must help and cooperate with the States, with a human rights-based approach, to seek solutions to the present and future problems and challenges that this pandemic is causing and will cause.”¹⁰³

- **Business and human rights**

In the *Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras*, the Court recalled that, within the framework of its competences, it is not for the Court to determine the specific responsibility of individuals, but rather to establish whether States are responsible for the violation of the human rights recognized in the Convention. In this regard, the Court has ruled on the State’s duty to regulate, supervise and oversee the practice of dangerous activities by private companies that involve significant risks to the life and integrity of persons under their jurisdiction.

In particular, the Court highlighted the three pillars of the Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework, together with the foundational principles derived from these pillars, which are fundamental in determining the scope of the human rights obligations of States and business enterprises:

100 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 87 and 88.

101 Case of Velez Loor v. Panama. Provisional Measures. Order of the Inter-American Court of Human Rights of June 24, 2021, considering paragraph 47.

102 Case of Velez Loor v. Panama. Provisional Measures. Order of the Inter-American Court of Human Rights of June 24, 2021, considering paragraph 48.

103 Case of Velez Loor v. Panama. Provisional Measures. Order of the Inter-American Court of Human Rights of June 24, 2021, considering paragraph 49.

I. The State's duty to protect human rights

- States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.
- States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

II. The corporate responsibility to respect human rights

- Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.
- The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labor Organization's Declaration on Fundamental Principles and Rights at Work.
- The responsibility to respect human rights requires that business enterprises:
 - a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
 - b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.
- The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and the severity of the enterprise's adverse human rights impacts.
- In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:
 - a) A policy commitment to meet their responsibility to respect human rights;
 - b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;
 - c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

III. Access to remedy

- As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.

Accordingly, and in the context of the obligation to guarantee rights and the duty to adopt provisions of domestic law derived from Articles 1(1) and 2 of the American Convention, the Court emphasized that States have a duty to prevent human rights violations by private companies, and therefore must adopt legislative and other measures to prevent such violations, and to investigate, punish and provide reparation when they occur. Thus, States must establish regulations requiring companies to implement actions aimed at ensuring respect for the human rights recognized in the various instruments of the Inter-American System for the protection of human rights – including the American Convention and the Protocol of San Salvador – especially in relation to hazardous activities. Under these regulations, businesses must ensure that their activities do not cause or contribute to human rights violations, and must adopt measures to redress such violations. The Court considers that corporate responsibility is applicable regardless of the size or sector of the company; however, their responsibilities may vary in the legislation based on the activity and the risk they pose to human rights.¹⁰⁴

¹⁰⁴ Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432, para. 48.

In addition, this Court considered that, in pursuit of the aforementioned purposes, States should adopt measures to ensure that business enterprises have: (a) appropriate policies for the protection of human rights; (b) due diligence processes for the identification, prevention and correction of human rights violations, as well as to ensure decent and dignified work; and (c) processes that allow businesses to remedy human rights violations that result from their activities, especially when these affect people living in poverty or belonging to vulnerable groups. The Court considered that, in this context, States should actively encourage businesses to adopt good corporate governance practices that focus on stakeholders and actions aimed at orienting business activity towards compliance with human rights and standards, including and promoting the participation and commitment of all the stakeholders involved, and the redress of affected persons.¹⁰⁵

The Court also recalled that Article 25(1) of the American Convention establishes that “[e]veryone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention [...]” Thus, States must ensure the existence of judicial or extrajudicial mechanisms that provide an effective remedy for human rights violations. In this sense, States have the obligation to eliminate existing legal and administrative barriers that limit access to justice, and adopt those aimed at achieving its effectiveness. The Court emphasized the need for States to address cultural, social, physical or financial barriers that prevent access to judicial or extrajudicial mechanisms for persons belonging to groups in situations of vulnerability.¹⁰⁶

In addition, this Court considered it pertinent to point out that it is the companies that are primarily responsible for behaving responsibly in the activities they carry out, since their active participation is fundamental for the respect and enforcement of human rights. Businesses should adopt, at their own expense, preventive measures to protect the human rights of their workers, as well as measures aimed at preventing their activities from having a negative impact on the communities in which they operate or on the environment. In this sense, the Court considered that the regulation of business activities does not require companies to guarantee results, but rather should aim to ensure that they carry out continuous assessments of the risks to human rights, and respond through effective and proportionate measures to mitigate the risks caused by their activities, in consideration of their resources and possibilities, and with accountability mechanisms to remedy any damage caused. This obligation must be assumed by companies and regulated by the State.¹⁰⁷

Articles 4 (right to life) and 5 (right to personal integrity) of the American Convention and articles 7 (obligation to condemn violence and adopt appropriate measures) and 9 (consideration of situations of vulnerability) of the Convention of Belém do Pará

• Application of the Convention of Belém do Pará to situations of violence against trans women

In the *Case of Vicky Hernández et al. v. Honduras*, the Court reiterated that Article 1 of the Convention of Belém do Pará refers to violence against women based on gender. This type of violence is based on a system of patriarchal domination deeply-rooted in gender stereotypes and constitutes a “manifestation of the historically unequal power relations between women and men.”¹⁰⁸ The Court also noted that violence against persons based on gender identity or expression, and specifically against trans women, is also based on gender, as a social construct of the identities, attributes and roles that society assigns to women and men.¹⁰⁹ And, it added that its expression responds to a specific pattern of violence and discrimination so that it should be addressed taking into account its particularities in order to respond adequately and effectively.¹¹⁰

In addition, the Court noted that Article 9 of the Convention of Belém do Pará urges States, when adopting measures to prevent, punish and eradicate violence against women, to take into account “the vulnerability of women to violence by reason of, among others, their race or ethnic background, or their status as migrants, refugees or displaced persons.” This list of factors is not *numerus clausus*, as indicated by the use of the expression “among others.” Thus, it may be considered that, in certain circumstances such as those of this case which relates to a trans woman, gender identity constitutes a factor that may contribute, intersectionally, to the vulnerability of women to gender-based

¹⁰⁵ Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432, para. 49.

¹⁰⁶ Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432, para. 50.

¹⁰⁷ Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021. Series C No. 432, para. 51.

¹⁰⁸ Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 128.

¹⁰⁹ Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 128.

¹¹⁰ Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 128.

violence.¹¹¹

Based on the above and on an evolutive interpretation,¹¹² the Court considered that, in the sphere of application of the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women, there is also a reference to situations of gender-based violence against trans women.¹¹³

- **Recognition of the gender identity of trans persons**

With regard the right to gender identity, in the *Case of Vicky Hernández et al. v. Honduras*, the Court recalled that the right of each person to define his or her sexual and gender identity is protected by the American Convention under the provisions that guarantee the free development of the personality (Articles 7 and 11(2)), and the rights to privacy (Article 11(2)), recognition of juridical personality (Article 3), and a name (Article 18).¹¹⁴

Similarly, it reiterated that gender and sexual identity are linked to the concept of liberty, the right to privacy and the possibility of self-determination of all human beings and to freely choose the options and circumstances that give a meaning to their existence in keeping with their personal convictions. Therefore, the State's recognition of gender identity is of crucial importance to ensure that trans persons may fully enjoy their human rights, including protection against violence, torture and ill-treatment.¹¹⁵

Furthermore, in light of the obligation of non-discrimination, States are also obliged to adopt positive measures to reverse or change any discriminatory situations existing within their societies that prejudice a specific group of persons. This entails the special obligation of protection that the State must exercise with regard to the actions and practices of third parties who, with its acquiescence or tolerance, create, maintain or facilitate discriminatory situations.¹¹⁶

In its case law, this Court has recognized that LGBTI persons have historically been victims of structural discrimination, stigmatization, diverse types of violence, and violations of their fundamental rights. In addition, as indicated, such conduct violates not only the right to life and personal integrity, but also the right to gender identity and/or gender expression, as well as all the rights related to this.¹¹⁷

Additionally, the Court notes that the fact that a trans woman was unable to have her gender identity and her chosen name reflected on her identity document, in keeping with her self-perceived gender, probably had a significant impact in the context of the investigations that, as indicated, were characterized by ignoring and omitting lines of investigation related to her gender identity. Moreover, this lack of recognition of her self-perceived gender identity could, more broadly, have fostered a form of discrimination and social exclusion because she had expressed that identity.¹¹⁸

Consequently, the Court indicated that no domestic legal provision, decision or practice, either by state authorities or by private individuals, may in any way reduce or restrict someone's rights based on their sexual orientation, gender identity and/or gender expression.¹¹⁹

The Court reiterated that the right of each person to define his or her sexual and gender identity autonomously and that the information in records, and on identity documents, should correspond to and coincide with their self-defined identity is protected by the American Convention and this means that States must respect and ensure to everyone the possibility of registering and/or changing, rectifying or amending their name and the other essential components of their identity such as their photograph, or the reference to sex or gender, without interference by the public authorities or by third parties. This necessarily means that those who identify themselves with diverse gender identities must be recognized as such. Moreover, the State must ensure that they can exercise their rights and assume obligations based on that same identity, without being obliged to retain another identity that does not represent their individuality, especially when this involves a continuous exposure to the social questioning of that same identity, thus affecting the exercise and enjoyment of the rights recognized by both domestic and international law.¹²⁰

111 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 129.

112 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 133.

113 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 133.

114 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 115.

115 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 116.

116 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 118.

117 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 119.

118 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 122.

119 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 123.

120 Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 124.

- **Enhanced due diligence and a gender perspective in investigations into situations of violence against trans women**

In the *Case of Vicky Hernández et al. v. Honduras*, the Court reiterated that personal prejudices and gender stereotypes may affect the objectivity of state officials responsible for investigating complaints and influence their perceptions when determining whether or not an act of violence has occurred, and also their evaluation of the credibility of the witnesses and even the victim. Stereotyping “distorts perceptions and results in decisions based on preconceived beliefs and misconceptions instead of facts” and this, in turn, can result in the denial of justice, including the re-victimization of those filing complaints. The Court also considered that this may occur in cases of stereotyping based on gender expression and gender identity.¹²¹

- **Women human rights defenders**

In the *Case of Digna Ochoa v. Mexico*, the Court indicated that, in the case of attacks against women human rights defenders, all the measures designed to mitigate the risks they run should be adopted with a gender perspective and with an intersectional approach, so that these women can be provided with comprehensive protection based on considering, understanding and highlighting the complexities of the different forms of violence that women defenders face due to their profession and their gender. Chief among these complexities are political, social, economic, environmental and systemic factors, including patriarchal attitudes and practices which produce and reproduce this type of violence. This approach also means that it should be the women defenders themselves who define their priorities and needs for protection and, in this regard, are supported based on a rationale of respect for their wishes. In order to ensure effective access to justice on an equal basis for women human rights defenders, the Court considered that States must guarantee: (i) unrestricted access, without gender-based discrimination, to justice, ensuring that women human rights defenders receive effective protection against harassment, threats, reprisals and violence; (ii) a system of justice that is in keeping with international standards concerning competence, efficiency, independence, impartiality, integrity and credibility, and the diligent and prompt investigation of acts of violence, as well as (iii) the application, in the context of this access to justice for women human rights defenders, of mechanisms that ensure that the evidentiary standards, investigations and other legal probative procedures are impartial and are not influenced by gender stereotypes or prejudices.¹²²

Article 8 (Judicial Guarantees)

- **The use of gender stereotypes during the investigation of a femicide**

In the *Case of Barbosa de Souza et al. v. Brazil*, the Court reiterated its view that personal biases and gender stereotypes affect the objectivity of State officials in charge of investigating complaints submitted to them, influencing their perception of whether or not violence occurred, and their assessment of the credibility of witnesses and of the victim herself. The Court emphasized that stereotyping “distorts perceptions and results in decisions based on preconceived beliefs and myths rather than facts,” which in turn may result in the denial of justice and the re-victimization of the complainants.¹²³

The Court also reaffirmed its position on the importance of recognizing, making visible and rejecting gender stereotypes which, in cases of violence against women, “often result in the victims being associated with the profile of a gang member and/or a prostitute or a ‘whore’, and are not considered important enough to be investigated, making the woman responsible or deserving of having been attacked. In this regard, the Court rejected any State practice that justifies violence against women and blames them for it, since assessments of this nature show a discretionary and discriminatory criterion based on the origin, condition and/or behavior of the victim simply because she is a woman.”¹²⁴

¹²¹ Case of Vicky Hernández et al. v. Honduras. Merits, Reparations and Costs. Judgment of March 26, 2021, para. 114.

¹²² Case of Digna Ochoa and family members v. Mexico. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 25, 2021. Series C No. 447, para. 101.

¹²³ Case of Barbosa de Souza et al. v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of September 7, 2021. Series C No. 435, para. 144.

¹²⁴ Case of Barbosa de Souza et al. v. Brazil. Preliminary objections, merits, reparations and costs. Judgment of September 7, 2021. Series C No. 435, para. 145.

• Disciplinary proceedings against Judges

In the *Cases of Ríos Avalos et al. v. Paraguay and Cordero Bernal v. Peru*, the Court reiterated that one of the main objectives of the separation of public powers is, precisely, to guarantee the independence of the judicial authorities, and that the autonomous exercise of the judicial function, both its institutional aspect – that is, in relation to the Judiciary as a system – and its individual aspect – that is, in relation to the person of the specific judge – must be guaranteed by the State.¹²⁵ Thus, the Court indicated that this judicial independence results in the following guarantees for the office of the judicial authorities: (i) an adequate appointment procedure; (ii) tenure and irremovability, and (iii) protection from external pressures.¹²⁶

In the *Cases of Ríos Avalos et al. v. Paraguay and Cordero Bernal v. Peru*, the Court recalled that, regarding the guarantee of the tenure and irremovability of these authorities, it had considered that this entails the following: (i) that separation from office should be due exclusively to permitted causes, either by means of a procedure that complies with judicial guarantees or because the term or mandate has concluded; (ii) that Judges may only be dismissed due to serious disciplinary offenses or incompetence, and (iii) that any procedure instituted against Judges should be decided based on the established rules for judicial conduct and by just, objective and impartial proceedings, pursuant to the Constitution or the law.¹²⁷ All the foregoing is based on the important role that Judges play in a democracy, as guarantors of human rights, which requires that their independence be recognized and safeguarded, especially in relation to the other powers of the State. To the contrary, their work could be hindered to the point of preventing them from being able to determine, declare and eventually punish arbitrary acts that could involve the violation of those rights, and to order the corresponding reparation.¹²⁸

In the case of *Cordero Bernal v. Peru*, the Court indicated that the rules for the disciplinary prosecution of Judges must seek to protect the judicial function by evaluating the performance of the Judges in the exercise of their functions. Accordingly, “when applying open or indeterminate disciplinary norms that require considering concepts such as the decorum and the dignity of the administration of justice, it is essential to take into account the effects that the conduct examined could have on the exercise of the judicial function, either positively by the establishment of normative criteria for its application, or by means of an adequate interpretation and statement of reasons by the Judges when applying them. To the contrary, the scope of these disciplinary measures would be subject to the private of moral beliefs of the Judges.” Accordingly, in the absence of normative criteria that guide the conduct of the judge, the statement of reasons of the sanctioning ruling clarifies open or indeterminate disciplinary offenses. Therefore, to determine whether, in a specific case, judicial independence has been violated owing to the dismissal of a judge based on the application of an open disciplinary offense, the Court has found it necessary to examine the substantiation of the decision imposing a disciplinary sanction on a judge.

• Specific guarantees for the removal of Judges by impeachment procedures

In the *Case of Ríos Avalos et al. v. Paraguay*, the Court considered that, the guarantees of due process established in the American Convention are applicable in the substantiation of impeachment proceedings that could result in the removal of judicial authorities. In this regard, Article 8(1) of the Convention establishes the guidelines for due process of law; these refer to a series of requirements that must be met by the procedural bodies to ensure that individuals are able to defend their rights adequately in relation to any act of the State that could affect those rights.¹²⁹

In addition, the Court indicated that even though impeachment proceedings take place within political organs when they are instituted against judicial authorities, the control that such organs exercise, rather than being based on reasons of political pertinence, opportunity or convenience, must be subject to legal criteria in the sense that the proceedings and the final decision should relate to whether or not the charges have been proved, and whether or not the conduct meets the criteria on which the indictment was based, all while observing the guarantees of due process. This does not signify denaturing or altering the essence of the control that has been democratically entrusted to an organ such as the Legislature; rather it seeks to ensure that this control, when applied to Judges, reinforces the

¹²⁵ Case of Ríos Avalos et al. v. Paraguay. Merits, Reparations and Costs. Judgment of August 19, 2021. Series C No. 429, para. 86.

¹²⁶ Case of Ríos Avalos et al. v. Paraguay. Merits, Reparations and Costs. Judgment of August 19, 2021. Series C No. 429, para. 87 and Case of Cordero Bernal v. Peru. Preliminary Objection and Merits. Judgment of February 16, 2021. Series C No. 421, para. 71.

¹²⁷ Case of Ríos Avalos et al. v. Paraguay. Merits, Reparations and Costs. Judgment of August 19, 2021. Series C No. 429, para. 88, and Case of Cordero Bernal v. Peru. Preliminary Objection and Merits. Judgment of February 16, 2021. Series C No. 421, para. 72.

¹²⁸ Case of Ríos Avalos et al. v. Paraguay. Merits, Reparations and Costs. Judgment of August 19, 2021. Series C No. 429, para. 89.

¹²⁹ Case of Ríos Avalos et al. v. Paraguay. Merits, Reparations and Costs. Judgment of August 19, 2021. Series C No. 429, para. 95.

system of separation of powers and constitutes an adequate mechanism for accountability without undermining judicial independence.”¹³⁰

The Court considered that the guarantee of the independence of the judiciary requires that, when instituting impeachment proceedings against judicial officials, the organ or organs that intervene in their processing, deliberation and decision are prohibited from reviewing the grounds for, or the contents of, the decisions of those authorities. Also, the impeachment or the eventual removal of a judge as a result of this procedure cannot be founded on the content of the decisions that he or she has issued, in the understanding that the protection of judicial independence prevents inferring responsibility owing to the votes and opinions issued in the exercise of the jurisdictional function, with the exception of intentional violations of the law or proven incompetence.¹³¹ To the contrary, judicial authorities could be subject to undue interference in the exercise of their functions, in evident detriment to the independence they should necessarily be ensured in order to fulfill their vital role under the rule of law effectively.¹³²

• Guarantees to safeguard the independence of Judges are applicable to prosecutors

In the *Case of Cuya Lavy v. Peru*, the Court considered that, owing to the specific role of prosecutors, who perform the functions of judicial officials and, as such, need to enjoy guarantees of job stability, among others, as a basic condition of their independence to ensure due compliance with their procedural role. Therefore, they are protected by the guarantees of an appropriate appointment, tenure in office and protection against external pressure. To the contrary, this would jeopardize the independence and objectivity required in their role, as principles aimed at ensuring that the investigations carried out and the claims made before the jurisdictional bodies are directed exclusively at achieving justice in each specific case, consistent with Article 8 of the Convention. In this regard, it should be added that the Court has stipulated that the failure to guarantee the irremovability of prosecutors, making them vulnerable to reprisals for the decisions they take, entails a violation of the independence guaranteed, precisely, by Article 8(1) of the Convention. In this regard, the Court referred to the Judgments in the cases *Martínez Esquivia v. Colombia* and *Casa Nina v. Peru* in which it established that the independence recognized for prosecutors constitutes the guarantee that they will not be subject to political pressure or undue interference in their actions, or retaliation for the decisions they have objectively assumed, which precisely requires the guarantee of stability and tenure in office.¹³³

Based on the foregoing considerations, the Court reiterated that the guarantee of stability and tenure in office, for Judges and prosecutors implies: (i) that removal from their positions must exclusively obey permitted grounds, either through a process that complies with judicial guarantees or because they have completed the term of their mandate; (ii) that Judges and prosecutors can only be dismissed for serious misconduct or incompetence, and (iii) that all proceedings must be decided in accordance with the established norms for judicial conduct and through fair procedures that ensure objectivity and impartiality according to the Constitution or the law.¹³⁴

• Procedures for the evaluation and ratification of prosecutors

In the *Case of Cuya Lavy v. Peru*, the Court considered that both procedures to evaluate the performance of prosecutors, in order to establish whether a person should be ratified in their position or dismissed, and also disciplinary procedures, are aimed at evaluating, either periodically or as a result of an alleged infringement, an official's conduct and suitability. In addition, when an evaluation procedure concludes that the official's performance rating was not satisfactory and they must therefore be removed from their position, it becomes a materially punitive process, since the dismissal of the person evaluated is a penalty for poor performance.¹³⁵

In the Court's opinion, the guarantees of due process characteristic of disciplinary procedures are applicable to a procedure of evaluation or ratification, insofar as this involves the possibility of dismissal of the officials evaluated in cases of incompetence or poor performance; however, their scope may be different in content or intensity.¹³⁶

130 Case of *Ríos Avalos et al. v. Paraguay*. Merits, Reparations and Costs. Judgment of August 19, 2021. Series C No. 429, para. 98.

131 Case of *Ríos Avalos et al. v. Paraguay*. Merits, Reparations and Costs. Judgment of August 19, 2021. Series C No. 429, para. 107.

132 Case of *Ríos Avalos et al. v. Paraguay*. Merits, Reparations and Costs. Judgment of August 19, 2021. Series C No. 429, para. 108.

133 Case of *Cuya Lavy et al. v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 28, 2021. Series C No. 438, para. 128.

134 Case of *Cuya Lavy et al. v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 28, 2021. Series C No. 438, para. 129.

135 Case of *Cuya Lavy et al. v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 28, 2021. Series C No. 438, para. 131 and Case of *Moya Solís v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 3, 2021. Series C No. 425, para. 69.

136 Case of *Cuya Lavy et al. v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 28, 2021. Series C No. 438, para. 132, and Case of *Moya Solís v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 3, 2021. Series C No. 425, para. 70.

• Parliamentary immunity and access to justice

In the *Case of Barbosa de Souza et al. v. Brazil*, the Court indicated that parliamentary immunity is a mechanism designed to guarantee the independence of the legislative body as a whole, and of its members, and cannot be conceived as the personal privilege of a parliamentarian. To this extent, it plays the role of an institutional guarantee of democracy. However, under no circumstances can parliamentary immunity be transformed into a mechanism for impunity; if this were to occur, it would erode the rule of law, contravene the principle of equality before the law and make access to justice illusory for those concerned.¹³⁷

In various countries of the region, as well as in most European constitutional and parliamentary systems, members of the respective legislative bodies enjoy different levels of protection against legal proceedings during their term of office. Regarding the regulation of parliamentary immunity in the States Parties to the Convention, many countries have different formulas for material immunity and several others have different mechanisms for procedural immunity, especially in relation to the possible arrest of a member of the legislature.¹³⁸

On examining the legal system of some States Parties to the Convention with respect to parliamentary immunity, the Court found that the Argentine Constitution recognizes “immunity of opinion” and “immunity from arrest.” Similarly, the paragraph 110 of the Constitution of Costa Rica recognizes parliamentary immunity, and this exempts deputies from liability for opinions expressed in the Assembly and prohibits their deprivation of liberty, except in certain cases. In Mexico, parliamentary immunity is protected mainly in the Constitution, in the Organic Law of the General Congress, and in the Senate’s Rules of Procedure. The Mexican legal system provides for the inviolability of deputies and senators for their opinions in the performance of their duties, as well as formal immunity, in relation to both the criminal prosecution and imprisonment of parliamentarians. Similarly, the Constitution of the Republic of Guatemala enshrines the prerogatives related to parliamentary immunity. In Uruguay, parliamentary immunity is regulated in a similar way. Chile has slightly different regulations regarding formal immunity since the Appellate Court is the body in charge of authorizing the prosecution of a parliamentarian. By contrast, Bolivia prohibits the application of procedural immunity to members of the legislature, although it guarantees their inviolability, while Colombia does not have normative provisions alluding to parliamentary immunity, but only in relation to the prerogative of privilege.¹³⁹

The Court considered that the application of parliamentary immunity can only be analyzed in relation to a specific case, in order to prevent the adoption of an arbitrary decision by the respective legislative body, in a way that favors impunity. The legislative chamber must, therefore, focus on examining whether there are clear elements of arbitrariness in the exercise of the criminal action directed against a parliamentarian that may compromise the legislator’s autonomy. To this end, it is necessary to carefully weigh the guarantee of the exercise of the mandate for which the parliamentarian was democratically elected, on the one hand, and the right of access to justice, on the other.¹⁴⁰

However, in light of the purpose of procedural immunity – the preservation of parliamentary order – the examination of *fumus persecutionis* presupposes an assessment of the seriousness, nature and circumstances of the alleged facts, since the response to a request for a waiver of parliamentary immunity cannot derive from an arbitrary action of the legislative chamber, which ignores the nature of the conflict and the need to protect the interests and rights at stake.¹⁴¹

The Court considered that the legislative body must give reasons for its decision on whether or not to lift procedural immunity. This is so, because the decision will necessarily impact both the rights of the parliamentarian in relation to the exercise of his functions, as well as the right of access to justice of the victims of the alleged criminal offenses attributed to this same parliamentarian. Obviously, since it is a legislative body, it cannot be required to provide the grounds for a judicial decision.¹⁴²

137 Case of Barbosa de Souza et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 7, 2021. Series C No. 435, para. 100.

138 Case of Barbosa de Souza et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 7, 2021. Series C No. 435, paras. 104 and 105.

139 Case of Barbosa de Souza et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 7, 2021. Series C No. 435, para. 106.

140 Case of Barbosa de Souza et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 7, 2021. Series C No. 435, para. 107.

141 Case of Barbosa de Souza et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 7, 2021. Series C No. 435, para. 108.

142 Case of Barbosa de Souza et al. v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 7, 2021. Series C No. 435, para. 110.

In view of the foregoing, the Court considered that the decision on the application or waiver of parliamentary procedural immunity by the parliamentary body, in a specific case, must: (i) follow an expeditious procedure, provided for by law or in the regulations of the legislative body, with clear rules and respecting the guarantees of due process; (ii) include a strict proportionality test, whereby the accusation made against the parliamentarian must be analyzed taking into account the impact on the right of access to justice of the persons who may be affected and the consequences of preventing the prosecution of a criminal act, and (iii) be substantiated and have reasons linked to the identification and justification of the existence or not of *fumus persecutionis* in the exercise of the criminal action against the parliamentarian.

The Court noted that, since the case involved the violent death of a woman, and this was clearly unrelated to the exercise of the functions of a parliamentarian, the possibility of the political use of the criminal action should have been analyzed with even greater deliberation and care, taking into account the duty of strict due diligence in the investigation and punishment of acts of violence against women, as required by the Convention.

- **Enhanced protection in access to justice for older persons**

In the *Case of the Teachers of Chañaral and other municipalities v. Chile*, the Court indicated that the Inter-American Convention on the Protection of the Human Rights of Older Persons recognized as general principles: equality and non-discrimination (Article 3(d)); proper treatment and preferential care (Article 3(k)), and effective judicial protection (Article 3(n)). In Article 31, this international instrument recognizes the right of access to justice and indicates that “[o]lder persons have the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against them or for the determination of their rights and obligations of a civil, labor, fiscal, or any other nature.” The third paragraph of this article establishes that: “State Parties shall ensure due diligence and preferential treatment for older persons in processing, settlement of, and enforcement of decisions in administrative and legal proceedings.” Thus, the Court considered that this gave rise to a right to preferential treatment for older persons in the execution of judgments in their favor and a correlative duty of the State to ensure the diligent, prompt and effective access to justice of older persons, in both administrative and judicial proceedings. Similarly, this need to ensure effective judicial protection to older persons and, in particular, ensure prompt proceedings is supported in other instruments of international law such as the Brasilia Rules on access to justice for people in vulnerable conditions adopted by the XIV Ibero-American Judicial Summit in 2008 and updated at the XIX Summit in 2018.¹⁴³

Thus, the Court considered that it can be inferred that, in the case of people in vulnerable conditions, an enhanced standard of promptness in all administrative and judicial proceedings is required, including in the execution of judgments.¹⁴⁴

Article 13 (Freedom of Expression)

- **Role of journalists and freedom of expression**

In the *Case of Bedoya Lima et al. v. Colombia* the Court reiterated that its case law has given broad content to the right to freedom of thought and expression enshrined in Article 13 of the Convention. Thus, the Court has established that this norm protects the right to seek, receive and impart ideas and information of all kinds, as well as the right to receive and know the information and ideas disseminated by others. It has also pointed out that freedom of thought and expression has an individual dimension and a social dimension, from which it has derived a series of rights that are protected under said article. The Court has affirmed that both dimensions are equally important and must be fully guaranteed simultaneously in order to give full effect to the right to freedom of thought and expression in the terms set forth in Article 13 of the Convention.¹⁴⁵

¹⁴³ Case of the Teachers of Chañaral and other municipalities v. Chile. Preliminary objection, Merits, Reparations and Costs. Judgment of November 10, 2021. Series C No. 443, paras. 148, 149 and 150.

¹⁴⁴ Case of the Teachers of Chañaral and other municipalities v. Chile. Preliminary objection, Merits, Reparations and Costs. Judgment of November 10, 2021. Series C No. 443, para. 152.

¹⁴⁵ Case of Bedoya Lima et al. v. Colombia. Merits, reparations and costs. Judgment of August 26, 2021. Series C No. 431, para. 106.

The Court also pointed out that the practice of professional journalism “cannot be differentiated from freedom of expression; on the contrary, the two are obviously intertwined, since the professional journalist is not, and cannot be, anything other than someone who has decided to exercise freedom of expression in a continuous, regular and remunerated manner.” The Court considers that in order for the media to carry out its role of providing journalistic oversight, it must not only be free to impart information and ideas of public interest, but it must also be free to gather, collect and evaluate such information and ideas.¹⁴⁶

• Sexual violence against women journalists and differentiated approach to protection measures

In the *Case of Bedoya Lima et al. v. Colombia*, the Court emphasized that, in connection with the particular risk faced by women journalists, when adopting measures to protect journalists, States must apply a strongly differentiated approach that takes into account gender considerations. The State must also conduct a risk analysis and implement protection measures that take into account the particular risk faced by women journalists as a result of gender-based violence. Likewise, States must observe not only the standards related to gender-based violence and non-discrimination already developed by this Court, but also positive obligations such as the following: a) identify and investigate with due diligence the special, differentiated risks they face because they are female journalists, as well as the factors that increase their possibility of being victims of violence, and b) adopt a gender approach when adopting measures to guarantee the safety of women journalists, including those of a preventive nature, when requested, as well as those aimed at protecting them from reprisals.¹⁴⁷

The Court noted that, as a consequence of the intimidating effect caused by violence directed against women journalists, the public loses relevant voices and points of view and, in particular, women's voices and points of view, which, in turn, leads to a widening of the gender gap in the journalistic profession and undermines pluralism as an essential element of freedom of expression and democracy.¹⁴⁸

• Abusive use of judicial mechanisms against freedom of expression

In the *Case of Palacio Urrutia v. Ecuador*, the Court considered that recourse to the courts by public officials in order to file actions for libel or slander – not to obtain a rectification, but rather to silence the criticism of their actions in the public sphere – constitutes a threat to freedom of expression. This type of proceeding, known as a “SLAPP” (a strategic lawsuit against public participation), constitutes an abusive use of the judicial mechanisms that should be regulated and controlled by the States to permit the effective exercise of freedom of expression.¹⁴⁹

The Court also considered that the pluralism and diversity of the media constitute substantive requirements for an open and free democratic debate in society. This requires the following: (A) on the part of the State: compliance with the duty to respect and to adopt decisions and policies that ensure the free exercise of freedom of expression and freedom of opinion by the media. In addition, it should establish alternative means to criminal proceedings in order to protect the honor of public officials; for example, rectification or response, and also the civil jurisdiction. This includes waiving the use of stigmatizing discourse or practices against those to exercise the public voice and any type of harassment, including judicial harassment against journalists who are exercising their freedom of expression, and (B) on the part of the media: they should contribute to strengthening the democratic and participative system that respects human rights, pursuant to the principles of the democratic rule of law (established in the Inter-American Democratic Charter), in a context of plural and diverse media, without discrimination or exclusion, as the Court has indicated since Advisory Opinion OC-5/85. In sum, the private interests of management should not constitute an obstacle to debate, entailing indirect restrictions to the free circulation of ideas and opinions.¹⁵⁰

146 Case of Bedoya Lima et al. v. Colombia. Merits, reparations and costs. Judgment of August 26, 2021. Series C No. 431, para. 107.

147 Case of Bedoya Lima et al. v. Colombia. Merits, reparations and costs. Judgment of August 26, 2021. Series C No. 431, para. 91.

148 Case of Bedoya Lima et al. v. Colombia. Merits, reparations and costs. Judgment of August 26, 2021. Series C No. 431, para. 113.

149 Case of Palacio Urrutia et al. v. Ecuador. Merits, Reparations and Costs. Judgment of November 24, 2021. Series C No. 446, para. 95.

150 Case of Palacio Urrutia et al. v. Ecuador. Merits, Reparations and Costs. Judgment of November 24, 2021. Series C No. 446, para. 96.

• **Restrictions to freedom of expression – system of subsequent imposition of liability and impossibility of criminal prosecution for protected speech**

In the *Case of Palacio Urrutia v. Ecuador*, the Court reiterated its consideration that criminal prosecution is the most restrictive measure for freedom of expression. Therefore, its use in a democratic society should be exceptional and be reserved for those situations in which it is strictly necessary to protect fundamental rights from attacks that harm or endanger them. To the contrary, this would suppose an abusive use of the punitive powers of the State. In other words, among the range of possible measures to claim subsequent imposition of liability for possible abusive exercise of the right of freedom of expression, criminal prosecution is only appropriate in those exceptional cases where it is strictly necessary to protect a pressing social need.¹⁵¹

The Court reiterated that at least three elements must be present concurrently for a specific article or information to be part of the public discussion: (a) the subjective element; that is, that the person was a public official at the time of the report made publicly; (b) the functional element; that is, that the person was acting as an official in the respective facts, and (c) the material element; that is, that the subject matter is of public interest.¹⁵² Under the standards established by the Court, an opinion article that refers to a matter of public interest enjoys special protection in light of the importance that this type of discourse has in a democratic society. Therefore, the use of criminal law owing to the dissemination of news of this nature would directly or indirectly have an intimidating effect that, ultimately would limit freedom of expression and prevent submitting to public scrutiny conducts that breach the law, such as acts of corruption, abuse of authority, etc. Ultimately, this would lessen public control over the State's powers, with significant prejudice to democratic pluralism.

The protection of honor by means of criminal law that may be legitimate in other cases, is not compatible with the Convention in the above-mentioned situation. This does not mean that, in that situation – in other words, with regard to a discourse protected by public interest, such as that referring to the conduct of public officials in the exercise of their functions – the honor of the public officials or of public figures cannot be legally protected. A journalist's conduct may eventually give rise to liability in another legal sphere, such as the civil, or to rectification or public apology, for example, in cases of possible abuse or excesses of bad faith.

The Court found it appropriate to reiterate that, in any case, the fear of a disproportionate civil sanction may be as intimidating and inhibiting for the exercise of freedom of expression as a criminal sanction, because it has the potential to jeopardize the personal and family life of the person who denounces or, as in this case, publishes information about a public official, with the evident and unhelpful result of self-censure, for both the person concerned and for other potential critics of the action of a public servant.¹⁵³

• **Indigenous peoples' community media and freedom of expression**

In the *Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala*, the Court reiterated that freedom of expression may be affected by the existence of monopolies or oligopolies in ownership of the media, situations in which the State must act to prevent concentration and promote pluralism of voices, opinions and views. To this extent, the State must democratize access to the different media, ensure diversity and pluralism, and promote the existence of commercial, public and community communication services. It is the duty of the State not only to implement appropriate measures to prevent or limit the existence and formation of monopolies and oligopolies, but also to establish adequate mechanisms for their control.¹⁵⁴

In view of the importance of media pluralism for the effective guarantee of the right to freedom of expression, and taking into account the provisions of Article 2 of the Convention, the Court considers that States are internationally obliged to establish laws and public policies that democratize access to the media and guarantee media pluralism in the different areas of communication, such as, for example, the press, radio and television. This obligation includes the duty of the State to establish adequate measures to prevent or limit the existence and formation of monopolies and oligopolies.

151 Case of Palacio Urrutia et al. v. Ecuador. Merits, Reparations and Costs. Judgment of November 24, 2021. Series C No. 446, para. 117.

152 Case of Palacio Urrutia et al. v. Ecuador. Merits, Reparations and Costs. Judgment of November 24, 2021. Series C No. 446, para. 174.

153 Case of Palacio Urrutia et al. v. Ecuador. Merits, Reparations and Costs. Judgment of November 24, 2021. Series C No. 446, para. 125.

154 Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 86.

The aforementioned State obligation necessarily implies the right of indigenous peoples to be represented in the different media, especially by virtue of their distinctive ways of life, their community relations and the importance of the media for these communities. The right to freedom of expression through indigenous media is exercised individually by each person who issues an opinion or transmits information; but it is also, and most especially, manifested collectively, due to the particular form of organization of indigenous communities.¹⁵⁵

The Court recognized that indigenous peoples have the right to establish and use their own media, based on the content and scope of the right to freedom of expression previously mentioned, but also taking into account the rights of indigenous peoples to non-discrimination, self-determination and to their cultural rights.¹⁵⁶

Regarding community radio, the Court considered that there were different definitions. However, in general, community radios stations are non-profit, are managed by the community and serve the interests of the community. According to the World Association of Community Radio Broadcasters, the fundamental characteristic of community radio stations “is the participation of the community in ownership as well as programming, management, operation, financing and evaluation.” Moreover, “they are independent and non-governmental media that do not depend on or form part of political parties or private firms.” Their *raison d’être* is to facilitate the exercise of the right to information and freedom of expression of members of their communities.

- **Regulation of community radio stations**

In the *Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala*, the Court reiterated the States’ authority and the need to regulate broadcasting activities. Such regulation should be aimed at ensuring pluralistic, diverse, inclusive and independent broadcasting. Furthermore, in order to ensure the enjoyment of the right to freedom of expression to a larger number of persons or social sectors and, consequently, a greater circulation of opinions and information, the regulation must be clear, transparent and democratic.¹⁵⁷

The Court considered that, in order to guarantee the right to freedom of expression, States are obliged to adopt measures that allow access to the radio spectrum to different social sectors, reflecting the pluralism existing in society. In the area of radio broadcasting, this State obligation is realized through the adoption of measures that ensure access to the radio spectrum for community radio stations - especially those of indigenous communities - given their importance for the dissemination and preservation of their culture and taking into account that they are ethnically distinct groups in a situation of marginalization and social exclusion resulting from poverty and discrimination.¹⁵⁸

- **The right of the indigenous peoples to participate in cultural life and its connection to broadcasting**

In the *Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala*, the Court considered the right of indigenous communities to participate in cultural life from the perspective of the alleged violation of Article 26 of the Convention, and taking into account the intersection of this right with the right to freedom of expression and the role of community radio as an instrument for the realization of these rights. The Court reiterated its authority to determine violations of Article 26 of the American Convention, and pointed out that it protects the economic, social, cultural and environmental rights (ESCER) derived from the OAS Charter, and that the rules of interpretation established in Article 29 of the Convention are relevant for its understanding.¹⁵⁹

The Court reiterated that cultural identity is a “basic human right, and one of a collective nature in indigenous communities, which must be respected in a multicultural, pluralist and democratic society.” Furthermore, the Court understood that the right to cultural identity protects the freedom of individuals, including when they are acting

155 Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 93.

156 Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 95.

157 Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 112.

158 Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 117.

159 Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 118 and 119.

together or as a community, to identify with one or several societies, communities or social groups, to follow a way of life connected to the culture to which they belong and to take part in its development. Thus, this right protects the distinctive features that characterize a social group without denying the historical, dynamic and evolving nature of culture.¹⁶⁰

As part of the “right to culture”, both the American Declaration on the Rights of Indigenous Peoples (ADRIP) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) identify the right to “practice,” the right to “disseminate,” and the obligation to ensure that indigenous peoples can have access to and participate in cultural life. Both instruments also protect the right to preserve and revitalize culture and languages. In this regard, the ADRIP establishes that “States shall take measures to promote the broadcasting of radio and television programs in indigenous languages, particularly in areas with an indigenous presence” and “shall support and facilitate the creation of indigenous radio [...] stations.”¹⁶¹

An intrinsic element of participation in cultural life is access to the means of communication and the possibility of establishing independent media, through which indigenous peoples can not only participate in, but also learn about and contribute to their own cultures, in their own language. In this sense, the Court has recognized that “language is one of the most important elements of a people’s identity, precisely because it guarantees the expression, dissemination and transmission of their culture.”¹⁶² In this regard, the Court has also referred to the instrumental nature of certain rights, such as freedom of expression, to realize other rights such as the right to take part in cultural life. From this perspective, indigenous people’s access to their own community radio stations, as vehicles of freedom of expression, is an indispensable element to promote the identity, language, culture, self-representation and the collective and human rights of indigenous peoples. Thus, in the present case, the right to freedom of expression and the right to participate in cultural life are intimately connected, since the guarantee of the right to establish and use their own radio stations as part of the indigenous peoples’ right to freedom of expression, is essential for the realization of their right to participate in cultural life through the aforementioned means of communication.¹⁶³

The Court considered that the nature and scope of the obligations stemming from the protection of indigenous peoples’ participation in cultural life include aspects that are immediately enforceable, as well as aspects of a progressive nature. Regarding the first (obligations of an immediate nature), the Court recalled that States must ensure that this right is exercised without discrimination, and adopt effective measures for its full realization. With regard to the second (obligations of a progressive nature), progressive realization means that States Parties have the specific and constant obligation to move as expeditiously and efficiently as possible toward the full realization of this right, subject to available resources, by legislation or other appropriate means. Likewise, the obligation of non-retrogression is imposed with respect to the realization of the rights achieved. Consequently, the obligations to respect and guarantee rights established in the Convention, as well as the adoption of provisions of domestic law (Articles 1(1) and 2), are essential to achieve their effectiveness.¹⁶⁴

Article 23 (Political Rights)

In *Advisory Opinion OC-28/21* the Court defined presidential re-election without term limits as when “a person serving as president of a republic remains in office for more than two consecutive periods of reasonable duration” and that “the length of this term may not be changed while it is being served.” The Court also clarified that the considerations set forth in this Advisory Opinion were limited to the possibility of presidential re-election without term limits in a presidential system.¹⁶⁵

¹⁶⁰ Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 125.

¹⁶¹ Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 126.

¹⁶² Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 127.

¹⁶³ Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 128.

¹⁶⁴ Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. Merits, Reparations and Costs. Judgment of October 6, 2021. Series C No. 440, para. 130.

¹⁶⁵ Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 38 and 39.

First, the Court addressed the interdependence between democracy, the rule of law, and the protection of human rights, which is the basis of the entire system of which the American Convention forms part. In this regard, the Court stressed that although the democratic principle means that leaders are to be elected by the majority, one of the main objectives of a democracy must be respect for the rights of minorities, which is guaranteed through protection of the rule of law and human rights.¹⁶⁶

• The principles of representative democracy

The Court determined that the essential elements and components of representative democracy, recognized in Articles 3 and 4 of the Inter-American Democratic Charter, respectively, define the basic characteristics of a representative democracy, without which a political system would cease to be this. To that extent, it was the Court's view that they constitute guiding criteria for answering the questions posed in the request for an Advisory Opinion.¹⁶⁷

First, the Court reiterated that respect for human rights and fundamental freedoms is one of the fundamental elements of a representative democracy. In this sense, the Court stressed that the only way human rights can have real legal effectiveness is through recognition that the protection of human rights constitutes an insuperable limit to what can be decided by the majority by democratic means. Therefore, conditioning the validity of a human right recognized by the Convention to the criteria of the majority and its compatibility with the objectives of general interest, would remove all effectiveness from the Convention and international human rights treaties.¹⁶⁸

Second, the Court emphasized that access to power and its exercise – subject to the rule of law – is a constituent element of representative democracy. This means that the exercise of power is subject to rules set in advance that citizens have prior knowledge of in order to avoid arbitrariness. In this regard, the Court indicated that the democratic process requires certain rules that limit the power of the majority expressed at the polls in order to protect the minorities. Therefore, the rules for access to the exercise of power cannot be amended without limit by those who are temporarily exercising political power. Consequently, the Court established that the identification of popular sovereignty with the majority opinion as expressed at the polls is not enough to classify a system as democratic. True democratic systems respect minorities and the institutionalization of the exercise of political power, which is subject to legal limits and a series of controls.¹⁶⁹

Third, the Democratic Charter and Article 23 of the American Convention, as well as Article XX of the American Declaration, all establish an obligation to hold regular elections. In addition, in the 1959 Declaration of Santiago, Chile, the States of the region declared that “Perpetuation in power, or the exercise of power without a fixed term and with the manifest intent of perpetuation, is incompatible with the effective exercise of democracy.” Consequently, the Court considered that, based on the obligation to hold periodic elections, together with the provisions of the Declaration of Santiago, it could be concluded that the principles of representative democracy on which the Inter-American System is based include the obligation to prevent someone from remaining in power perpetually.¹⁷⁰

Fourth, the Court noted that the regularity of elections also has the aim of ensuring that different political parties or ideological currents can access power, stressing the essential role of political parties and groups in democratic development. Thus, the Court clarified that the American Convention encourages political pluralism and this implies the obligation to guarantee alternation in power. There should be a real and effective possibility that diverse political forces

166 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 46.

167 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 67 and 68.

168 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 70.

169 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 71.

170 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 72, 73 and 74.

and their candidates can obtain the support of the people and replace the governing party.¹⁷¹

Fifth, the Court reiterated that power must be accessed and exercised subject to and under the rule of law. In this sense, full respect for the rule of law means that changing the rules on access to power in a way that benefits the person in power and puts political minorities at a disadvantage cannot be decided by the majorities or their representatives. Thus, authoritarian governments are prevented from staying in power indefinitely by changing the rules of the democratic game and thereby eroding the protection of human rights.¹⁷²

Sixth, the Court considered that the separation of powers is closely linked to the aim of preserving the freedom of the different components, in the understanding that concentration of power signifies tyranny and oppression. Thus, the division of state functions permits efficient achievement of the various objectives entrusted to the State. The separation and independence of the public powers involves the existence of a system of control and oversight, as a constant regulator of the balance between the powers.¹⁷³

The Court noted that most of the States Parties to the American Convention have adopted a presidential political system, under which the duration of the president's mandate is not conditioned by the support of another branch of government, but depends on the length of time established by law for the mandate. In addition, the Court noted that the system of checks and balances that most of the OAS Member States had implemented grant the president certain powers that influence how other branches of government function.¹⁷⁴

In view of the broad Powers that presidents have in presidential systems and the importance of ensuring that a person does not hold on to power, most OAS Members States place legal limits on presidential re-election in presidential systems.¹⁷⁵

• The compatibility of the prohibition of indefinite presidential re-election with the American Convention

In *Advisory Opinion OC-28/21*, the Court concluded that indefinite presidential re-election was not an autonomous human right because it is not legally recognized in either the American Convention or the American Declaration and, in general, in the corpus iuris of international human rights law, in other international treaties, in customary regional law or in general principles of law.¹⁷⁶

The Court analyzed whether the prohibition of this possibility was a restriction on political rights and, if so, whether it is compatible with the American Convention and the American Declaration. In its analysis, the Court recognized, first, that the prohibition of presidential re-election without term limits constituted a restriction of the right to be elected. In this respect, the Court recalled that the power of the States to regulate or restrict political rights is not discretionary. Rather, a right may be restricted by the States provided that the interference is not abusive or arbitrary; to this end, it must be established by law, seek a legitimate purpose, and meet the requirements of suitability, necessity and proportionality. On this basis, the Court proceeded to examine the compatibility of the prohibition of presidential re-election without term limits with the American Convention.¹⁷⁷

171 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 76.

172 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 79.

173 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 80, 81 and 82.

174 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 87.

175 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 88.

176 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 102.

177 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23,

Regarding the first requirement, the Court determined that, to be compatible with the Convention, the limitations to presidential re-election must be clearly established by law, both formally and substantively.¹⁷⁸

Regarding the second element, the Court considered that the prohibition of presidential re-election without term limits had a purpose in accordance with Article 32 of the Convention, because it seeks to guarantee representative democracy by safeguarding the essential elements of democracy insofar as this prohibition seeks to prevent a person from holding on to power and, in this way, to ensure political pluralism and alternance in power, and protects the system of checks and balances that ensure the separation of powers. The Court also determined that, taking into account, the concentration of power in the person of the president in a presidential system, the restriction of the possibility of indefinite re-election is an appropriate measure to ensure this purpose.¹⁷⁹

When evaluating the need for this prohibition, the Court did not find any other measures that were equally appropriate to ensure that a person did not hold on to power permanently and noted that, in this way, the separation of powers, the plural system of political parties and organizations, and alternance in the exercise of power were not affected.¹⁸⁰

Lastly, when evaluating the strict proportionality, the Court weighed whether the advantages for democratic alternation of prohibiting indefinite presidential reelection in power were proportionate as regards the right of the person exercising the presidency to be re-elected and also with regard to the right of the rest of the citizens to vote and to participate in the conduct of public affairs through freely-elected representatives. Regarding the potential violation of the right of the person exercising the presidency to be re-elected, the Court considered that the sacrifice involved in this restriction is minor and justified to ensure that one person does not hold on to power and, therefore, prevents an erosion of representative democracy.¹⁸¹

Regarding the potential effects on the right of other citizens, the Court noted that the right to vote does not signify the right to have an unlimited choice of presidential candidates. To the contrary, the right enables voters to choose freely between the registered candidates, and ensures that restrictions to run for office do not violate the Convention. The prohibition of indefinite presidential re-election limits the possibility of citizens re-electing the President for more than two consecutive terms when they believe him to be the most suitable person for the office. However, the Court reiterated that, pursuant to Article 32 of the Convention, the rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare. In this sense, the demands of the general welfare require that safeguards be established for democracy, such as by prohibiting indefinite presidential reelection. Therefore, the Court considered that this limitation is minor when compared to the benefits to society of prohibiting presidential reelection without term limits.¹⁸²

Therefore, the Court concluded that prohibiting indefinite reelection is compatible with the American Convention, the American Declaration, and the Inter-American Democratic Charter.¹⁸³

24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 115.

178 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 115.

179 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 120.

180 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 121.

181 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 124.

182 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 124.

183 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 126.

• The compatibility of the prohibition of indefinite presidential re-election with human rights

In *Advisory Opinion OC-28/21*, the Court examined whether presidential re-election without term limits was compatible with the American Convention. In this regard, it reiterated that the States of the Americas assumed the obligation to ensure the effective exercise of democracy in their countries, and this entails organizing genuine periodic elections, and taking the necessary measures to ensure the separation of powers, the rule of law, political pluralism, alternance in power, and preventing one persons from holding on to power indefinitely.¹⁸⁴

The Court indicated that when a single person remains president of a republic for a long period of time, it is harmful to the pluralistic regimen of parties and political organizations, typical of a representative democracy, because it favors the hegemony of certain sectors and ideologies. Therefore, the Court considered that the permanence, without limits, of one person in the office of the presidency fosters hegemonic tendencies that impair the political rights of minority groups and, consequently, undermines the plural regime of political parties and organizations.¹⁸⁵

In addition, the Court stressed that the absence of limitations to presidential re-election leads to the weakening of the political parties and movements that make up the opposition because they do not have a clear expectation of the possibility of exercising power. Consequently, the Court considered that States must establish clear limits to the exercise of power in order to allow different political movements to be able to access it and for all citizens to be duly represented in a democratic system.¹⁸⁶

Third, depending on the powers that each State confers on the presidents of a republic, when a president remains in power for a long period of time, it impacts the independence and separation of powers. When a single person holds the office of president for several consecutive terms, it expands opportunities to appoint or remove officials in other branches of government or in oversight bodies. Therefore, in this type of regime, it is essential for the system of checks and balances to include clear temporal limits to the presidential mandate.¹⁸⁷

Furthermore, the Court recalled that Article 23 of the Convention establishes that every citizen has the right to take part in the conduct of public affairs, to be elected, and to access, under general conditions of equality, the public service of his country. In this regard, it noted that presidents seeking reelection have a clear advantage in terms of media exposure and familiarity to voters. Also, the exercise of power itself can give the idea that keeping the same person in office is essential for the State to function. Furthermore, if the system of checks and balances on the president's power are not working for the reasons outlined above, the president may use public resources to favor his or her re-election campaign directly or indirectly. Therefore, the Court concluded that the office of the president gives the person holding it an advantage during elections. The longer the time spent in office, the greater this advantage becomes.¹⁸⁸

In addition, the Court emphasized that permitting indefinite presidential re-election by allowing the incumbent president to stand for reelection has serious consequences in terms of access to power and the functioning of democracy in general. Therefore, the elimination of the limits to indefinite presidential reelection cannot be decided by the majority or their representatives for their own benefit.¹⁸⁹

184 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 128.

185 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 133.

186 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 138.

187 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para.

188 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 142.

189 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 144.

Finally, the Court noted that the greatest danger for the democracies of the region at this time is not the abrupt breakdown of the constitutional order, but the gradual erosion of democratic safeguards that can lead to an authoritarian regime, even if it is popularly elected. Consequently, democratic safeguards should provide for prohibiting presidential reelection without term limits. This does not mean that persons other than the current president, but from the same party or political movement, should be restricted from running for the office of the presidency.¹⁹⁰

Therefore, from a systematic reading of the American Convention – including its preamble - the OAS Charter, and the Inter-American Democratic Charter, it must be concluded that enabling indefinite presidential re-election is contrary to the principles of a representative democracy and, therefore, to the obligations established in the American Convention and the American Declaration of the Rights and Duties of Man.¹⁹¹

Article 26

• **Right to health and persons with disabilities**

In the *Case of Guachalá Chimbo v. Ecuador*, the Court reiterated that health is a fundamental human right, essential for the satisfactory exercise of the other human rights and everyone has the right to enjoy the highest attainable standard of health that allows them to live with dignity, understanding health not only as the absence of disease or infirmity, but also as a state of complete physical, mental and social well-being derived from a lifestyle that allows the individual to achieve total balance. Thus, the right to health refers to the right of everyone to enjoy the highest attainable standard of physical, mental and social well-being.¹⁹²

The general obligation to protect health translates into the State obligation to ensure access to essential health services, ensuring effective and quality medical treatment, and to promote the improvement of the population's health. This right encompasses timely and appropriate health care in keeping with the principles of availability, accessibility, acceptability and quality, the application of which will depend on the prevailing circumstances in each State. Compliance with the State obligation to respect and to ensure this right must pay special attention to vulnerable and marginalized groups, and must be realized progressively in line with available resources and the applicable domestic laws.¹⁹³

The Court considered that the nature and scope of the obligations derived from the protection of the right to health include aspects that may be required immediately and those that are of a progressive nature. In this regard, the Court recalls that, regarding the former (obligations that may be required immediately), States must adopt effective measures to ensure access without discrimination to the services recognized by the right to health, ensure equality of rights between men and women and, in general, advance towards the full effectiveness of the economic, social, cultural and environmental rights (ESCR). Regarding the latter (obligations of a progressive nature), progressive realization means that States Parties have the concrete and constant obligation to advance as expeditiously and efficiently as possible towards the full effectiveness of the said rights, to the extent of their available resources, by legislation or other appropriate means. In addition, there is an obligation of non-retrogressivity in relation to the rights realized. In light of the above, the treaty-based obligations to respect and to ensure rights, as well as to adopt domestic legal provisions (Articles 1(1) and 2), are essential to achieve their effectiveness.¹⁹⁴

• **Informed consent and persons with disabilities**

In the *Case of Guachalá Chimbo et al. v. Ecuador*, the Court reiterated that informed consent is a basic element of the right to health, and the obligation to comply with this is an obligation of an immediate nature. The Court has indicated that the violation of the right to informed consent entails not only a violation of the right to health, but also of the right to

190 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 145.

191 Presidential re-election without term limits in the context of the Inter-American Human Rights System (Interpretation and scope of Articles 1, 23, 24 and 32 of the American Convention on Human Rights, XX of the American Declaration of the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States, and of the Inter-American Democratic Charter. Advisory Opinion OC-28/21 of June 7, 2021. Series A No. 28, para. 146.

192 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 100.

193 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 101.

194 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 106.

personal liberty, the right to dignity and privacy, and the right of access to information.¹⁹⁵

In application of the principle of the “practical effects” and of the needs for protection in cases of vulnerable individuals and groups, the Court has observed the broadest legal content of this right by considering that the State is especially “obliged to ensure to those persons in a situation of vulnerability, marginalization and discrimination, the administrative and legal conditions that ensure them the exercise of this right, based on the principle of equality before the law.”¹⁹⁶

The recognition of the juridical personality of persons with disabilities signifies not denying their legal capacity and providing access to the support they may need to take decisions with legal effects. The “human rights-based model of disability implies a shift from the substitute decision-making paradigm to one that is based on supported decision-making.”¹⁹⁷

The Court indicated that legal capacity acquires particular importance for persons with disabilities when they have to take important decisions with regard to their health. In this regard, it clarified that subjecting a person with disabilities to a health-related treatment without their informed consent may constitute a denial of their juridical personality.¹⁹⁸

As a general rule, consent is personal because it must be provided by the person who will submit to the procedure. The Court emphasized that real or perceived disability should not be understood as the incapacity to take decisions and it should be presumed that people with disabilities are capable of expressing their will, which should be respected by medical personnel and authorities. Indeed, a patient’s disability should not be used as a justification for not requesting their consent and resorting to substitute-based consent. When treating people with disabilities, medical personnel must examine their actual condition and provide the necessary support for them to take their own informed decisions.¹⁹⁹

If another person is responsible for providing this support, “all health and medical personnel should ensure appropriate consultation that directly engages the person with disabilities. They should also ensure, to the best of their ability, that assistants or support persons do not substitute for persons with disabilities when taking decisions, or try to exert undue influence over them.”²⁰⁰

In addition, States should provide people with disabilities with the possibility of planning their own support in advance, specifying who will provide this support and how it will operate. This planning should be respected when the person with disabilities “finds himself unable to communicate his wishes to others.”²⁰¹

• Right to sexual and reproductive health

In the *Case of Manuela v. El Salvador*, the Court reiterated that the right to sexual and reproductive health forms part of the right to health. The right to sexual and reproductive health is related to reproductive freedom and autonomy as regards the right to take autonomous decisions, free of all violence, coercion and discrimination, concerning one’s life project, body, and sexual and reproductive health. It also refers to access to both reproductive health services, information and education, and also the means to exercise the right to decide freely and responsibly on the number of children desired and the spacing between births.²⁰²

The Court has indicated that sexual and reproductive health have special implications for women owing to their biological capacity to conceive and give birth. Therefore, the obligation to provide medical care without discrimination means that this must take into account that the health needs of women are different from those of men, and provide appropriate services for women.²⁰³

195 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 110.

196 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 113.

197 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 116.

198 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 117.

199 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, paras. 120 and 121.

200 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 123.

201 Case of Guachalá Chimbo et al. v. Ecuador. Merits, Reparations and Costs. Judgment of March 26, 2021. Series C No. 423, para. 124.

202 Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 192.

203 Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 193.

Additionally, the obligation to provide medical care without discrimination means that under no circumstance can the presumed perpetration of an offense by a patient condition the medical care that the said patient needs. Therefore, States must provide the necessary medical treatment, without discrimination, to women who require this.²⁰⁴

- **Violation of the medical secret and protection of personal data**

In the *Case of Manuela v. El Salvador*, the Court reiterated that the ultimate aim of the provision of health services is to improve the mental and physical health of the patient²⁰⁵. To enable medical staff to provide the appropriate medical treatment, the patient must feel able to share all necessary information with them. Therefore, it is essential that the information that patients share with medical staff is not divulged illegitimately. Therefore, the right to health means that, for health care to be acceptable, “personal health data [must be] treated with confidentiality.”²⁰⁶

The Court determined that even though personal health data is not explicitly established in Article 11 of the Convention, this is information that describes the most sensitive or delicate aspects of an individual, so that it should be understood that it is protected by the right to privacy. Information on an individual's sex life should also be considered as personal and highly sensitive.²⁰⁷

Based on the right to privacy and the right to health, everyone has the right to the confidentiality of medical attention and the protection of their health data. As a result of this protection, the information that physicians obtain in the exercise of their profession must not be disclosed and is protected by professional secrecy. This includes both the information shared by the patient while being treated, and also the physical evidence that the medical staff may observe while providing this treatment. Thus, physicians have a right and a duty to ensure the confidentiality of the information to which they have access in their professional capacity. This obligation to respect professional secrecy has been recognized in various instruments on medical ethics, including the Hippocratic oath, the Universal Declaration on Bioethics and Human Rights, the Declaration of Geneva adopted by the World Medical Association in 1948, the International Code of Medical Ethics and the Declaration of Lisbon on the Rights of the Patient.²⁰⁸

Nevertheless, the confidentiality of medical care and the protection of health data is not an absolute right and, therefore, may be restricted by States provided that the interference is not abusive or arbitrary; accordingly, this must be established by law, pursue a legitimate purpose and be necessary in a democratic society. Similarly, there are exceptions to the obligation of physicians to respect professional secrecy.

As a general rule, medical information should be kept confidential, except when: (i) the patient gives his/her consent to its disclosure, or (ii) domestic law authorizes access by specific authorities. In addition, the law should establish the specific situations in which the medical record may be disclosed, clear safeguards for the protection of this information, and the way in which the information may be disclosed, requiring that this can only be done following a reasoned order issued by a competent authority and, only the necessary information for the particular case.²⁰⁹

- **Medical care for a women who has been detained**

In the *Case of Manuela et al. v. El Salvador*, the Court reiterated that prison health services should have the same level of quality as the services for people who are not deprived of liberty. Health should be understood as a fundamental and essential guarantee for the exercise of the rights to life and to personal integrity that entails the obligation for States to adopt domestic legal provisions, including adequate practices, to ensure equal access to health care for persons deprived of liberty, as well as the availability, accessibility, acceptability and quality of such services. Therefore, the accessibility of the right to health for persons deprived of liberty means that, when necessary, health

204 Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 194.

205 Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, paras. 202

206 Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 203.

207 Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 205.

208 Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 206.

209 Case of Manuela et al. v. El Salvador. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 227.

services must be provided in specialized health centers.²¹⁰

Owing to the special position of guarantor that the State exercises over the person who is detained, and its consequent control of the evidence regarding their physical condition, detention conditions, and eventual medical care, it is the State that has the burden of proof to provide a satisfactory and convincing explanation of what happened and to disprove the arguments concerning its responsibility with valid probative elements. The failure to submit evidence that clarifies the type of treatment that someone has received is particularly serious in cases that involve allegations relating to the right to health. In its position of guarantor, the State is responsible both for ensuring the rights of the individual in its custody, and for providing information and evidence on what happened to that person.²¹¹

The Court emphasized that the medical services for persons deprived of liberty should be organized and coordinated with the general administration of the health care services, which means establishing expedite and adequate procedures for the diagnosis and treatment of patients, as well as for their transfer when their health situation requires special treatments in specialized prison establishments or in civil hospitals. To implement these obligations, health care protocols and agile and effective mechanisms for the transfer of prisoners are necessary, particularly in emergency situations and cases of serious illnesses.²¹²

• **Rights of the child in relation to the obligation to regulate and monitor health services**

In the case of *Vera Rojas et al. v. Chile*, the Court reiterated that, according to Article 19 of the American Convention, the State is obliged to promote special measures of protection in the best interests of the child, assuming the position of guarantor with greater care and responsibility based on the special vulnerability of children. The Court has established that the ultimate goal of the protection of children is the development of a child's persona and the enjoyment of their rights. Children thus have special rights, which correspond to specific duties on the part of families, society, and the State. Furthermore, their status necessitates special protection by the State, and this must be understood as an additional right, supplementing the other rights the Convention recognizes for all people.²¹³

The Court indicated that States must give central importance to the best interests of the child in all decisions affecting their health and development, including those decisions involving actions that have an impact on children's health. States must review the legal context and amend laws and public policies to ensure the right to health. Regarding non-state actors, the State is responsible for realizing children's right to health regardless of whether or not it delegates the provision of services to non-State actors. This gives rise to the duty of non-state actors to recognize, respect, and fulfill their responsibilities toward children.²¹⁴

The Court considered that the best interests principle constitutes a mandate to prioritize the rights of children in any decision that could affect them (positively or negatively) in the areas of law, administration, and legislation. The State must therefore ensure that its laws and actions do not affect the right of children to enjoy the highest level of health and access to treatment for illness, and that this right is not infringed upon by the actions of third parties.²¹⁵

• **Health of children with disabilities**

In the *Case of Vera Rojas et al. v. Chile*, the Court understood that rehabilitation treatment for disabilities and palliative care are essential services for a child's health. In this regard, the Court noted that Article 24 of the Convention on the Rights of the Child indicates that States must "strive to ensure that no child is deprived of his or her right of access to such health care services," and the Committee on the Rights of Child has indicated that this article covers the timely and appropriate preventive care, health promotion, palliative services, healing services, rehabilitation services, and the right of children to grow and develop their potential to the utmost and to live in conditions that allow them to enjoy the

210 Case of *Manuela et al. v. El Salvador*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 236.

211 Case of *Manuela et al. v. El Salvador*. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 2, 2021. Series C No. 441, para. 239.

212 *Caso Manuela y otros Vs. El Salvador*. Excepciones Preliminares, Fondo, Reparaciones y Costas. Sentencia de 2 de noviembre de 2021. Serie C No. 441, párr. 240.

213 Case of *Vera Rojas et al. v. Chile*. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439, para. 104.

214 Case of *Vera Rojas et al. v. Chile*. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439, para. 107.

215 Case of *Vera Rojas et al. v. Chile*. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439, para. 108.

highest attainable standard of health.²¹⁶

Therefore, the Court found that States must ensure health services of rehabilitation and pediatric palliative care in accordance with the standards of availability, accessibility, acceptability, and quality, taking into consideration the particularities of the medical treatment required by children with disabilities. Specifically, concerning accessibility, the Court considered that rehabilitation treatment and pediatric palliative care must privilege, to the extent possible, home-based medical care, or care in a place close to home, with an interdisciplinary system of support and guidance for the child and their family, and provide for the preservation of the child's family and community life.²¹⁷

The Court considered that the special care and assistance necessary for a child with disabilities must include, as a fundamental element, support to the families responsible for their care during treatment, especially mothers, upon whom caregiving work traditionally falls.²¹⁸

Furthermore, regarding access to information as part of accessibility in health care, the Court considers that children and their caregivers should have access to information related to their illnesses or disabilities, including the causes, treatment, and prognosis. This information must be accessible for attending physicians, but also for other institutions that may be involved in the child's treatment. This includes institutions responsible for managing private insurance, as this is crucial for accessing health services. Therefore, the State must ensure that those with private insurance have access to information on effective treatment conditions, which includes conditions for the coverage of services and recourses available to the insured in case of disagreements.²¹⁹

• **Right to social security in relation to the obligation to regulate and supervise health services**

The Court considered that the right to social security is of fundamental importance to ensure the dignity of the individual and for addressing circumstances that restrict the free exercise of other rights, such as the right to health. Thus, although States retain the freedom to decide how to ensure the right to social security, which may involve the participation of the private sector, the State must ensure respect for the essential elements of the right to social security. Consequently, States must ensure that people are not subjected to arbitrary or unreasonable restrictions of existing social coverage, whether public or private. Moreover, ensuring the right to social security necessitates a system that is structured and operates under the principles of availability and accessibility, encompassing health care and disability, and that has sufficient funding and duration.²²⁰

• **Rights to freedom of association, to collective bargaining and to strike and their relation to the rights to freedom of expression, the right of assembly, the right to work and its just, equitable and satisfactory conditions**

In *Advisory Opinion OC-27*, the Court found that the main legal issue raised required an interpretation of the scope of the right to freedom of association, right to collective bargaining and right to strike, and their relation to the rights to freedom of expression, freedom of assembly and freedom of association, and the right to work under fair, equitable and satisfactory conditions, within the framework of the protection established in the American Convention, the Protocol of San Salvador, the OAS Charter, and the American Declaration. To answer this question, and given the very central role of the American Convention in the protection structure of the Inter-American System, the Court conducted its analysis based on Article 26 of the American Convention, in conjunction with Articles 45, subparagraphs (c) and (g) of the OAS Charter, Articles 1(1), 2, 13, 15, 16 and 25 of the American Convention, Articles 6, 7 and 8 of the Protocol of San Salvador, and Articles IV, XIV, XXI and XXII of the American Declaration, as well as relevant corpus juris on international labor law. On this last point, the Court underscored the special interpretative importance of the conventions, recommendations and decision adopted within the framework of the International Labour Organization (ILO).²²¹

216 Case of Vera Rojas et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439, para. 109.

217 Case of Vera Rojas et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439, para. 110.

218 Case of Vera Rojas et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439, para. 111.

219 Case of Vera Rojas et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439, para. 112.

220 Case of Vera Rojas et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439, para. 114.

221 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI

The Court noted that Article 45, subparagraphs (c) and (g) of the OAS Charter expressly states that employers and workers may freely associate for the defense and promotion of their interests, including the right to collective bargaining and the workers' right to strike. It also found that those rights could also be found in numerous regional and universal instruments, and also in the constitutions of the Member States of the Organization of American States. In particular, the Court emphasized that Article 8 of the Protocol of San Salvador established "trade union rights" and that ILO Convention 87 on freedom of association and protection of the right to organize, as well as ILO Convention 98 on the right to organize and collective bargaining contain specific provisions on the scope of the said rights. Similarly, the Court recalled that, in its case law, it had referred to trade union rights in the context of the protection of the right to freedom of association in labor matters, as rights with both individual and collective connotations. It also recalled that labor unions and their representatives should enjoy specific protection for the proper performance of their functions, and that unions should enjoy juridical personality.²²²

In light of the diverse instruments of the international human rights corpus juris, and based on Articles 26 of the Convention and 8 of the Protocol of San Salvador, the Court included a series of additional considerations on the content of the rights to freedom of association, to collective bargaining and to strike:

Freedom of association. The right to freedom of association must be guaranteed to workers in both the public and private sectors, including those who work in state-owned commercial enterprises. Accordingly, States are under the obligation to guarantee that worker associations in the public sector enjoy the same advantages and privileges as those of the private sector. Regarding the objective scope of the right to freedom of association, no advance administrative authorization should be required, as this would invalidate the exercise of the right of workers to create whatever trade unions they judge appropriate. Workers must enjoy the right to create and join organizations of their own choosing, independent of those that may already exist in certain sectors. Freedom of association requires States to guarantee that workers and their representatives enjoy adequate protection in the workplace against acts of direct or indirect coercion or discrimination that hinder the exercise of their right to freedom of association. In addition, workers must enjoy the rights to implement union activities, elaborate the union's regulations, elect representatives, and administer their own internal affairs, and be protected from administrative dissolution.²²³

Collective bargaining. The right to collective bargaining is an essential component of freedom of association, as it addresses the means by which workers can be in a position to defend and promote their interests. Thus, States should refrain from engaging in conducts that would restrict trade unions from exercising their right to negotiate and seek to improve the living and working conditions of those they represent, which means that the authorities must refrain from intervening in negotiating processes. Nonetheless, States should adopt measures to encourage and promote the full development and utilization of mechanisms for voluntary negotiation between employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements. In addition, workers must enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Thus, workers and their representatives must be able to participate fully and significantly in bargaining decisions and, to this end, the State must provide workers with access to the information they need to familiarize themselves with the material necessary to conduct negotiations.²²⁴

Strike. The right to strike is one of the fundamental human rights of workers, and of their organizations, because it constitutes a legitimate means to defend their economic, social and professional interests. States should consider that, even allowing for certain exceptions under international law, the legislation should protect the exercise of the right to strike for all workers. Thus, the preconditions and prior requirements allowed by law for a strike to be considered legal should not be so complicated as to render a legal strike impossible in practice. The power to declare a strike illegal should not lie with an administrative body; instead, it pertains to the judicial authority. In

and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 45.

222 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 72.

223 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 83.

224 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 93.

addition, the State must refrain from applying sanctions to workers who take part in a legal strike. The exercise of the right to strike can be restricted or prohibited only in the case of: (a) public servants who serve as arms of public power and exercise authority on behalf of the State, and (b) workers in essential services. It is allowable for States to set forth certain prior conditions that need to be met, as defined through the process of collective bargaining, before a decision is made to activate the mechanism of a strike to defend workers.²²⁵

The Court emphasized that the exercise of trade union rights may be subject to limitations and restrictions established by law, provided such restrictions are appropriate in a democratic society, necessary to safeguard public order, or for protecting public health or morals or the rights and freedoms of others. However, it indicated that any such limitations set on the exercise of these rights must be interpreted restrictively, applying the pro persona principle, and the rights must never be stripped of their essential contents or reduced so as to deprive them of any practical value. In this regard, it stressed that, within the protection framework of the Inter-American System, military or police personnel and public officials exercising duties of authority on behalf of the State or working in essential public services may be subject to special restrictions by the State in the exercise of their rights. In any case, restrictions, if they are to be consistent with the Convention, must pursue legitimate aims and be appropriate, and any measures invoked must be necessary and proportionate.²²⁶

The Court addressed the relationship between freedom of association, the right of assembly, freedom of expression, the rights to organize, to collective bargaining and to strike and the result of this on the content of the right to work and to its just, equitable and satisfactory conditions. In this regard, it emphasized that the relationship between freedom of association and freedom to organize is both general and particular because the former recognizes the right of individuals to create organizations and take collective action in pursuit of lawful ends, based on Article 16 of the American Convention, while the latter should be understood in terms of the specificity of the activity and the importance of purposes sought through union activities, such as the specific protection derived from Article 26 of the Convention and Article 8 of the Protocol of San Salvador. In this way, the protection of freedom of association plays an important social role because the work of trade unions and other worker and employer organizations provides a means to preserve or improve working and living conditions for workers, and the protection of this freedom therefore makes it possible to ensure the effective exercise of other human rights as well. In this way, freedom of association is essential to ensure the effective defense of workers' rights, including their right to just, equitable, satisfactory working conditions.²²⁷

The Court also noted that the rights to freedom of expression, freedom of assembly and freedom of association, and their relationship to trade union rights and the right to collective bargaining and to strike are fundamental rights for workers and their representatives to organize and to express their specific grievances about working conditions and thus effectively represent their interests to their employer, and even to take part in matters of public interest with a collective voice. In this way, States have the duty to respect and guarantee these rights, which provide a means to level the unequal relationship between workers and employers, and provide access to fair wages and safe working conditions. In this regard, the Court recalled that human rights are interdependent and indivisible, so that the effectiveness of the exercise of certain rights depends on the effectiveness of the exercise of other rights. Civil and political rights and economic, social, cultural, and environmental rights must therefore be understood comprehensively as human rights, all having equal rank and enforceable in all cases before competent authorities.²²⁸

225 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 105.

226 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 114.

227 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 124.

228 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 141.

Lastly, the Court addressed the question of whether it is possible to allow the protections established by law to be derogated 'in peius' by collective bargaining. In this regard, the Court noted that the protective nature of labor law arises from the imbalance of power between workers and employers when working conditions are negotiated. Therefore, allowing labor laws to be generally abrogated, in peius, by virtue of a collective agreement would place workers at greater disadvantage with respect to the employer, potentially leading to a deterioration in their working and living conditions and thus breaching the minimum level of protection established under domestic and international law. Therefore, it would not be legally acceptable for domestic laws to authorize the parties negotiating a collective labor agreement to be able to waive protection of rights recognized under domestic law. Nevertheless, collective agreements can improve labor laws if they broaden the sphere of labor rights protection, unless domestic law contains well-founded provisions that limit this possibility.²²⁹

- **The right of women to be free of all forms of discrimination and violence in the exercise of their rights to freedom of association, to collective bargaining and to strike**

The Court reiterated that Article 1(1) of the Convention is a rule general in scope which applies to all the provisions of the treaty, and therefore, it includes Article 26 of the Convention. There is no question, in this sense, that any type of conduct that could be considered discriminatory regarding the exercise of trade union rights by women is expressly prohibited. However, the Court noted that States must adopt whatever positive measures are necessary to reverse or change discriminatory situations, and are therefore bound to advance towards a situation of true equality between men and women in the exercise of trade union rights. This is justified by the continuing presence of gender roles and stereotyping, both in the public arena and in the private sector, that stand as a barrier to the full exercise of these rights. Moreover, given that collective bargaining and strikes are the mechanisms that empower women to overcome structural discrimination in the workplace, respect for and guarantee of those rights is essential to improve their living and working conditions.²³⁰

The Court specifically addressed the implications of the right to equality and non-discrimination. It maintained that women are bearers of the right to freedom of association, the right to collective bargaining, and the right to strike, which also means that women workers must enjoy all the qualities, powers and benefits for exercising these rights in the terms set forth above. This includes the right to found worker organizations or to join them freely, with no discrimination, as they see fit and in accordance with their own interests. In this regard, the Court indicated that States must respect and ensure trade union rights, and that no type of unjustified differential treatment between individuals may be practiced on the mere basis that the subjects are women. Also, women must have access to adequate means of judicial protection for their rights when they are victims of discrimination.²³¹

The Court ruled on specific aspects that require States to adopt positive measures to ensure the following: (a) the right of women to equal remuneration for work of equal value; (b) special protection when women workers are pregnant; (c) ensuring a balance in domestic and caregiving tasks between men and women, which means adopting policies designed to have men take an active, equal role in organizing the home and raising the children; (d) remove the barriers preventing women from participating actively in labor unions or holding positions of leadership, which would give them an active role in decision-making; (e) transition women workers from the informal to the formal economy, and at the same time, adopt whatever positive measures are necessary for the realization of full rights to freedom of association during the transition; (f) prevent violence and sexual harassment in the public sphere and require private sector employers to take reasonable, practical measures for the same purpose, and (g) combat the structural causes that permit substantive inequality between men and women, by progressive means.²³²

229 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 148.

230 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 189.

231 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 168.

232 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation

- **Trade union autonomy, participation of women as union members and leaders, and participation of unions in the design, development and evaluation of public policies and standards for work in contexts of labor market changes driven by the use of new technologies**

The Court reiterated that the right to freedom of association protects the freedom of trade unions to operate and to enjoy internal autonomy and independence, including their internal organization in terms of the rights of representation and regulation. However, it indicated that the mere existence of union legislation does not constitute, per se, a violation of trade union rights, but as a general rule, such laws should aim at setting formal conditions without undermining the rights of workers within the framework of exercising their freedom of association. It also considered that provisions designed to promote democratic principles within trade union organizations are also acceptable and do not necessarily impinge on the freedom or autonomy of trade unions. Consequently, it considered trade union autonomy did not protect measures that limit the exercise of the trade union rights of women within unions and, to the contrary, obliges States to take measures to allow women to enjoy formal and material equality in the workplace and in the union.²³³

Similarly, the Court considered that States should ensure there is no direct or indirect discrimination in the workplace or in trade unions, which means tackling structural factors that underlie the persistence of gender stereotypes and roles and that prevent women from fully enjoying their rights. For this reason, in the context of the question posed, it reiterated the need for States to adopt measures ensuring a balance of domestic and family work so that women can also perform their workplace and trade union activities satisfactorily. From this perspective, the adoption of legislative and other measures aiming to achieve equality in the workplace, such as actions designed to provide women with maternity protection or reconcile work and family life, are necessary to bring about the appropriate participation of women in the labor market and for them to exercise their right to freedom of association without discrimination. Such measures, in this sense, are not incompatible with trade union autonomy.²³⁴

The Court reiterated that States are obliged to respect and ensure workers' rights, which include the rights to freedom of association, to collective bargaining and to strike. It also indicated that the recognition of these rights must be accompanied by adequate guarantees for their protection. Thus, regarding the question raised by the Inter-American Commission on the participation of unions in the design, development and evaluation of public policies and standards for work in the context of labor market changes driven by the use of new technologies, the Court noted that the protection of these rights must be understood in consideration of the fact that labor relations are in constant flux due to a variety of factors, including the use of new digital technologies in the workplace. In this regard, the Court underscored that States have the obligation to adapt their laws and practices to new conditions in the labor market, regardless of the type of technological developments that bring about such changes, and in consideration of the obligation to protect labor rights under the terms of international human rights law.²³⁵

The Court considered that labor regulations in the context of new technologies must be consistent with standards that hold labor rights as universal and inalienable, ensuring decent, dignified work. States must adopt legislative and other types of measures focused on individuals, and not primarily or exclusively on markets, that respond to the challenges and opportunities brought about by digital transformation of work, including work over digital platforms. Specifically, States must adopt measures designed to: (a) grant legal status to workers as employees if this is what they are, so they have access to the labor rights to which they are entitled under domestic law and, therefore, (b) recognize rights

and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 178.

233 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 193.

234 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 195.

235 Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States, and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 202.

to freedom of association, collective bargaining and the right to strike. It is worth mentioning, in this regard, that labor rights are universal, and they apply to all persons in all countries as provided in labor agreements.²³⁶

As for State obligations concerning specific guarantees for effective participation of trade unions at this time of change in the workplace through the use of new technologies, the Court considered, first, that the obligation to respect and guarantee the rights to freedom of association, collective bargaining and to strike, in the terms outlined above are a prerequisite for workers to have real participation in shaping public policies through social dialogue on matters that are not necessarily covered by current labor laws or international treaties. It recognized that, effectively, labor relations are in constant evolution in response to changing technologies and markets, and this brings new challenges for human rights involving labor. This is why workers must have the real option of setting up trade unions and thus be in a position to effectively negotiate just and equitable working conditions.²³⁷

²³⁶ Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States , and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 209.

²³⁷ Right to freedom of association, right to collective bargaining and right to strike and their relation to other rights, with a gender perspective (Interpretation and scope of Articles 13, 15, 16, 24, 25 and 26, in relation to Article 1(1) and 2 of the American Convention on Human Rights, 3, 6, 7 and 8 of the Protocol of San Salvador, 2, 3, 4, 5 and 6 of the Convention of Belem do Pará, 34, 44 and 45 of the Charter of the Organization of American States , and II, IV, XIV, XXI and XXII of the American Declaration of the Rights and Duties of Man. Advisory Opinion OC-27/21 of May 5, 2021, para. 210.



Financial Management



IX. Financial Management

A. Income

There are four main sources of the Inter-American Court's income:

- a) the OAS Regular Fund,
- b) international cooperation projects,
- c) voluntary contributions from Member States, and
- d) other special income.

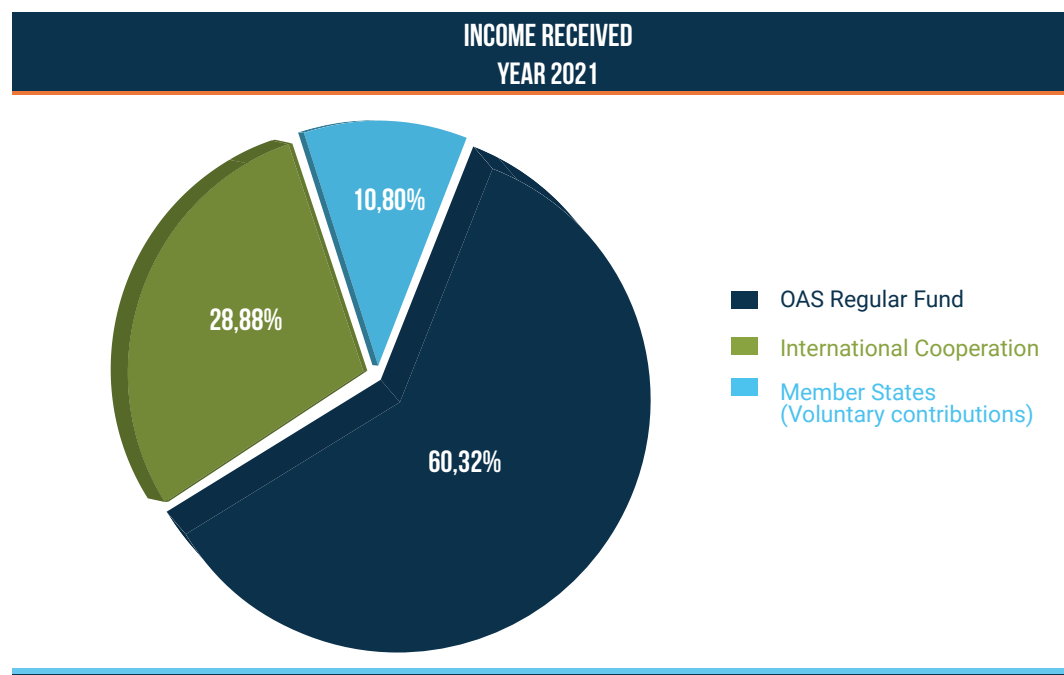
During the 2021 fiscal exercise, the Court received a total income of US\$8,329,573.40, of which US\$5,024,000.00 (60,32%) was provided by the OAS Regular Fund.²³⁸ Meanwhile, US\$899,657.13 (10.80%) corresponding to voluntary contributions from Member States and US\$2,405,916.27 (28.88%) came from international cooperation projects.

The following table shows the income received by the Inter-American Court during 2021:

INCOME 2021	
INTERNATIONAL COOPERATION	2,405,916.27
Spanish Agency for International Cooperation and Development	209,772.50
Norwegian Ministry of Foreign Affairs	602,388.20
Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) GmbH, Federal Ministry of Economic Cooperation and Development (BMZ)	26,500.00
Heinrich Böll Stiftung Foundation (Cooperation BMZ Germany)	22,980.05
European Commission	0.00
Swiss Agency for Development and Cooperation (COSUDE)	250,000.00
Sweden's Government Agency for Development Cooperation	1,272,578.71
Office of the Prosecutor General of Ecuador	5,722.98
Konrad Adenauer Foundation	5,973.83
UNESCO	5,722.98
OAS REGULAR FUND	5,024,000.00
MEMBER STATES (voluntary contributions)	899,657.13
Republic of Costa Rica	99,657.13
United Mexican States	800,000.00
TOTAL	8,329,573.40

²³⁸ Of the funds allocated by the OAS General Assembly for the 2021 Budget, the Inter-American Court of Human Rights received the sum of US\$5,024,000 through the OAS General Secretariat; this corresponds to 100% of the amount established.

The following chart shows the distribution, by percentage, of the income received by Inter-American Court of Human Rights during 2021:



1. Income – OAS Regular Fund

During the fiftieth Regular Session of the OAS General Assembly held virtually in Washington, D.C., United States of America, on October 20 and 21, 2020, the Program-Budget of the Organization of American States for the 2021 financial exercise was adopted by Resolution No. AG/RES. 2957 (L-O/20). The Program-Budget allocated the sum of US\$5,024,000.00 to the Court.

The following table provides a historical comparison between the total budget of the OAS and the amounts allocated to the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights over the last ten years.

2. Income from voluntary contributions from OAS Member States

During 2021, the Inter-American Court received the following voluntary contributions from two OAS Member States amounting to US\$899,657.13, which represented 10.80% of the Court's total income:

MEMBER STATES (VOLUNTARY CONTRIBUTIONS)		US\$ 899,657.13
Costa Rica		99,657.13
Mexico		800,000.00

Regarding the contribution made to the Court by the Mexican State, through its Embassy in San José, Costa Rica, the first instalment was received on January 15, 2021, to reinforce the Court's activities during 2021, while the second instalment, received on December 22, will be allocated to the 2022 financial exercise.

3. Income from international cooperation projects

Income from international cooperation for the 2021 period was US\$2,405,916.27 (28.88% of the total income for the year). This sum consisted of the following contributions:

Spanish Agency for International Cooperation and Development (AECID): US\$209,772.50

In November 2020, the Court submitted to AECID, through the OAS General Secretariat, a proposal for the project: "Enhancing the protection standards of the Inter-American Court of Human Rights concerning access to justice for persons and groups in a vulnerable situation and the dissemination of the Court's activities." The proposal was approved at the end of July 2021, with a budget of US\$299,675.00 and a duration of one year, to be executed from July 28, 2021, to July 27, 2022.

The Court received from AECID, through the OAS General Secretariat, the sum of US\$209,772.50, corresponding to 70% of the project total, as a first instalment to initiate activities. The contribution was disbursed in two tranches: the first, for the sum of US\$29,967.50, was received on April 16, 2021, and the second, for US\$179,805, on September 27, 2021.

Norwegian Ministry of Foreign Affairs: US\$602,388.20

In September 2020, the Norwegian Ministry of Foreign Affairs and the Inter-American Court signed a project on "Enhancing the jurisdictional and communication capacities of the Inter-American Court of Human Rights, 2020–2024" with funding of up to NOK 20,000,000.00, equal to approximately US\$1,995,740.00, and a duration of four years from July 2020 to June 2024.

An initial contribution to this new project of US\$266,050.67 was received in September 2020.

During 2021, the Court received deposits for NOK 991,136.00 (US\$116,736.08) and NOK 4,008,864, (US\$485,652.12), on April 9 and June 10, respectively.

European Commission

The European Commission and the Inter-American Court of Human Rights signed an agreement to implement the project: "Improving the capability of the Inter American Court of Human Rights to administer prompt international justice to victims of human rights violations, especially those belonging to vulnerable and traditionally discriminated groups, and to disseminate its case law and work in a user-friendly manner that facilitates observance and use among national actors," with funding of 750,000.00 euros for project execution over 24 months starting in May 2019.

In May 2019, the Inter-American Court of Human Rights received the first contribution to the project of 392,658.40 euros (US\$432,472.61).

In August 2020, a second instalment of 168,505.57 euros (US\$197,321.17) was received.

Owing to the impact of the COVID-19 pandemic, at the end of March 2021, the Court presented a request for an addendum to the European Commission in order to reallocate some activities that had been reformulated and to extend the term of the project, from 36 to 39 months. The request was approved in a note of April 23, 2021, and the project was extended until August 1, 2022. The Court did not find it necessary to request the European Commission to make disbursements in 2021 because, with the disbursements received in 2020, it was able to continue activities in 2021 that, as mentioned, had been affected by the pandemic.

On May 2, 2021, the Court issued the technical and financial progress reports and these were approved by the Commission.

Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) under the Program on Regional International Law and Access to Justice in Latin America II (Dirajus III), financed by the Federal Ministry of Economic Cooperation and Development (BMZ): US\$26,500.00

Mandated by the Federal Ministry of Economic Cooperation and Development (BMZ) of the German Federal Republic, the German cooperation agency Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH has provided support to the Inter-American Court of Human Rights since 2013 when the first memorandum of understanding was signed. On November 15, 2017, the two institutions signed a second memorandum of understanding on joint undertakings under the program “Regional international law and access to justice in Latin America (DIRAJus II).” The purpose of this agreement is “to continue supporting the strengthening of access to justice.” GIZ agreed to provide the Court with 250,000.00 euros, to be contributed under specific contracts between 2017 and 2020.

On June 29, 2020, the two institutions signed a third “Memorandum of understanding on joint undertakings” under the program “Regional international law and access to justice in Latin America (DIRAJus II).” The purpose of this agreement is “to continue supporting the strengthening of Inter-American justice and regional jurisprudential dialogue with a specific focus on the ESCER and access to justice.” GIZ agreed to provide the Court with US\$160,000, under specific contracts during 2020, 2021 and 2022.

Under the said third memorandum of understanding, and on January 28, 2021, a funding contract was signed by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and the IACtHR in order to reinforce and disseminate the Court’s work by preparation and updating of its Case Law Bulletins. The contract was executed for the sum of US\$26,500.00. The contract ran from February 15, 2021, to January 31, 2022, and all scheduled activities were executed.

Based on the DIRAJus agreement, on December 16, 2021, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and the IACtHR signed a special agreement for the Project: “Enhancing sustainable Inter-American E-Justice for Human Rights,” to be executed from December 27, 2021, to October 31, 2022, with an approved funding of 1,000,000.00 euros.

Swiss Agency for Development and Cooperation (COSUDE): US\$250,000.00

Under the Program “Strengthening governance and human rights with emphasis on vulnerable populations in the countries of Central America,” a second memorandum of understanding was signed in October 2019 for collaboration between the two institutions under the program “Strengthening the protection of human rights and the rule of law through jurisprudential dialogue, optimization of capacities, and compliance with the Judgments of the Inter-American Court of Human Rights in El Salvador, Guatemala, Honduras and Nicaragua.”

The Swiss Agency for Development and Cooperation (COSUDE) undertook to make a contribution of US\$750,000.00 to the Court, to be distributed over the years 2019-2022. In November 2019, the Court received US\$150,000.00 corresponding to the first disbursement for the activities during the first year from October 2019 to September 2020.

In September 2020, the Court received the second disbursement of US\$250,000.00, as set out in the memorandum of understanding.

On April 20, 2021, the Court submitted an addendum on the budget reallocation for the project activities, which were reformulated owing to the COVID-19 pandemic and its prolongation. This addendum was approved by the Head of International Cooperation of COSUDE in a note dated May 19, 2021.

The Court received the third disbursement for the project, for US\$250,000, on December 14, 2021.

Sweden’s Government Agency for Development Cooperation: US\$1,272,578.71

In November 2020, Sweden’s Government Agency for Development Cooperation (SIDA), represented by the Swedish Embassy in Guatemala, and the Inter-American Court of Human Rights signed an agreement on “Institutional strengthening of the Inter-American Court of Human Rights to optimize its capacities,” with funding of up to SEK 5,000,000.00, equivalent to approximately US\$500,000.00 at the exchange rate in force at that time, to be used over

the project execution period from December 1, 2020, to December 31, 2021. The purpose of the project is to contribute to the protection of human rights in the region by institutional reinforcement of the Inter-American Court of Human Rights.

In December 2020, the Court received a contribution towards the project of US\$589,368.96. The reason for this increase in the budget was the fluctuation in the exchange rate between the Swedish krona and the United States dollar amounting to US\$89,368.96. Subsequently, the agency approved the use of the surplus obtained from the fluctuation in the exchange rate for project activities.

On July 9, 2021, Sweden's Government Agency for Development Cooperation and the IACtHR signed Amendment No. 1 to the Agreement providing SEK 3,180,000.00 in additional funding to the project. As a result of this amendment, the Court received US\$370,036.36 on September 2, 2021.

The two parties signed a second amendment to the Agreement on November 8, 2021, to extend its closing date of December 31, 2021, to December 31, 2022, and also providing additional funds, for a total sum of up to SEK 16,180,000.00 for the project.

The first disbursement under Amendment No. 2, of SEK 8,000,000.00, was accredited to the Court on December 3, 2021, and represented US\$902,542.35.

Heinrich Böll Stiftung Foundation: US\$22,980.05

The German Federal Ministry of Economic Cooperation and Development provided support to the Inter-American Court through the cooperation agreement signed between the Heinrich Böll Stiftung Foundation and the Court for the project entitled "Basic course on the Case Law of the IACtHR on women's human rights in Central America," to be offered from July to November 2021. A budget of US\$21,500.00 was approved.

On July 16, 2021, the Court received the first disbursement of US\$15,050.00, equal to 70% of the agreed amount.

On December 2021, the Court sent the narrative and financial reports for this project to the Heinrich Böll Stiftung Foundation, in San Salvador, El Salvador.

As reported in the 2020 Annual Report, the project entitled "Human rights training during the COVID-19 pandemic, with a budget of US\$16,000.00 was executed from August to November that year. When the project ended, the respective technical and financial reports were presented and these were approved in 2021. Therefore, the final settlement and reimbursement of a pending balance were made on January 26, 2021, for the sum of US\$7,930.05.

United Nations Educational, Scientific and Cultural Organization - UNESCO: US\$10,000.00

The United Nations Educational, Scientific and Cultural Organization (UNESCO), with offices in Uruguay, and the Inter-American Court of Human Rights, through its Secretariat, signed the contract No. 4500448811, DIALOGA Network: Local Meeting and Training Course for Journalists within the Inter-American System of human rights, on November 17, 2021. The project seeks to advise and train journalists, within the framework of the Inter-American Human Rights System (IAHRS), and to provide a network for the IAHRS and the journalists of the hemisphere.

The contract was signed for one year as of the date of signature and for a contribution of US\$24,200.00.

On December 16, 2021, the Court received the first disbursement of US\$10,000.00, based on the conditions established in the contract.

Office of the Prosecutor General of Ecuador: US\$5,722.98

On October 20, 2021, the Office of the Prosecutor General of the Republic of Ecuador and the Inter-American Court of Human Rights signed a contract for training on Inter-American standards in relation to social protest and control of public order.

The contract established a 60-day execution period following the date of signature and a contribution of US\$19,076.59.

In December 2021, the Court received a first deposit of US\$5,722.98, equivalent to 30% of the contract. The project activities were implemented without any difficulties and the total budget was executed. At the date this report is issued, the deposit of the second and the final contributions of the Office of the Prosecutor General of the Republic of Ecuador is being processed.

Konrad Adenauer Foundation: US\$5,973.83

The Court received US\$5,973.83 from the Konrad Adenauer Foundation for the translation into English of several Judgments.

B. Technical cooperation

- The German Federal Ministry of Economic Cooperation and Development (BMZ) of the German Federal Republic, through the German cooperation agency Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) continued to implement the DIRAJus Project, and continued providing technical assistance to the Court through this project. This includes the work of a German lawyer who conducts research on access to justice and is developing an important tool known as the *Digesto*, which is described in point XII of this report.

- The Max Planck Institute for Comparative Public Law and International Law provided cooperation to the Court by funding two one-month research grants for doctoral students, on issues of special relevance for the work of Monitoring Compliance with Judgment.

- The University of Notre Dame provided technical assistance, through the Notre Dame Reparations Design and Compliance Lab, by conducting research on compliance with the reparations ordered by the Court. It also prepared several reports on issues such as the impact of the hearings on Monitoring Compliance with Judgment and, in 2021, published a database on compliance with measures of reparation.

C. Regular Fund Budget approved for 2022

During the fifty-first OAS General Assembly held virtually in Guatemala City, Guatemala, from November 10 to 12, 2021, the OAS adopted the 2022 budget for the Inter-American Court of Human Rights amounting to US\$5,024,000.00.²³⁹ However, it should be pointed out that this sum does not correspond to twice the budget adopted in Cancún in 2017, as decided by the OAS General Assembly in 2017.

In this regard, it should be recalled that, during the General Assembly, held in Cancun, Mexico, in June 2017, the States decided, by Resolution AG/RES. 2908 (XLVII-O/17),²⁴⁰ that the budget granted to the Inter-American Court of Human Rights should be doubled over a three-year period. In other words, by 2022, the amount allocated by the OAS should have risen to US\$5,512,400.00.

D. Audit of the financial statements


During 2021, an external audit was conducted of the financial statements Secretariat of the Inter-American Court for the 2020 financial year. It covered all the funds administered by the Court, including the funds from the OAS, the contribution of the Costa Rican Government, the funds from international cooperation, the Victims' Legal Assistance Fund, and also the contributions from other States, universities and other international agencies. The audit report corresponding to the 2021 fiscal year will be issued in March 2022.

The financial statements are prepared by the administrative unit of the Inter-American Court and the audit was made to obtain an opinion confirming the validity of the Court's financial transactions, taking into account generally accepted international accounting and auditing principles. According to the March 15, 2021, report of Venegas y Colegiados, members of Nexia International, the Court's financial statements adequately reflected the institution's financial situation


²³⁹ Organization of American States. General Assembly (2021). Declarations and resolutions (Regular Session). Program-budget of the Organization for 2020" (adopted at the plenary session held on November 11, 2021) AG/RES. 2971 (LI-O/21). Found at: <https://www.oas.org/es/council/AG/ResDec/http://www.oas.org/es/50ag/>

²⁴⁰ The General Assembly resolved "To request the Committee on Administrative and Budgetary Affairs, considering the existing resources, to double the amount of Regular Fund resources earmarked for the organs of the Inter-American Human Rights System: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, over a three-year period." Promotion and protection of human rights, A/RES.2908 (XLVII-O-17) Item XVI. "Financing of the organs of the Inter-American Human Rights System out of the program-budget of the Organization for 2018."

and net assets, and also the income, expenditure and cash flows for 2019, which are in keeping with generally accepted and consistently applied accounting principles for non-profit organizations (such as the Court). The report of the independent auditors shows that the internal accounting control system used by the Court is adequate for recording and controlling transactions and that reasonable business practices are used to ensure the most effective use of the funds provided. A copy of the report was sent to the OAS Secretary General, the OAS Financial Services Department, the Organization's Inspector General and the Board of External Auditors. In addition, each cooperation project is subject to an independent audit to ensure the most effective use of the resources and each report is submitted to the corresponding cooperation agency in keeping with each project contract.



Mechanisms to promote access to
Inter-American justice:
Victims' Legal Assistance Fund (FAV) and
Inter-American Defender (DI)



X. Mechanisms to promote access to Inter-American justice: Victims' Legal Assistance Fund (FAV) and Inter-American Defender (DI)

In 2010, the Court incorporated into its Rules of Procedure two new mechanisms designed to enable victims to access Inter-American justice, and to ensure that those who lack sufficient financial resources or who do not have a legal representative are not excluded from access to the Inter-American Court. These mechanisms are: the Victims' Legal Assistance Fund (FAV) and the Inter-American Defender (DI).

A. Victims' Legal Assistance Fund (FAV)

1. Procedure

The Court's Rules for the Operation of the Victims' Legal Assistance Fund (hereinafter, "the Fund") were issued on February 4, 2010, and entered into force on June 1 that year. The purpose of the Fund is to facilitate access to the Inter-American Human Rights System to those persons who, at the present time, do not have the necessary resources to bring their case before the Court.

When a Case has been submitted to the Court, any victim who does not have the necessary financial resources to cover the costs arising from the proceedings may expressly request access to the Fund. According to the Rules, the presumed victims who wish to avail themselves of the Fund must inform the Court in their brief with pleadings, motions and evidence. In addition, they must authenticate, by means of a sworn declaration or other appropriate means of proof satisfactory to the Court, that they lack sufficient financial resources to cover the costs of litigation before the Court and indicate precisely which aspects of their participation require the use of resources from the Fund.²⁴¹ The President is responsible for evaluating each application to determine whether or not it is admissible, and will indicate the aspects of the participation that can be covered by the Victims' Legal Assistance Fund.²⁴²

The Court's Secretariat is in charge of administering the Fund. When the President has determined that the request is admissible and this decision has been notified, the Court's Secretariat opens a file of expenditures for each specific case, in which it records each disbursement made in accordance with the parameters authorized by the President. Subsequently, the Court's Secretariat informs the respondent State of the disbursements made from the Fund, so that it may submit any observations it wishes within the time frame established to this effect. As indicated above, when delivering Judgment, the Court will assess the admissibility of ordering the respondent State to reimburse the Fund any disbursements made and will indicate the amount owed.

2. Donations to the Fund

It should be emphasized that this Fund does not receive resources from the regular budget of the OAS. This has led the Court to seek voluntary contributions to ensure its existence and operation. To date, the funds have come from several cooperation projects and from voluntary contributions from States.

Initially, the funds only came from a cooperation project signed with Norway for the period 2010-2012, which provided US\$210,000.00, and from the donation of US\$25,000.00 to the Fund by Colombia. During 2012, based on new cooperation agreements signed with Norway and Denmark, the Court obtained commitments for additional funding for 2013 to 2015 of US\$65,518.32 and US\$55,072.46, respectively.

In 2016, the Court received US\$15,000.00 from Norway, in 2017, US\$24,616.07, in 2018, US\$24,764.92 and finally, for execution of the 2019 budget a contribution of US\$24,539.80. No contributions were made in 2020; however, in 2021, a contribution of US\$8,117.95 was made to the Fund.

²⁴¹ Inter-American Court of Human Rights, Rules for the Operation of the Victims' Legal Assistance Fund, article 2.

²⁴² *Ibid.*, article 3.

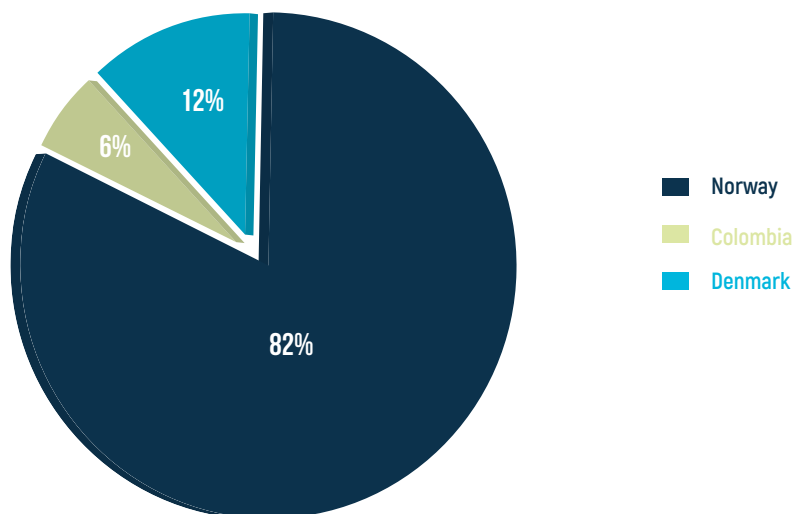
Based on the foregoing, at December 2021, total contributions to the fund amounted to US\$452,629.52.

The list of donor countries to date is as follows:

CONTRIBUTIONS AND DONATIONS TO THE FUND		
State	Year	Contribution in US\$
Norway	2010-2012	210,000.00
Colombia	2012	25,000.00
Norway	2013	30,363.94
Denmark	2013	5,661.75
Norway	2014	19,621.88
Denmark	2014	30,571.74
Norway	2015	15,532.50
Denmark	2015	18,838.97
Norway	2016	15,000.00
Norway	2017	24,616.07
Norway	2018	24,764.92
Norway	2019	24,539.80
Norway	2021	8,117.95
	Subtotal	US\$ 452,629.95

CONTRIBUTIONS TO THE FLV AS OF DECEMBER 31, 2021

TOTAL AMOUNT: US\$ 452,629.52



3. Application of the Victims' Legal Assistance Fund

3.1 Expenses approved in 2021

In 2021, the President of the Inter-American Court of Human Rights issued orders approving access to the Victims' Legal Assistance Fund in the following Cases:

ORDERS APPROVING ACCESS TO THE VICTIMS' LEGAL ASSISTANCE FUND		
Case	Date of approval	Concept
Case of Flores Bedregal et al. v. Bolivia	February 13, 2020	To cover travel and per diem expenses for Olga Beatriz Flores Bedregal to provide her statement before the Court and legal representative, Rafael Humberto Subieta Tapia, to defend her interests during the public hearing in this case; as well as for the reasonable expenses of preparing and mailing the affidavits with: (i) the statements of Verónica and Lilian Teresa, both Flores Bedregal, and (ii) the expert opinions of Guiomar Hylea Bejarano Gerke, Federico Andrés Paulo Andreu Guzmán and Marcelo Pablo Pacheco Camacho.
Case of Bedoya Lima et al. v. Colombia	July 8, 2020	To cover the reasonable expenses of preparing and mailing the affidavits with five statements offered by the representatives.
Case of Cuya Lavy et al. v. Peru	November 4, 2020	To cover the expenses required by the presentation of a statement and an expert opinion by the representatives of Mr. Cuya Lavy, and the presentation of two statements and two expert opinions by the representatives of Mr. Valenzuela Cerna.
Case of Julien Grisonas et al. v. Argentina	February 10, 2021	To cover the reasonable expenses of preparing and mailing the affidavits of one victim and one expert witness.
Case of Digna Ochoa and family members v. Mexico	February 16, 2021	To cover the reasonable expenses of preparing and mailing the affidavits with five statements offered by the representatives.
Case of Pavez Pavez v. Chile	March 3, 2021	To cover the reasonable expenses of preparing and mailing the affidavits with four statements offered by the representatives.
Case of González et al. v. Venezuela	April 14, 2021	To cover the reasonable expenses of preparing and mailing the affidavits with seven statements offered by the representatives. Also to cover the expenses of mailing the videorecording of the statement of Fernando González if this cannot be forwarded electronically. Also, other reasonable and necessary expenses incurred or to be incurred by the Inter-American public defenders.
Case of Leguizamón Zaván et al. v. Paraguay	October 1, 2021	Within the resources currently available, financial support necessary to cover expenses related to the processing of this case.

Case of Valencia Campos et al. v. Bolivia	October 19, 2021	Financial support to cover travel expenses to Bolivia incurred or to be incurred by one of the Inter-American defenders to meet with the alleged victims, plus travel and lodging expenses necessary for the two Inter-American defenders and the declarants to attend the hearing; expenses related to the formalization of statements made before a notary public, as well as the sending of documents related to expenses applicable to the Victims' Legal Assistance Fund."
Case of Álvarez v. Argentina	November 3, 2021	Funds to cover expenses related to the participation of the alleged victim and two proposed experts at a possible public hearing, including the costs of travel, transportation, lodging and per diems. The Court indicated that, if the hearing is not held in person, the Fund would be applied to cover the expenses necessary to formalize and send the statements rendered before a notary public (affidavits). It added that the Fund could be used to cover the costs of formalizing and submitting the affidavits of the two proposed witnesses (Mr. Alvarez's mother and father).
Case of Cajahuanca Vásquez v. Peru	December 2, 2021	Based on currently available resources, financial support necessary to cover the expenses related to the processing of this case.
Case of Casierra Quiñonez et al. v. Ecuador	December 8, 2021	To cover the expenses of preparing and mailing the affidavits with six statements offered by the representatives. Also, other reasonable and necessary expenses incurred or to be incurred by the Inter-American public defenders.

3.2 FAV expenses in 2021

During 2021, the Secretariat of the Inter-American Court made payments to cover the expenses of presumed victims, expert witnesses, witnesses, and representatives, to prepare affidavits, and to reimburse diverse expenses in 12 Cases. Details of these disbursements appear in the following table:

Victims' Legal Assistance Fund Disbursements in 2021		
Total Number	Cases	Amount
VICTIMS' LEGAL ASSISTANCE FUND		
1	Casa Nina v. Peru	704.46
2	Guachalá Chimbo et al. v. Ecuador	60.74
3	Members and militants of the Patriotic Union v. Colombia	671.55
4	Guerrero, Molina et al. v. Venezuela	64.56
5	Julien Grisonas family	358.98
6	Ríos Avalos et al. v. Paraguay	685.323
7	Bedoya Lima et al. v. Colombia	104.88

8	Barbosa de Souza et al. v. Brazil	1,579.20
9	González et al. v. Venezuela	675.00
10	Massacre of the Village of Los Josefinos v. Guatemala	1,58.11
11	Relatives of Digna Ochoa and Plácido v. Mexico	715.15
12	Flores Bedregal et al. v. Bolivia	920.00
TOTAL:		8,117.95
FINANCIAL EXPENSES		
Financial expenses (audit and exchange rate fluctuations)		1,207.55
TOTAL		1,207.55
TOTAL DISBURSEMENTS 2021		US\$ 9,325.50

3.3 Expenses approved and respective reimbursement from 2010 to 2021

Between 2010 and the end of 2021, access to the Victims' Legal Assistance Fund of the Court has been granted in 101 Cases. As established in the Rules of Operation, States are bound to reimburse the Fund's resources that are used in a case when the Court establishes this in the Judgment or pertinent order. Regarding this total of 101 Cases, the records show that:

- In 67 Cases, the respective States have reimbursed the Fund.
- In 2 Cases the Court did not order the State to reimburse the Fund, because it was not found internationally responsible in the Judgment.
- In 32 Cases reimbursement of the Fund remains pending. However, in 10 of these 32 Cases, the Judgment or order requiring the State to make the reimbursement has not yet been issued.

Victims' Legal Assistance Fund						
Reimbursements made to the Fund / Accumulated to December 2020						
	Case	State	Reimbursement (in US\$)	Interest (in US\$)	Exchange differential (in US\$)	
1	Torres et al.	Argentina	10,043.02	4,286.03	0.00	
2	Fornerón and daughter	Argentina	9,046.35	3,075.46	0.00	
3	Mohamed	Argentina	7,539.42	1,998.30	0.00	
4	Argüelles et al.	Argentina	7,244.95	4,170.64	0.00	
5	Torres Millacura (Monitoring Compliance hearing)	Argentina	7,969,.08	4,170.64	0.00	
6	López et al.	Argentina	3,277.62	2,567.73	0.00	
7	Furlan and Family (monitoring compliance hearing)	Argentina	4,025.58	346.02	0.00	
8	Jenkins	Argentina	6,174.66	2,355.06	0.00	
9	Furlan and Family	Argentina	13,547.87	4,213.83	0.00	
10	Mendoza et al.	Argentina	3,393.58	967.92	0.00	
11	Pacheco Tineo family	Bolivia	9,564.63	0.00	0.00	
12	I.V.	Bolivia	1,623.21	0.00	0.00	
13	Favela Nova Brasilia	Brasil	7,367.51	156.29	0.00	
14	Vladimir Herzog et al.	Brasil	4,243.95	0.00	554.89	

15	Norín Catrimán et al. (Leaders, Members and Activist of the Mapuche Indigenous People)	Chile	7,652.88	0.00		
16	Poblete Vilches et al.	Chile	10,939.93	0.00	0.00	
17	Ángel Alberto Duque	Colombia	2,509.34	1,432.96	0.00	
18	Isaza Uribe et al.	Colombia	1,172.70	0.00	0.00	
19	Villamizar Durán et al.	Colombia	6,404.37	0.00	0.00	
20	Vereda La Esperanza	Colombia	2,892.94	0.00	0.00	
21	Yarce et al.	Colombia	4,841.06	4,099.64	0.00	
22	Manfred Amrhein et al.	Costa Rica	5,856.91	0.00	0.00	
23	Kichwa Indigenous People of Sarayaku	Ecuador	6,344.62	0.00	0.00	
24	Suárez Peralta	Ecuador	1,436.00	0.00	0.00	
25	Vásquez Durand	Ecuador	1,657.35	31.34	0.00	
26	Montesinos Mejía	Ecuador	159.00	0.00	0.00	
27	Flor Freire	Ecuador	4,771.25	412.08	0.00	
28	Contreras et al.	El Salvador	4,131.51	0.00	0.00	
29	Massacres of El Mozote and nearby places	El Salvador	6,034.36	0.00	0.00	
30	Rochac Hernández et al.	El Salvador	4,134.29	0.00	0.00	
31	Ruano Torres et al.	El Salvador	4,555.62	0.00	0.00	
32	Véliz Franco et al.	Guatemala	2,117.99	0.00	0.00	
33	Chinchilla Sandoval et al.	Guatemala	993.35	0.00	0.00	
34	Ramírez Escobar et al.	Guatemala	2,082.79	0.00	0.00	
35	Cuscul Pivaral et al.	Guatemala	2,159.36	0.00	0.00	
36	Villaseñor Velarde et al.	Guatemala	4,671.10	0.00	0.00	
37	Garífuna Triunfo de la Cruz Community and its members	Honduras	1,662.97	0.00	0.00	
38	Garífuna Punta Piedra Community and its members	Honduras	8,528.06	0.00	0.00	
39	Alvarado Espinoza et al.	Mexico	5,444.40	182.32	0.00	
40	Women Victims of Sexual Torture in Atenco	Mexico	4,199.09	0.00	0.00	
41	V.R.P y V.P.C	Nicaragua	13,835.51	0.00	0.00	
42	Kuna Indigenous People of Madungandí and Emberá Indigenous People of Bayano and their members	Panama	4,670.21	0.00	0.00	
43	Osorio Rivera and Family members	Peru	3,306.86	0.00	0.00	
44	J.	Peru	3,683.52	0.00	0.00	
45	Miguel Castro Castro Prison	Peru	2,756.29	0.00	0.00	
46	Espinoza Gonzáles	Peru	1,972.59	0.00	0.00	
47	Cruz Sánchez et al.	Peru	1,685.36	0.00	0.00	

48	Peasant Community of Santa Bárbara	Peru	3,457.40	0.00	0.00	
49	Canales Huapaya et al.	Peru	15,655.09	0.00	0.00	
50	Quispialaya Vicalpoma	Peru	1,673.00	0.00	0.00	
51	Tenorio Roca et al.	Peru	2,133.69	0.00	0.00	
52	Tarazona Arrieta et al.	Peru	2,030.89	0.00	0.00	
53	Pollo Rivera et al.	Peru	4,330.76	15.40	0.00	
54	Zegarra Marín	Peru	8,523.10	0.06	0.00	
55	Lagos del Campo	Peru	1,336.71	23.70	0.00	
	Dismissed Employees of PetroPerú et al.	Peru	3,762.54	18.01	0.00	
56	Terrones Silva et al.	Peru	5,095.99	0.12	0.00	
57	Munárriz Escobar et al.	Peru	1,100.76	0.72	0.00	
58	Muelle Flores	Peru	2,334.04	0.00	0.00	
59	Rojas Marín et al.	Peru	869.23	0.00	0.00	
60	Rosadio Villavicencio	Peru	2,269.24	0.00	0.00	
61	Casa Nina	Peru	68.746	0.00	0.00	
62	Interest paid State of Peru	Peru	0.00	197.66	0.00	
63	Guachalá Chimbo et al.	Peru	43.74	0.00	0.00	
64	Barrios family	Venezuela	3,232.16	0.00	0.00	
65	Uzcátegui et al.	Venezuela	4,833.12	0.00	0.00	
66	Landaeta Mejías et al.	Venezuela	2,725.17	0.00	0.00	
67	Barrios family (Monitoring Compliance)	Venezuela	1,326.33	0.00	0.00	
SUBTOTAL				\$ 301,745.43	\$ 30,551.29	\$ 554.89
Total Recovered (Expenses, interest and exchange rate differential)						\$ 332,851.61

This table provides details of the 32 Cases in which reimbursement of the Fund by the State remains pending:

Victims' Legal Assistance Fund				
Expenses pending reimbursement, by case and by State, on December 31, 2021				
Total number	Number per State	Case	Amount	Date payment was ordered
ARGENTINA				
1	1	Gorigoitía	987.36	September 2, 2019
2	2	Spoltore	4,340.58	June 9, 2020
3	3	Acosta Martínez	2,718.75	August 31, 2020
4	4	Fernández Prieto et al.	3,251.84	September 1, 2020
5	5	Julien Grisonas	358.98	September 23, 2021
TOTAL			11,657.51	
BARBADOS				
6	1	Dacosta Cadogan and Boyce et al.	1,999.60	November 14, 2017
TOTAL			1,999.60	

BOLIVIA				
7	1	Flores Bedregal et al.	920.00	Case in which the obligation to reimburse the Fund has not been determined.
TOTAL			920.00	
BRAZIL				
8	1	*Barbosa de Souza et al.	1,579.20	September 7, 2021
TOTAL			1,579.20	
COLOMBIA				
9	1	Matter of the Peace Community of San José de Apartadó	1,116.46	Case in which the obligation to reimburse the Fund has not been determined
10	2	Bedoya Lima et al.	104.88	August 26, 2021
11	3	Members and militants of the Unión Patriótica	671.55	Case in which the obligation to reimburse the Fund has not been determined
TOTAL			1,892.89	
ECUADOR				
12	1	Gonzales Lluy et al.	4,649.54	1 de septiembre de 2015
TOTAL			4,649.54	
GUATEMALA				
13	1	Rodríguez Revolorio et al.	4,402.73	14 de octubre de 2019
14	2	Valenzuela Ávila	1,620.53	11 de octubre de 2019
15	3	Ruíz Fuentes	1,943.20	10 de octubre de 2019
16	4	Martínez Coronado	280.00	10 de mayo de 2019
17	5	Girón et al.	1,271.54	15 de octubre de 2019
18	6	Massacre of Los Josefinos Village	1,578.11	
TOTAL			11,096.11	
MEXICO				
19	1	*Family of Digna Ochoa and Plácido	715.15	25 de noviembre de 2021
TOTAL			715.15	
NICARAGUA				
20	1	Acosta et al.	2,722.99	25 de marzo de 2017
21	2	Azaña et al. v. Nicaragua	3,188.10	3 de junio de 2020
TOTAL			5,911.09	
PARAGUAY				
22	1	Noguera et al.	1,994.88	9 de marzo de 2020
23	2	Ríos Ávalos et al.	683.32	19 de agosto de 2021
TOTAL			2,680.20	
DOMINICAN REPUBLIC				
24	1	González Medina	2,219.48	27 de febrero de 2012
25	2	Nadege Dorzema et al.	5,972.21	24 de octubre de 2012
26	3	Expelled Haitians and Dominicans	5,661.75	28 de agosto de 2014

TOTAL			13,853.44	
VENEZUELA				
27	1	Ortiz Hernández et al.	11,604.03	22 de agosto de 2017
28	2	López Soto et al.	7,310.33	26 de septiembre de 2018
29	3	Álvarez Ramos	4,805.40	30 de agosto de 2019
30	4	Díaz Loreto et al.	3,476.97	19 de noviembre de 2019
31	5	Guerrero Molina et al.	64.56	3 de junio de 2021
32	6	*González et al.	675.00	20 de septiembre de 2021
TOTAL			27,936.29	
TOTAL AMOUNT			US\$ 84,891.02	

* Corresponds to the Cases that are within the time period granted in the Judgment to each country to make the refund.

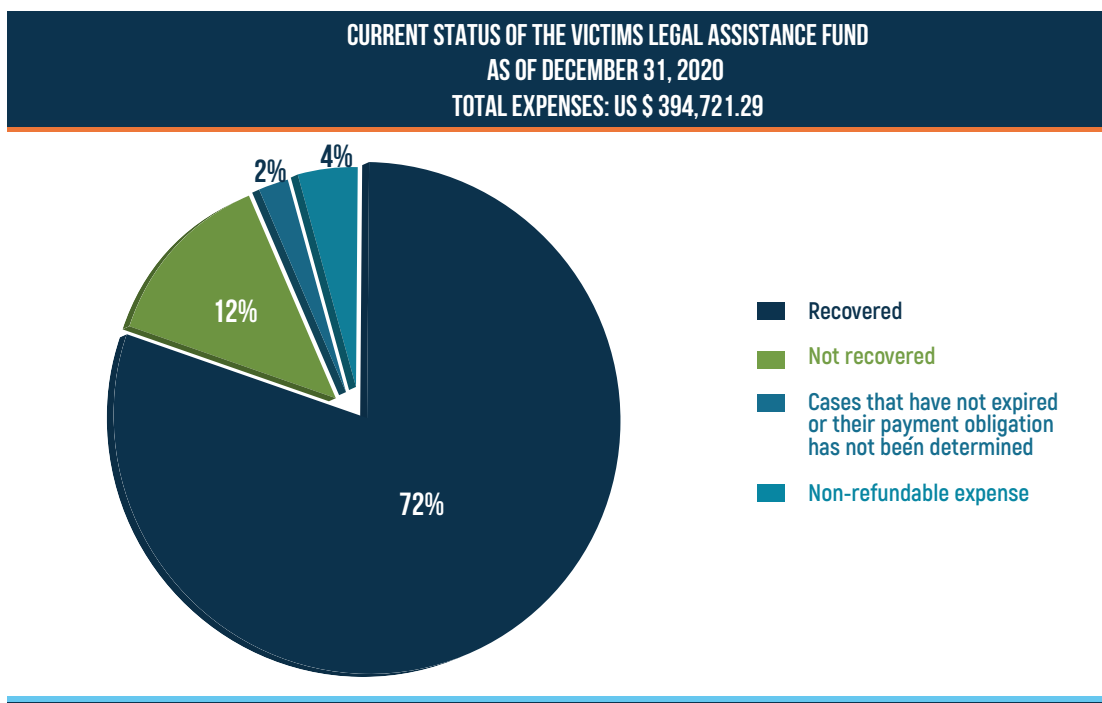
**BALANCES PENDING REIMBURSEMENT TO THE FUND VICTIMS
AS OF DECEMBER 31, 2021
US\$ DOLLARS**



Finally, the following table provides details of the expenditure that States are not forced to reimburse to the Fund according to the respective Judgments delivered by the Court:

Victims' Legal Assistance Fund			
Expenses in cases where the State is not obliged to reimburse the Fund			
Case	Case	Reimbursement (in US\$)	Details
1	Torres et al. v. Argentina	2,214.03	Item not subject to reimbursement to the Fund (Corresponds to airfare, per diem and terminal expenses of a court-appointed expert).
2	Castillo González et al. v. Venezuela	2,956.95	Case without obligation to reimburse the fund.
3	Del Penal Miguel Castro v. Peru	1,445.15	(Corresponds to airline ticket of a participant).
4	Arrom Suhurt et al. v. Paraguay	1,360.25	Case without obligation to reimburse the fund.
TOTAL EXPENSES US\$ 7,976.38			

The table below presents the actual situation of the Victims' Legal Assistance Fund, as revealed by the preceding tables, according to their headings, namely: Reimbursements made to the Fund / Accumulated at December 31, 2021 / Expenditures pending reimbursement, by each State, at December 31, 2021, and Disbursements where the State is not required to reimburse the Fund.



Below is a table with the income and expenses statement at December 31, 2021.

Inter-American Court of Human Rights Victims' Legal Assistance Fund Income and expenses statement From January 1 to December 31, 2021 (In US\$)		
Income:		
	Contributions to the Fund:	452,629.52
	Reimbursements by States:	301,745.43
	Interest paid on arrears:	30,551.29
	Interest on bank accounts:	554.89
Total Income: \$ 789,964.39		
Expenses:	Disbursements to beneficiaries of the Fund:	(386,646.78)
	Non-reimbursable expenses:	(7,976.38)
	Financial and administrative expenses: (Audit, banking commission and exchange differential)	(9,423.63)
Total Expenses \$		(404,046.79)
Positive balance: \$		385,917.60

3.4 Audit of accounts

The Victims' Legal Assistance Fund has been audited by the external auditors of the Inter-American Court, Venegas and Colegiados, Auditors and Consultants, a member of Nexia International. In this regard, the audited financial statements for the financial exercises ending in December 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020 have been approved, indicating that, in all important aspects, they present the income and available funds in keeping with generally accepted accounting and auditing principles. The 2021 audit report remains pending and will be issued during the first quarter of 2022 and included in the 2022 Annual Report. The auditor's reports also state that the disbursements have been administered correctly, that no illegal activities or corruption have been discovered, and that the funds have been used exclusively to cover the expenses of the Victims' Fund operated by the Court.

B. Inter-American Public Defender

The Court's Rules of Procedure, in force since January 1, 2010, introduced the mechanism of the Inter-American Defender. The purpose of this mechanism is to guarantee access to Inter-American justice by granting free legal aid to presumed victims who did not have the financial resources or lacked legal representation before the Court.

To implement the concept of Inter-American defender, in 2009, the Court signed a Memorandum of Understanding with the Inter-American Association of Public Defenders (hereinafter "the AIDEF"),²⁴³ which entered into force on January 1, 2010. Under this agreement, in those cases in which the presumed victims lack financial resources and/or legal representation before the Court, the AIDEF will appoint a public defender who belongs to the Association to assume their legal representation and defense during the entire proceedings. To this end, when a presumed victim does not have legal representation in a case and indicates his or her wish to be represented by an Inter-American defender, the Court will inform the AIDEF General Coordinator so that, within 10 days, the latter may appoint the defender who will assume the legal representation and defense. In addition, the Court will notify the documentation relating to the submission of the Case to the Court to the member of the AIDEF appointed as the public defender so that the latter may, from then on, assume the legal representation of the presumed victim before the Court throughout the processing

²⁴³ AIDEF is an organization composed of State institutions and associations of public defenders. Its objectives include providing the necessary assistance and representation to individuals and ensuring the rights of defendants in order to permit a full defense and access to justice with the appropriate quality and excellence.

of the Case.

As mentioned above, the legal representation before the Inter-American Court by the person appointed by the AIDEF is provided free of charge, and the latter will charge only the expenses arising from the defense. The Inter-American Court of Human Rights will pay the reasonable and necessary expenses that the respective Inter-American defender incurs, insofar as possible, and through the Victims' Legal Assistance Fund. Furthermore, on June 7, 2013, the AIDEF Board approved the new "Unified Rules of Procedure for the actions of the AIDEF before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights." To date, the AIDEF has provided legal assistance through this mechanism in 27 Cases:

- | | |
|---|---|
| 1) Pacheco Tineo Family v. Bolivia; | 15) Martínez Coronado v. Guatemala; |
| 2) Furlan and family v. Argentina; | 16) Rodríguez Revolorio et al. v. Guatemala; |
| 3) Mohamed v. Argentina; | 17) Villaseñor Velarde et al. v. Guatemala; |
| 4) Argüelles et al. v. Argentina; | 18) Muelle Flores v. Peru; |
| 5) Canales Huapaya et al. v. Peru; | 19) Cuya Lavy v. Peru; |
| 6) Ruano Torres et al. v. El Salvador; | 20) López et al. v. Argentina; |
| 7) Pollo Rivera et al. v. Peru; | 21) González et al. v. Venezuela; |
| 8) Zegarra Marín v. Peru; | 22) Cordero Bernal v. Peru; |
| 9) Ortiz Hernández et al. v. Venezuela; | 23) Willer et al. v. Haiti; |
| 10) Poblete Vilches et al. v. Chile; | 24) Casierra Quiñonez et al. v. Ecuador; |
| 11) V.R.P., V.P.C. et al. v. Nicaragua; | 25) Boleso v. Argentina; |
| 12) Amrhein et al. v. Costa Rica; | 26) Cajahuanca Vásquez v. Peru; and |
| 13) Jenkins v. Argentina; | 27) Members of the Consolidated Workers' Union of ECASA (SUTECASA) v. Peru. |
| 14) Girón et al. v. Guatemala; | |



Other activities of the Court



XI. Other activities of the Court

A. Inauguration of the 2021 Inter-American Judicial Year

On March 19, 2021, a ceremony was held to inaugurate the 2021 Inter-American Judicial Year, with the participation of the President of the Inter-American Court, Judge Elizabeth Odio Benito, the Vice President, Judge Patricio Pazmiño Freire, and the Judges of the Court. Michelle Bachelet Jeria, the United Nations High Commissioner for Human Rights gave the keynote address entitled: “The global challenges of human rights in a post-pandemic world.” The event was also attended by representatives of the government of Costa Rica, host country of the Inter-American Court, and of the Member States of the Organization of American States, as well as members of the Diplomatic Corps accredited to Costa Rica, and representatives of international organizations and civil society.

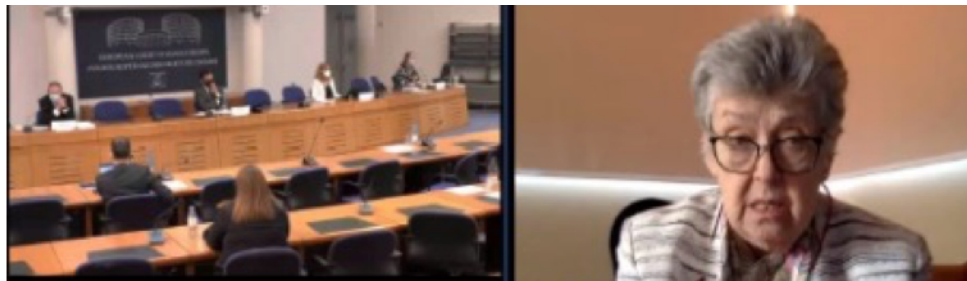


B. Dialogue between Regional Human Rights Courts

International Forum on Human Rights: Dialogue between the three Regional Human Rights Courts

On March 24, 2021, the Inter-American Court of Human Rights, the European Court of Human Rights and the African Court of Human and Peoples’ Rights held the II International Forum on Human Rights: Dialogue between the three Regional Human Rights Courts, organized by the European Court.

Participants in the forum included the President of the European Court of Human Rights, Judge Robert Spano, the President of the African Court of Human and Peoples’ Rights, Judge Sylvan Oré, the President of the Inter-American Court of Human Rights, Judge Elizabeth Odio Benito, and Judges of the three Regional Courts. The Judges of the three courts discussed significant issues that each regional court is examining and also exchanged opinions on the jurisprudential dialogue.



Working meeting between the Inter-American Court of Human Rights and the African Court of Human and Peoples' Rights

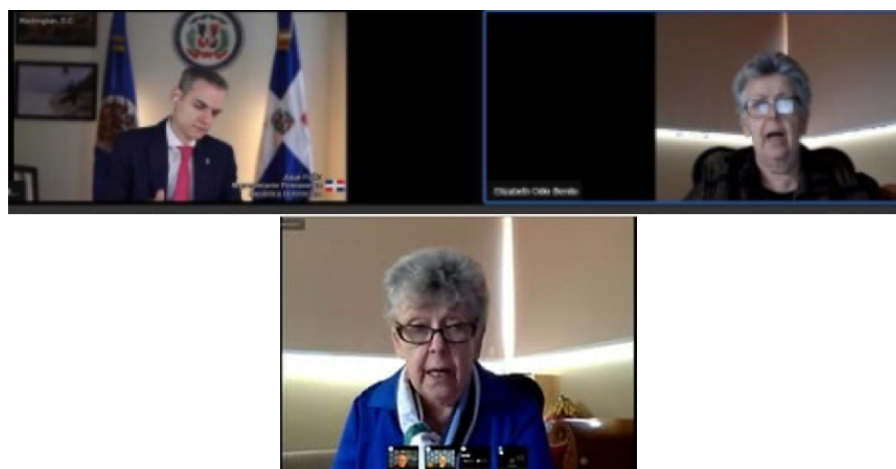
On April 14, 2021, a working meeting was held between the IACtHR and the African Court of Human and Peoples' Rights. Lawyers from both courts exchanged opinions on the main developments in case law during 2020.



C. Dialogue with the Organization of American States – OAS

Presentation of the 2020 Annual Report

On November 12, 2021, the President of the IACtHR, Judge Elizabeth Odio Benito, presented the 2020 Annual Report to the fifty-first General Assembly of the Organization of American States.



Forum of the Inter-American Human Rights System

On October 15, 2021, the Inter-American Commission and the Inter-American Court organized the “Forum of the Inter-American Human Rights System.” The President of the Inter-American Court, Judge Elizabeth Odio Benito, the President of the Inter-American Commission, Antonia Urrejola, and the United Nations High Commissioner for Human Rights, Michelle Bachelet, took part in the inaugural conference.

Panel I, entitled “Challenges and differentiated social impact in the enjoyment of the ESCER in the context of the pandemic,” consisted of Commissioner Flavia Piovesan, researcher Mariela Morales, the Vice President of the Court at the time, Patricio Pasmíño Freire, and the moderator was Soledad García Muñoz. Panel II, entitled “Persistent and new expressions of violence against women and girls in the context of the pandemic,” consisted of Commissioners Margarete May Macaulay and Esmeralda Arosemena de Troitiño, the Court’s Deputy Registrar, Romina Sijniensky, and the MESECVI Secretary, Luz Patricia Mejía, while the panel was moderated by the Court’s Director of Legal Affairs, Alexei Julio Estrada. The members of Panel III, on “Judicial Independence and its consequences for access to justice and civil liberties in the context of the pandemic,” were Commissioners Edgar Stuardo Ralón Orellana and Joel Hernández García, Judge Humberto Antonio Sierra Porto, the Special Rapporteur, Diego García-Sayán, the IACHR Executive Secretary, Tania Reneaum Panszi, and the panel was moderated by the IACHR Deputy Executive Secretary, Marisol Blanchard. Lastly, Panel IV “Statements by the IACHR and the IACtHR on COVID-19 and reflections on the future of the rule of law in the region,” consisted of Judges Eugenio Raúl Zaffaroni and Ricardo C. Pérez Manrique, and the IACHR Vice President, Julissa Mantilla, while the IACHR Deputy Secretary, María Claudia Pulido, assumed the role of moderator.

Foro del Sistema Interamericano de Derechos Humanos

15 de octubre de 2021
RESERVAR FECHA

Cinco paneles desde las
09:30 a las 17:00 (Costa Rica)
11:30 a las 19:00 (Washington DC)

Se contará con interpretación en ES, EN y PT.

D. Dialogue with the United Nations

Meeting between the Inter-American Court of Human Rights and the Human Rights Committee

On October 26, the Inter-American Court of Human Rights and the United Nations Human Rights Committee held a virtual meeting during which they exchanged points of view on various matters linked to their work in favor of human rights at the Inter-American and universal level.

In view of the challenges that humanity is experiencing as a result of the COVID-19 pandemic, the Inter-American Court of Human Rights and the United Nations Human Rights Committee renewed their undertaking to continue collaborating within the framework of a cooperation agenda between the two institutions. The two bodies expressed their commitment to continue holding this type of meeting on a yearly basis.



E. Conferences and seminars

Seminar: ‘Challenges for gender parity in the justice system: mechanisms and opportunities to overcome the obstacles to the advancement of women in the judicial career’

On March 8, 9 and 10, 2021, the conference on “Challenges for gender parity in the justice system: mechanisms and opportunities to overcome the obstacles to the advancement of women in the judicial career” took place, organized by Inter-American Court of Human Rights, in collaboration with the Inter-American Commission of Women (CIM). The conference was held to mark International Women’s Day, celebrated every March 8.

The three-day event consisted of three thematic panel discussions in order to address comprehensively the local and international dimensions of this issue that has direct significance in the sphere of the protection of human rights. The event provided an opportunity for discussions during which prominent national and international women Judges, together with representatives of international bodies with mandates relating to women’s rights, and members of civil society, exchanged opinions on the current situation and how to bridge the major gap verified. The panelists were: Elvia Barrios Alvarado, President of the Supreme Court of Justice of Peru; Andrea Muñoz Sánchez, Justice of the Supreme Court of Justice of Chile, responsible for gender issues; Clara Mota Pimenta, Federal Judge and Coordinator of the Commission to Assist Women in the Judiciary, of Brazil; Norma Lucía Piña Hernández, Justice of the Mexican Supreme Court of Justice of the Nation, and Daniela Salazar Martín, Vice President of the Constitutional Court of Ecuador. The panel discussion was moderated by the Technical Secretary of the Mechanism to Follow Up on the Implementation of the Convention of Belém do Pará (MESECVI), Luz Patricia Mejía.

8, 9 y 10
marzo de 2021
14:00 h Costa Rica

Transmisión en vivo por las Redes Sociales de la Corte Interamericana.

Retos a la **paridad de género** en la justicia:
Mecanismos y oportunidades para superar los obstáculos en el avance de las mujeres en la carrera judicial

Inscripciones Abiertas.

Registro previo para participar del Seminario Zoom aquí:
<https://forms.gle/byiSwVZ6dbmrRx79>

Forum: “Community communication and the right to freedom of expression. Key challenges for human rights”

On May 13, within the framework of the collaboration agreement with the World Association of Community Radio Broadcasters, and on World Press Freedom Day, the DIALOGA Network of Journalists for Human Rights in Latin America and the Caribbean, of the IACtHR, organized the Forum: “Community communication and the right to freedom of expression. Key challenges for human rights.”

FORO

"La Comunicación comunitaria y el derecho a la libertad de expresión. Desafíos en clave de derechos humanos"

Jueves 13 de mayo de 2021 | Hora 3:00 pm (Hora de Costa Rica)

Programa:
 Conferencia del Vicepresidente de la Corte Interamericana, Juez Patricio Pazmiño Freire.

Comentarios:
 Damián Loreti – Asociación Mundial de Radios Comunitarias.
 Gisselle Boza – Programa de Libertad de Expresión y Derecho a la Información de la Universidad de Costa Rica.
 Wendy Flores – Coordinadora General / Colectivo de Derechos Humanos Nicaragua Nunca Más

Registro previo para participar en el Foro Zoom:
<https://forms.gle/k9AQELEZ82RJXix5>

Transmisión en vivo:
 Facebook de AMARC América Latina.

Organizan:

Apoyan:

DIALOGA Red de Periodistas
 Corte IDH
 AMARC
 PROLEDI Libertad de expresión, derecho a la información y opinión pública
 Colectivo de Derechos Humanos Nicaragua Nunca Más
 FUNDACIÓN COMUNICACIONES
 FGER

Third dialogue between the IACtHR and the region’s children and adolescents

On November 16, the third edition of the dialogue between the Inter-American Court of Human Rights and children of the region was held and, on this occasion, it concerned their participation in the Court’s advisory and contentious proceedings. Representatives of the organizations REDNNyAS, Plataforma NNAPES (Platform of Children with Incarcerated Parents), MOLACNATS, REDIME and Yo También Tengo Algo que Decir, conversed with Judge Ricardo C. Pérez Manrique and the Court’s Deputy Registrar, Romina Sijniensky, and presented a summary of their experience in the processing of Advisory Opinion No. 29, and a research project, elaborated by Paniamor, on best practices for participation before international human rights bodies.



Roundtable: Gender stereotyping and administration of justice

On November 25, 2021, on the International Day for the Elimination of Violence against Women, a roundtable was held on: “Gender stereotyping and administration of justice,” with the participation of the IACtHR President, Judge Elizabeth Odio Benito, and several regional experts.

Día Internacional de la Eliminación de la Violencia contra la Mujer



Jueves
25 de noviembre de 2021



14:00 horas
(Costa Rica)

MESA REDONDA

Estereotipos de Género y Administración de Justicia



Corte IDH
Protegiendo Derechos



IV Hernán Santa Cruz Dialogue for Latin American and the Caribbean

On December 8, 2021, the “IV Hernán Santa Cruz Dialogue for Latin America and the Caribbean was held on: “Promotion of economic, social, cultural and environmental rights. Implications for development, sustainability and peace in the time of COVID-19.” The event was organized the Office of the United Nations High Commissioner for Human Rights (OHCHR), together with the Peace University (UPAZ) and the Inter-American Court of Human Rights. Participants included: Michelle Bachelet, United Nations High Commissioner for Human Rights, Francisco Rojas Aravena, Rector of UPAZ, Judge Patricio Pazmiño, Vice President of the Inter-American Court of Human Rights, and Todd Howland, Chief of Branch, Development, Economic, Social Rights of the OHCHR.



F. Other activities

- On March 4, 2021, the President of the Inter-American Court of Human Rights, Judge Elizabeth Odio Benito, received the "Women Avenir 2021" Award from the International Conference on Women and Diplomacy, which was held virtually, from Madrid.
- On March 14, 2021, the President of the Inter-American Court of Human Rights, Judge Elizabeth Odio Benito, spoke at a conference organized by Binghamton University. In addition to her experiences as a judge (since 2016) and President of the Inter-American Court, she spoke of her experiences as a judge of the International Criminal Court (2003-2012) and of the International Criminal Tribunal for the Former Yugoslavia (1993-1998).
- On March 17, 2021, the Deputy Registrar of the Inter-American Court, Romina I. Sijniensky, participated, virtually, as a speaker in the Dialogue with the Inter-American Human Rights System, organized by the General Directorate of Human Rights of the Mexican Supreme Court of Justice of the Nation, on the topic of "Advisory Opinions."
- On April 9, 2021, the Judge of the Inter-American Court, Ricardo Pérez Manrique, took part a conference organized by the Electoral Court of the state of Tabasco, Mexico, where he spoke on the Court's jurisdiction and the control of conventionality. In addition, the IACtHR Secretariat lawyer, Marta Cabrera, spoke on "Women's rights in the case law of the Court."
- On April 13, 2021, the Deputy Registrar of Inter-American Court, Romina I. Sijniensky took part, virtually, as a speaker in the webinar: Latin America and Violence against Women, organized by the Escola Nacional de Formação e Aperfeiçoamento de Magistrados (ENFAM) and the Associação dos Magistrados Brasileiros (AMB).
- On April 14, 2021, the Assistant Secretary of the Inter-American Court, Romina I. Sijniensky, gave a presentation at the Webinar "Latin America and Violence against Women", organized by the Brazilian Magistrates Association (Associação dos Magistrados Brasileiros - AMB) and the National School for Training and Development of Magistrates (Escola Nacional de Formação e Aperfeiçoamento de Magistrados– ENFAM) of Brazil.
- On April 27, 2021, the IACtHR Vice President, Judge Patricio Pazmiño Freire, met with the Ombudsmen of Costa Rica, Guatemala, Honduras, Ecuador and Panama at the seat of the Court.

- On May 3, 2021, in the context of World Press Freedom Day, Judge Ricardo C. Pérez Manrique addressed journalists of the DIALOGA Network of Journalists for Human Rights in Latin America and the Caribbean, on the topic of “Inter-American Case Law on the right to freedom of expression.”
- On May 20, 2021, the Judge of the Inter-American Court, Ricardo C. Pérez Manrique took part in the Forum: “The right to freedom of expression under the Inter-American Human Rights System” organized by the Dialoga Network and the Universidad de La Sabana.
- On May 19, 2021, the Deputy Registrar of the Inter-American Court, Romina I. Sijniensky, was a virtual panelist in the parallel event to the thirtieth session of the Commission on Crime Prevention and Criminal Justice (CCPCJ): Strengthening the capacity of criminal justice practitioners in the Americas to combat human trafficking in the context of migration flows: how to incorporate international standards in the national response, organized by the Dominican Republic with the support of the UNODC Human Trafficking and Migrant Smuggling Section.
- On June 8, 2021, the President of the Inter-American Court of Human Rights, Judge Elizabeth Odio Benito, inaugurated the course: “Access to the Inter-American Human Rights System and the Inter-American Court” organized for the Consejo de Colegios and Órdenes de Abogados del Mercosur (COADEM), an institution composed of the national bar associations of the MERCOSUR countries.
- On June 25, 2021, the Judge of the Inter-American Court, Eduardo Ferrer Mac-Gregor, took part in the XXVI Meeting of Latin American Tribunals, Courts and Constitutional Chambers, organized by the Rule of Law Program for Latin American of the KAS Foundation, and the Ecuadorian Constitutional Court.
- On June 27, 2021, the Deputy Registrar of the Inter-American Court, Romina I. Sijniensky, took part as a speaker in the academic roundtable discussion to celebrate 100 years of the Federación Argentina de Colegios de Abogados (FACA): “The transformation, the present and the future of the exercise of the legal profession,” organized virtually by the Instituto de Altos Estudios de Armonización Legislativa “Prof. Dr. Oscar Paciello Candia” and the COADEM Executive Directorate.
- On July 5, 2021, the President of the Inter-American Court of Human Rights, Judge Elizabeth Odio Benito, and Judge Eduardo Ferrer Mac-Gregor, took part in the World Law Congress, organized by the World Jurists Association, during which homage was paid to the judge of the United State Supreme Court, Ruth Bader Ginsburg.
- On July 13, 2021, Judge Eduardo Ferrer Mac-Gregor gave an address entitled “Judicial independence and human rights” during the Forum: “Sustainable development in the administration of justice in Costa Rica,” organized by the President of the Supreme Court of Justice of Costa Rica.
- On August 6, 2021, the Deputy Registrar of the Inter-American Court, Romina I. Sijniensky, was a panelist in the virtual event: “Eradication of violence and discrimination against women and girls in Latin America and the Caribbean,” organized by the Inter-American Commission on Human Rights, during “Panel Discussion 3: Strengthening the Inter-American System and its role in prevention, and protection and eradication, of sexual violence against women and girls.”
- On September 18, 2021, the President of the IACtHR, Judge Elizabeth Odio Benito, took part in the panel discussion: “Challenges and opportunities for the Inter-American System from the perspective of its organs,” during the “Héctor Fix-Zamudio” Diploma course on the Inter-American Human Rights System.
- On September 27, 2021, the Deputy Registrar of the Inter-American Court, Romina I. Sijniensky, took part in the presentation of General Recommendation No. 3 on the concept of consent in cases of gender-based sexual violence against women, issued by the Committee of Experts of the Follow-up Mechanism of the Convention of Belém do Pará, with the support of the Instituto Belisario Domínguez of the Senate of the Republic of Mexico.
- On September 27, 2021, a lawyer of the IACtHR Secretariat was a panelist in the Inter-American course on “Protection of internally displaced people, migrants, asylum seekers, refugees, stateless people, returnees in

need of protection, and victims of people-trafficking in the Americas,” of the Department of Social Inclusion of the Secretariat for Access to Rights and Equity of the Organization of American States.

- On October 11, 2021, the President of the IACtHR, Judge Elizabeth Odio Benito, took part in the inauguration of the “Carmen Moreno Toscano” course on international standards for the women’s human right to a life free from violence, of the Legal Research Institute at the Universidad Nacional Autónoma de Mexico.
- On October 20, 2021, Judge Ricardo C. Pérez Manrique gave the inaugural address for the course: “Public defense and the Inter-American Court of Human Rights,” organized by the IACtHR and the Uruguayan Asociación de Defensores de Oficio.
- On October 25, 2021, the President of the IACtHR, Judge Elizabeth Odio Benito, took part in inauguration of the “Fifth National Meeting of Black Judges of Brazil” and the “Second Forum of Judges against racism and all forms of discrimination.”
- On November 5, 2021, the President of the Inter-American Court, Judge Elizabeth Odio Benito, took part in the inauguration of the 39th Interdisciplinary course of the Inter-American Institute of Human Rights, for 50 people from 17 countries.
- On November 8, 2021, the President of the IACtHR, Judge Elizabeth Odio Benito, received, at the seat of the Court, the Minister for Foreign Affairs and Human Mobility of the Republic of Ecuador, Ambassador Mauricio Montalvo, and the Deputy Secretary for Latin America and the Caribbean, Lotty Andrade Abdo, the Ambassador of Ecuador to Costa Rica, Bolívar Torres Cevallos, and the Embassy’s Second Secretary, Ana Victoria Rosero. The President was accompanied by the IACtHR Registrar, Pablo Saavedra Alessandri.
- On October 9, 2021, the Deputy Registrar, Romina Sijniensky, was a virtual speaker in the Latin American Seminar on “Bringing young people closer to the Inter-American Court of Human Rights,” organized by the Human Rights Center of the Law Faculty of the Universidad de Buenos Aires (UBA), the Rule of Law Program for Latin America of the Konrad Adenauer (KAS) Foundation and the Inter-American Court of Human Rights, on the topic of “Advisory Opinions: their strategic and conceptual relevance.”
- On October 15, 2021, the Deputy Registrar, Romina Sijniensky, took part, virtually, in the 2021 Forum of the Inter-American Human Rights System, as a panelist in Panel II: “Persistent and new expressions of violence against women and girls in the context of the pandemic.”
- On October 19, 2021, the Deputy Registrar, Romina Sijniensky, was a panelist in the virtual Panel of Experts on: “Women’s rights in the twenty-first century. From the perspective of the organs of the Inter-American System,” organized in the context of the basic course on the Case Law of the IACtHR in relation to women’s human rights, organized by the Inter-American Court of Human Rights with the support of the Heinrich Böll Foundation, San Salvador.
- On October 20, 2021, the Deputy Registrar, Romina Sijniensky participated, virtually, as a lecturer in the “Carmen Moreno Toscano” course on international standards for the women’s human right to a life free from violence, organized by the Legal Research Institute at the Universidad Nacional Autónoma de Mexico and the Mechanism to Follow Up on the Implementation of the Convention of Belém do Pará (MESECVI), in Module IV: The due diligence standard in relation to violence against women.”
- On November 25, 2021, the Deputy Registrar, Romina Sijniensky, was a speaker in the “Roundtable discussion: Gender stereotyping and administration of justice” in the context of the International Day for the Elimination of Violence against Women, organized virtually by the Inter-American Court of Human Rights.
- On November 26, 2021, the Deputy Registrar, Romina Sijniensky, was a virtual speaker in the International Seminar organized by the Constitutional Court of Peru on: “The role of high courts in the elimination of violence against women.” She spoke on “The role of the Inter-American Court of Human Rights in the elimination of violence against women.”

- On November 30, 2021, the Judge of the IACtHR Ricardo C. Pérez Manrique took part in the Latin American Meeting on the protection of journalists in Montevideo where he spoke on: “Challenges and evolution of the IACtHR’s case law on protection of freedom of expression.”
- On December 2, 2021, two of the IACtHR Secretariat’s lawyers gave the Webinar: “The Inter-American Human Rights System and the control of conventionality,” organized by the Costa Rican Ombudsman, with the participation of Ombudspersons from all Ibero-America.
- On December 7, 2021, Judge Ricardo C. Pérez Manrique took part in the Cycle of Lectures on International Law and Human Rights: “Access to justice and developments concerning the right of defense in the Case Law of the IACtHR.”
- On December 8, 2021, Judge Ricardo C. Pérez Manrique took part in the International Seminar “Judges and journalists: key actors for strengthening the rule of law,” organized by the National Court of Justice of Ecuador and the Rule of Law Program for Latin America of the KAS Foundation, where he spoke on: “Right to freedom of expression versus the principle of judicial independence. The standards of the IACtHR.”



Human rights education and training programs



XII. Human rights education and training programs

A. Human rights education and training programs

During 2021, the Court organized 22 human rights training activities using different methodologies and training resources, in which more than 2,000 people took part, most of them officials involved in the administration of justice and working in key state organs for the exercise of human rights in the States Parties. It should be noted that most of these activities are not isolated information events, but rather training processes of different lengths. Many of these activities consist in two or three training sessions combined in a single course. In 2021, among these initiatives, the “Semillero LATAM para jóvenes” [Latin American youth incubator course] was held and a new self-training course was published.

It should also be noted that, taking into account the situation caused by the pandemic, training through the use of virtual platforms continued in 2021.

HUMAN RIGHTS EDUCATION AND TRAINING PROGRAMS IN 2021



- Refresher diploma course on the case law of the Inter-American Court of Human Rights, in Guatemala, Honduras and El Salvador.
- Second and third edition of the Special Course on the rights of indigenous and tribal peoples in Guatemala, Honduras and El Salvador
- Second and third edition of the Special course on impunity and gross human rights violations in Guatemala, Honduras and El Salvador
- Course “The case law of the Inter-American Court of Human Rights on indigenous and tribal peoples,” Costa Rica.
- Course “Public defense and the Inter-American Court of Human Rights,” Uruguay.
- Course “The right to social protest, public order, and the Inter-American Court of Human Rights,” Ecuador.
- Course “Access to the inter-American human rights system and to the IACHR,” Argentina, Brazil, Paraguay and Uruguay.
- Course “The Inter-American Court of Human Rights and some of its principal lines of case law,” Bolivia.
- Basic course on the case law of the IACHR on women’s rights, Central America.
- Course for officer candidates of the National Police Academy of Costa Rica.
- Event: “The Inter-American Court of Human Rights and its case law on women’s rights,” Electoral Tribunal of the state of Tabasco, Mexico.
- Event: “The Inter-American Court of Human Rights and control of conventionality,” Costa Rica and Central America.

1. Training program in Central America (El Salvador, Guatemala, Honduras)

A major part of the project commenced by the Inter-American Court on October 1, 2019, with the support of the Swiss Agency for Development and Cooperation (COSUDE), is addressed at enhancing capacities in the area of human rights of domestic courts, judiciaries, public prosecution services, public defense services, ombudsmen, universities and other key institutions for the protection of human rights of El Salvador, Guatemala and Honduras, by different training activities on international human rights law and the Case Law of the Inter-American Court. As part of these activities, during 2021, three different types of training processes were executed in the three target countries.

1.1 Refresher diploma course on the Case Law of the Inter-American Court of Human Rights, in Guatemala, Honduras and El Salvador

This medium-length training process had a duration of approximately 50 hours of training divided into three modules: (a) an initial module imparted by videoconferences in real time in El Salvador, Guatemala and Honduras; (b) a self-training virtual module, which included 16 presentations recorded by the Court's lawyers, and (c) a closing module composed of videoconferences in real time. For each module, participants had access to additional reading material through the virtual classroom created by the Court on the EvolCampus platform.

During the real-time videoconferences, participants were able to interact with the teaching team and ask questions. In the case of the virtual self-training module, participants could consult the reading material and the pre-recorded presentations in the virtual classroom and other training resources placed there. These presentations were divided into four thematic units and, at the end of each self-training unit, participants completed a short multiple-choice questionnaire to verify that the training material had been studied.

It should be recalled that these courses provide an initial training on international human rights law, the Inter-American System of human rights, the Inter-American Court, the control of conventionality, the main case law standards of the Court, and topics relating to the administration of justice and human rights (the case law on Articles 8 and 25 of the American Convention). At the end of each course, the Court's Secretariat and the national counterparts award a certificate of participation to those who attended the course and passed with a note of 80% or more based on the course material and the respective evaluations.

In order to organize these training sessions, each of the participating institutions distributed the announcement of the course prepared by the IACtHR and selected the participants. The Judicial Training Academy of El Salvador, the Institute of Constitutional Justice of the Constitutional Court of Guatemala, and the Judicial Academy of Honduras were the principal institutions responsible for distributing information to, and receiving information from, all the other domestic institutions and participants.



A description of each of these refresher diploma course on the Case Law of the Inter-American Court of Human Rights held in El Salvador, Guatemala and Honduras during 2021 appears below.

From June 2 to August 26, 2021, the second edition of the Refresher program on the Case Law of the Inter-American Court of Human Rights was held in El Salvador with the support of the “Dr. Arturo Zeledón Castrillo” Judicial Training Academy and with the active participation of 43 officials involved in the administration of justice, including Judges, prosecutors, agents of Attorney General’s Office and other relevant officials for the protection of human rights in the Republic of El Salvador. The introductory module was imparted on June 8, 10 and 15, 2021 and the activity was inaugurated by the President of the National Judicial Council, María Antonieta Josa de Parada. The activity was held virtually by means of videoconferences. From July 1 to 29, 2021, the intermediate self-training module was imparted using the virtual platform of the Judicial Training Academy of El Salvador. Then, the closing module was offered on August 17, 19, 24 and 26. The event was closed by the Deputy Registrar of the Inter-American Court of Human Rights, Romina Sijniensky.

From July 7 to August 12, 2021, the second edition of the Refresher program on the Case Law of the Inter-American Court of Human Rights was held in Guatemala with the support of the Institute of Constitutional Justice (ICJ) of the Constitutional Court of Guatemala and with the participation of 147 persons, including Judges, prosecutors, and public criminal defenders among other important agents of justice. The introductory module was imparted on July 7 and 8, inaugurated by the IACTHR Registrar, Pablo Saavedra Alessandri; the interim President of the Constitutional Court of Guatemala, Justice Dina Josefina Ochoa Escribá, and the Director of the Institute of Constitutional Justice, Rita Florencia Moguel Luna. 260 people took part in this first stage of the program. The intermediate self-training module was held from July 12 to August 6, and the closing module on August 11 and 12.

Lastly, from July 21 to August 31, 2021, the Inter-American Court held the second edition of the Refresher program on the Case Law of the Inter-American Court of Human Rights in Honduras with the support of the “Francisco Salomón Jiménez Castro” Judicial Academy of Honduras, and with the participation of more than 63 officials involved in the administration of justice, including Judges, prosecutors, public defenders, agents of the Attorney General’s Office, and other important agents for the protection of human rights in Honduras. The introductory module was imparted on July 21 and 22, and was inaugurated by the judge of the Inter-American Court of Human Rights, Humberto Antonio Sierra Porto, and the Director of the “Francisco Salomón Jiménez Castro” Judicial Academy of Honduras, Elsa Calderón Godoy. More than 80 officials took part in this first stage. The introductory module was imparted virtually by videoconferences. The intermediate self-training module was held from August 2 to 29, on the EvolCampus platform. Finally, the closing module was given on August 30 and 31. The event was closed by the Assistant Director of the “Francisco Salomón Jiménez Castro” Judicial Academy of Honduras, Ingrid Ramos Madrid.

1.2 Second edition of the Special Course on the rights of indigenous and tribal peoples in Guatemala, Honduras and El Salvador

This special training course seeks to reinforce the capabilities of the institutions for the administration of justice by providing training on the Inter-American Court’s case law standards on the rights of indigenous and tribal peoples.

This was a 22-hour course, divided into at least 12 hours of videoconferences in real time and 10 hours of mandatory consultation of the bibliography. During the videoconferences participants could interact with the presenters in rounds of questions and answers related to the theoretical and legal bases of the control of conventionality and the interpretation of the American Convention on Human Rights in light of the rights of indigenous and tribal peoples, the right to communal property, the right to prior, free and informed consent, access to justice and other rights, and legal pluralism.

Each of the Special courses on the rights of indigenous and tribal peoples held in El Salvador, Guatemala and Honduras is described below.

The second edition of the course was held in Guatemala from March 1 to 5, 2021, using the virtual platform of the Institute of Constitutional Justice (IJC) of the Constitutional Court of Guatemala, and with more than 180 participants including officials from the judiciary, the Constitutional Court, the Public Prosecution Service, the public criminal defense service, and the Ombudsman’s Office, among other key institutions for the protection of human rights in that country. The Inter-American Court was represented in the closing ceremony by Judge Ricardo C. Pérez Manrique, with

a recorded message, and the Director of the Institute of Constitutional Justice, Silvia Dubón Espinoza, who addressed participants.

The second edition of this course was held in El Salvador from March 15 to 19, 2021, using the virtual platform of the “Dr. Arturo Zeledón Castrillo” Judicial Training Academy. 40 officials of the administration of justice took part in the course, including Judges, prosecutors and public defenders, and also from other key institutions for the protection of human rights in that country.

Lastly, from March 22 to 26, 2021, the second edition of the course was held in Honduras using the videoconferencing platform of the “Francisco Salomón Jiménez Castro” Judicial Academy of Honduras. More than 70 officials of the administration of justice took part in the course, including Judges, prosecutors and agents of the Attorney General’s Office, in addition to other key institutions for the protection of human rights in Honduras. The judge of the Inter-American Court, Ricardo C. Pérez Manrique, took part in the closing ceremony with a recorded message.

1.3 Third edition of the Special Course on the rights of indigenous and tribal peoples in Guatemala, Honduras and El Salvador

From October 25 to 30, 2021, the third edition of this course was imparted in El Salvador with the participation of more than 30 officials from the administration of justice. The President of the Court, Judge Elizabeth Odio Benito, took part in the virtual event and underscored the importance of implementing the case law standards established on the rights of indigenous and tribal peoples by the control de convencionalidad. In addition, Luis Alonso Ramírez Menéndez addressed participants in representation of the National Judicial Council (CNJ).

The third edition of the course was held in Honduras from October 18 to 22, 2021, with the participation of more than 50 officials from the administration of justice. The President of the Court, Judge Elizabeth Odio Benito, took part in the inauguration of the course virtually and stressed the importance of dialogue and training processes for officials involved in the administration of justice on the human rights of indigenous and tribal peoples.

Despite the efforts made to organize the third edition of this special course in Guatemala, this was not possible owing to scheduling difficulties of the Institute of Constitutional Studies of the Constitutional Court; however, the possibility of resuming this joint effort in the future remains open.

1.4 Second edition of the Special course on impunity and gross human rights violations in Guatemala, Honduras and El Salvador

This course sought to enhance the capabilities of the institutions for the administration of justice by providing training on the Case Law of the Inter-American Court of Human Rights concerning impunity and gross human rights violations. This was a 20-hour course, divided into at least 10 hours of videoconferences in real time and 10 hours of mandatory consultation of the bibliography. During the videoconferences, participants could interact with the presenters in rounds of questions and answers related to the theoretical and legal bases of gross human rights violations, State obligations derived from gross violations, impunity, and the rights of the victims to truth, justice and integral reparation.

Each of the *Special Courses on impunity and gross human rights violations* held in El Salvador, Guatemala and Honduras is described below.

The second edition of this course was held in Guatemala from March 22 to 26, 2021, using the videoconferencing platform of the Institute of Constitutional Justice (IJC). 220 officials of the administration of justice took part in the course, including members of the judiciary, the Public Prosecution Service, and the public criminal defense service, in addition to other key institutions for the protection of human rights in that country. Judge Ricardo C. Pérez Manrique participated in the closure of the course in representation of the Inter-American Court.

The second edition of this course was held in Honduras from April 12 to 15, 2021, using the videoconferencing platform of the “Francisco Salomón Jiménez Castro” Judicial Academy. More than 70 officials of the administration of justice took part in the course, including Judges, prosecutors from the Public Prosecution Service, agents of the Attorney General’s Office, and of the National Human Rights Commission of that country. Judge Ricardo C. Pérez Manrique participated in the closure of the course in representation of the Inter-American Court.

The second edition of this special course was held in El Salvador from April 19 to 22, 2021, and it was inaugurated by the Court's Vice President, Judge Patricio Pazmiño Freire. The course was organized by the IACtHR with the support of the "Dr. Arturo Zeledón Castrillo" Judicial Training Academy and more than 40 officials involved in the administration of justice participated.²⁴⁴

1.5 Third edition of the Special course on impunity and gross human rights violations in Guatemala, Honduras and El Salvador

From November 22 to 25, 2021, the third edition of this course was held in Honduras with the participation of more than 35 officials. The course was inaugurated virtually by the President of the Court, Judge Elizabeth Odio Benito, who stressed the importance of combating impunity.

Also, from November 9 to December 2, 2021, the third edition of the course took place in El Salvador. The President of the Inter-American Court, Judge Elizabeth Odio Benito, addressed the more than 30 officials involved in the administration of justice who took part in this training process.

2. Course "The Case Law of the Inter-American Court of Human Rights on indigenous and tribal peoples," Costa Rica

The course on the Case Law of the Inter-American Court of Human Rights on indigenous and tribal peoples was held from July 19 to 23, 2021. The purpose of this one-week course was to provide 71 officials from various institutions of the Costa Rican Executive, who owing to the nature of their functions work directly on matters related to indigenous and tribal peoples, with information on the Inter-American Court's standards in this area. Judge Patricio Pazmiño Freire, and the Vice Minister of the Presidency of the Republic of Costa Rica, Randall Otárola, inaugurated the course, and the President of the Court, Judge Elizabeth Odio Benito, was responsible for closing the event.

3. Course "Public defense and the Inter-American Court of Human Rights," Uruguay

On October 20 and 25, 2021, the Inter-American Court of Human Rights and the Asociación de Defensores de Oficio of Uruguay offered a course on "Public defense and the Inter-American Court of Human Rights." Around 50 public defenders took part in this training course, most of them from Uruguay, but some from Argentina, Ecuador, Mexico, Guatemala, Honduras, Nicaragua, Chile, El Salvador, Costa Rica and Paraguay, and they were able to learn more about the IACtHR, its case law on public defense, control of conventionality, and the role of the Inter-American public defender at the different stages of the proceedings before the Court.

4. Course "The right to social protest, public order, and the Inter-American Court of Human Rights," Ecuador

From November 8 to 23, 2021, at the invitation of the Office of the Attorney General of the Republic of Ecuador, a course was held on "The right to social protest, public order, and the Inter-American Court of Human Rights" for Ecuadorian public officials from, among other institutions, the Attorney General's Office, the National Police, the Armed Forces, the Ombudsman's Office, the Ministry of Defense, and the Prosecutor General's Office. During the course, participants were able to learn more about Inter-American standards on social protest and human rights.

The course consisted of a forum, "The right to social protest and human rights," with around 265 participants, mainly from the above-mentioned public institutions. Subsequently, the course was held and its initial module was imparted by a livestreamed videoconference; this was followed by a self-training module composed of asynchronous activities, and two workshops to analyze hypothetical cases.

244 See press release: https://www.corteidh.or.cr/docs/comunicados/cp_28_2021_eng.pdf.

5. Course “Access to the Inter-American Human Rights System and to the IACtHR,” Argentina, Brazil, Paraguay and Uruguay

From June 8 to July 6, 2021, a course was held on “Access to the Inter-American Human Rights System and to the IACtHR” organized by the Inter-American Court for the Consejo de Colegios y Órdenes de Abogados del Mercosur (COADEM), an institution composed of national lawyers’ associations of the MERCOSUR countries (*Federación Argentina de Colegios de Abogados (FACA)*; *Orden de Abogados de Brazil (OAB)*; *Colegio de Abogados del Paraguay (CAP)* and *Colegio de Abogados de Uruguay (CAU)*). The academic activity was inaugurated by the President of the Court, Judge Elizabeth Odio Benito, and more than 258 lawyers from Argentina, Brazil, Uruguay and Paraguay took part. These professionals, members of the associations that form COADEM, were able to learn more about the contentious proceedings before the Inter-American Commission and the Inter-American Court and the regional standards, under the guidance of professionals with wide-ranging experience in relation to the organs of the Inter-American Human Rights System. Among other issues, the training program addressed essential aspects of the Inter-American Human Rights System and its organs, the system of petitions and cases, Provisional Measures and Monitoring Compliance with Judgment.

6. Course “The Inter-American Court of Human Rights and some of its principal lines of case law,” Bolivia



From November 15 to 18, 2021, at the request of the Minister of Foreign Affairs of the Plurinational State of Bolivia, a course on “The Inter-American Court of Human Rights and some of its principal lines of case law” was held for around 150 people, including senior officials of the Executive Branch and of the administration of justice of Bolivia, in addition to other key authorities for the protection of human rights in that country. The academic activity was inaugurated by the Court’s Vice President, Judge Patricio Pazmiño Freire, and by the Vice Minister for Foreign Affairs of the Plurinational State of Bolivia, Erwin Freddy Mamani Machaca. The course was closed by the IACtHR Registrar, Pablo Saavedra Alessandri, and the Vice Minister for Foreign Affairs of the Plurinational State of Bolivia, Erwin Freddy Mamani Machaca.

7. Basic course on the Case Law of the IACtHR on women's rights, Central America

Curso básico para personas no abogadas sobre la Jurisprudencia de la Corte IDH respecto de los Derechos de las Mujeres

PÚBLICO PARTICIPANTE
Personas centroamericanas no abogadas de instituciones públicas y de sociedad civil que se dediquen a la protección y garantía de los derechos humanos de las mujeres.

DATOS DEL CURSO
Inicio: 21 septiembre 2021
Duración: 5 semanas
Horario: martes y jueves 4:00 p.m. – 5:30 p.m. (Costa Rica)

INSCRIPCIONES
Enlace de inscripción: <https://forms.gle/SfLdxRLCrrqmKBOA6>
Cupo máximo: 100 personas
Fecha límite: 20 agosto 2021

Organiza la Corte Interamericana de Derechos Humanos con el apoyo de la Fundación Heinrich Böll

Corte IDH HEINRICH BÖLL STIFTUNG SAN SALVADOR

Corte Interamericana de Derechos Humanos
13 de octubre · 15
Clase Abierta al Público del Curso Básico sobre Jurisprudencia de la CorteIDH respecto de los Derechos de las Mujeres.
19 de octubre de 2021.
16:00 (Hora Costa Rica)
Panel: "Los derechos de las mujeres en el siglo XXI: una mirada desde los órganos del Sistema Interamericano".
Transmisión en vivo.
#ProtegiendoDerechos

Módulo IX: Clase abierta al público
Curso Básico sobre la Jurisprudencia de la Corte IDH respecto de los Derechos de las Mujeres

Panel de expertas
"Los derechos de las mujeres en el siglo XXI: una mirada desde los órganos del Sistema Interamericano"

Tania Reneaum
Luz Patricia Mejía
Soledad García Muñoz
Romina Sijniensky

Martes 19 de octubre
16:00 - 17:30 h (Hora Costa Rica)

From September 21 to October 21, 2021, the “Basic course on the Case Law of the IACtHR on women’s rights” was held. More than 1,700 applicants were received for this third edition, and 150 non-lawyers from Central America were selected to participate. The IACtHR’s basic courses are a training initiative for employees of public institutions and civil society organizations who work in different areas of human rights and who have a non-legal formation. The course consisted of 10 sessions that included 8 modules of theoretical and practical classes, a panel of experts of the Inter-American System, and a final session consisting of a case workshop. The panel of experts consisted of Tania Reneaum, Executive Secretary of the Inter-American Commission on Human Rights; Luz Patricia Mejía, Technical Secretary of MESECVI; Soledad García Muñoz, IACHR Special Rapporteur on ESCER, and Romina Sijniensky, IACtHR Deputy Registrar.

It is worth noting that the open class was broadcast on the Court’s social networks and was seen by hundreds of followers. In addition the Panel of Experts reached a public of more than 6,700 through the IACtHR’s social networks.

8. Course for officer candidates of the National Police Academy of Costa Rica

On March 26 and June 1, 2021, a course was held for officer candidates of the National Police Academy of Costa Rica, at the request of this institution. The purpose of the training program was to offer participants information on the Inter-American Human Rights System and the Inter-American Court, the use of force, people in vulnerable situations, rights of persons deprived of liberty, and rights of the LGBTI community, among many other topics. Twelve officer candidates of the Police of Costa Rica took part in the course. The training process was complemented with 8 prerecorded conferences to which participants had access on issues such as the right to life, personal liberty, persons deprived of liberty and detention conditions, and the rights of indigenous and tribal communities, in the Case Law of the IACtHR.

9. Event: “The Inter-American Court of Human Rights and its case law on women’s rights,” Electoral Tribunal of the state of Tabasco, Mexico

On April 9, 2021, an event was held that included two virtual conferences for the Electoral Tribunal of the state of Tabasco, Mexico. The activity was addressed at more than 200 officials of the Electoral Tribunals of the Mexican states who had the opportunity to learn more about the competences of the Inter-American Court of Human Rights, control of conventionality, and women’s rights in the Case Law of the IACtHR.

10. Event: “The Inter-American Court of Human Rights and control of conventionality,” Costa Rica and Central America

On December 1, 2021, at the request of the Costa Rican Ombudsman and the Consejo Centroamericano de Procuradores de Derechos Humanos, two lectures were imparted for officials of the Office of the Costa Rican Ombudsman, and of other Central American Ombudsman’s Offices.

Date	Course	Country	Instructors	Participants
March 1 to 5	Second edition of the Special courses on rights of indigenous and tribal peoples	Guatemala	Juana María Ibáñez Rivas Raquel Yrigoyen Fajardo	180
March 15 to 19	Second edition of the Special courses on rights of indigenous and tribal peoples	El Salvador	Juana María Ibáñez Rivas Raquel Yrigoyen Fajardo	40
March 22 to 26	Second edition of the Special courses on rights of indigenous and tribal peoples	Honduras	Juana María Ibáñez Rivas Raquel Yrigoyen Fajardo	70
March 22 to 26	Second edition of the Special courses on impunity and gross human rights violations	Guatemala	Elizabeth Salmón Gárate	220
April 12 to 15	Second edition of the Special courses on impunity and gross human rights violations	Honduras	Elizabeth Salmón Gárate	70
April 19 to 22	Second edition of the Special courses on impunity and gross human rights violations	El Salvador	Elizabeth Salmón Gárate	40
June 2 to August 26	Second edition of the Diploma refresher courses on the Case Law of the Inter-American Court of Human Rights	El Salvador	Claudia Martín	43
June 2 to July 6	Course on access to the Inter-American Human Rights System and to the Inter-American Court	MERCOSUR	Ricardo C. Pérez Manrique Manrique Agustín Martín Lucía Aguirre Silvia Serrano Guzmán Fernanda López Puleio, Pablo Donnagelo	258
July 7 to August 12	Second edition of the Diploma refresher courses on the Case Law of the Inter-American Court of Human Rights.	Guatemala	Claudia Martín Claudio Nash Rojas Inti Schubert Julio Cordón Aguilar	260
July 19 to 23	Course on the Case Law of the Inter-American Court of Human Rights concerning indigenous and tribal peoples	Costa Rica	Ariana Macaya Agostina Cichero Juana María Ibáñez Karine Rinaldi Lady Guzmán Marcela Martino Javier Mariezcurrena Juan Góngora	71

July 21 to August 31	Second edition of the Diploma refresher courses on the Case Law of the Inter-American Court of Human Rights	Honduras	Claudia Martín Inti Schubert Javier Mariezcurrena	63
September 21 to October 21	Third basic course on the Case Law of the IACtHR on women's rights	Central America	Lorena González Pinto Tania Reneaum Luz Patricia Mejía Soledad García Muñoz Romina Sijniesky	150
October 18 to 22	Third edition of the Special courses on rights of indigenous and tribal peoples	Honduras	Juana María Ibáñez Rivas Raquel Yrigoyen Fajardo	50
October 20 and 25	Course on public defense and the Inter-American Court of Human Rights	Uruguay	Ricardo C. Pérez Manrique Manrique, Pablo González D. Silvia Martínez Fernanda López Puleio	50
October 15 to 30	Third edition of the special courses on rights of indigenous and tribal peoples	El Salvador	Juana María Ibáñez Rivas Raquel Yrigoyen Fajardo	30
November 8 and 23	Course on the right to social protest, public order and the Inter-American Court of Human Rights	Ecuador	Claudia Martín Claudio Nash Rojas Roberto Gargarella Magdalena Cervantes Michael Hamilton	265
November 15 to 18	Course on the Inter-American Court of Human Rights and some of its principal lines of Case Law	Bolivia	Ricardo C. Pérez Manrique Manrique Patricio Pazmiño Freire Eugenio Raúl Zaffaroni Astrid Orjuela Patricia Tarre Agustín Martín Silvia Serrano Guzmán, Juana María Ibáñez Julieta Di Corleto	150
November 22 to 25	Third edition of the Special courses on impunity and gross human rights violations	Honduras	Elizabeth Salmón Gárate	35
November 9 to December 2	Third edition of the Special courses on impunity and gross human rights violations	El Salvador	Elizabeth Salmón Gárate	30
A total of 19 courses in 2021	Participants from more than 14 countries of the region involved in the training sessions		Women instructors: 42 Men instructors:19	2075

11. Basic self-training course on the Case Law of the IACtHR on women's rights

The IACtHR prepared and made available to the general public a second self-training human rights course. The Court is planning to further develop this type of course in the future.

During the last week of November 2021, to commemorate the International Day for the Elimination of Violence against Women, the IACtHR made available to the general public the self-training version of the Basic course on the Case Law of the IACtHR on women's rights.²⁴⁵ The course consists of 8 modules and is designed to enable participants to obtain user-friendly information on developments in the Inter-American Court's case law on women's rights. This course also seeks to be a didactic resource for distribution to all those who have a basic knowledge of the issue and are engaged in the defense and guarantee of women's human rights. The recorded videos, in which the expert explains each of the topics of the course include links to complementary materials for the training, promotion and dissemination of women's human rights in the region.

12. Semillero Lationamericano de jóvenes [Latin American youth incubator course]

In order to interest young people in the work of the Inter-American Court, the Court initiated an important program entitled "Latin American youth incubator course: making the Inter-American Court of Human Rights accessible to young people" (Semillero LATAM). The program is organized by the Human Rights Center of the Law Faculty at the Universidad de Buenos Aires, the Rule of Law Program for Latin American of the Konrad Adenauer Foundation and the Inter-American Court of Human Rights.

The goal of the Semillero LATAM is to open up opportunities for interaction and work in order to develop a network for collaboration among young university students that contributes to advancing the defense of human rights in the region through knowledge of the functioning of the IACtHR and promotion of the standards established by the Court. In addition, the network will allow students from different parts of the region to remain in contact once they begin their professional activities linked to the promotion and defense of human rights.

More than 400 candidacies to take part in the program were received from students wishing to learn about the Inter-American Human Rights System. Following a competitive selection process, 54 students were chosen from different universities of Latin America. The process took into account a balanced distribution from the universities of the region, based on criteria such as nationality, gender, and thematic interests.

During the course, various training workshops and meetings will be held. Also, the students will be supported by tutors who will organize different activities and assist them in the preparation of a final project.

B. Promotion

Inter-American Human Rights Trivia Competition

On May 21, 2021, following an invitation from the Academy on Human Rights and Humanitarian Law at American University Washington College of Law, the IACtHR organized an event addressed at participants in the Inter-American Human Rights Trivia Competition. This event, transmitted by Zoom, included an initial tutorial on how to consult relevant information and the Court's decisions on its website, followed by a trivia question session on the Inter-American System and the IACtHR.

The session was conducted using *Kahoot!*, which allowed students to respond to the questions in real time, using their telephones. As the teams taking part in the competition were Spanish-, English- and Portuguese-speaking, the questions were posed in the three languages.

First regional competition of university essays on human rights and international humanitarian law

The IACtHR, the International Committee of the Red Cross (Regional Delegation for Mexico and Central America), and the Inter-American Institute of Human Rights held the First regional competition of university essays on human rights

²⁴⁵ The Basic course is available at: <https://www.youtube.com/playlist?list=PLUhWZuDPzeZNAkasU3xQINgynzz1-GqS3>.

and international humanitarian law.

The idea of organizing a competition of university essays on issues relating to human rights and international humanitarian law responded to the need to disseminate and develop these two branches of international law within the university, ensuring that they remain actual and, also, optimizing the resources of the organizing institutions. On July 28, 2021, the three institutions issued the invitation to participate. The competition was open to students enrolled in university degree or master's programs in a higher education establishment in Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua. Following October 1, 2020, when the deadline for receiving the texts expired, the organizers verified that 92 of the texts received met all the requirements. The winning essay was submitted by a student from the Universidad Nacional Autónoma de México (UNAM) and, as indicated in the invitation to participate, on December 10, 2021, the three institutions announced the winning essay and the conclusion of the first competition on their social networks.

First Moot Court on the control of conventionality, based on the THEMIS methodology "THEMoot"

The German cooperation agency, GIZ, through its DIRAJus program, organized *THEMoot*, in collaboration with the Law Faculty at the Universidad de Costa Rica. This competition simulates the national jurisdiction of a State, in which the teams who participate assume the roles of public prosecutor, public defender and judiciary in a hypothetical case for the correct implementation of the control of conventionality.

GIZ/DIRAJus requested IACtHR's institutional support for this regional competition. The in-person event took place on September 28, 2021, at the Universidad de Costa Rica. For this first edition, the following faculties were invited to take part: the Law Schools at the Universidad Javeriana de Bogotá (Colombia), the Universidad de Costa Rica (UCR), the Universidad Tecnológica de Honduras (UTH), and the Universidad Nacional Autónoma de México (UNAM).

Third dialogue between the Inter-American Court of Human Rights and children and adolescents of Latin America

On November 16, 2021, the third Dialogue between the IACtHR and Children and Adolescents of Latin America was held and, on this occasion, the subject was their participation in the Court's contentious and advisory proceedings.

This event was organized by the IACtHR, Save the Children's Civil Society Strengthening Programme, and the Paniamor Foundation of Costa Rica. On this occasion, representatives of five children's organizations of the region held discussions with Judge Ricardo C. Pérez Manrique and the Court's Deputy Registrar, Romina Sijniensky, and presented a summary of their experience in the process of Advisory Opinion No. 29 and a report prepared by Paniamor on best practices for the participation of children and adolescents before international human rights organs.

This event continued the series of Dialogues that began in 2019, in the context of the 30th anniversary of the United Nations Convention on the Rights of the Child, with an event organized in the National Auditorium in San José, Costa Rica, entitled "The voice of children before the IACtHR, on the 30th anniversary of the Convention on the Rights of the Child." In 2020, the second meeting was held, under the heading "Children of Latin America and the Caribbean converse with the IACtHR," in which the three organizations presented a user-friendly summary of the Case Law of the Inter-American Court on this issue.

The purpose of this series of *Dialogues* is to familiarize the region's children with the Inter-American Court. On this occasion, the IACtHR proposed to Paniamor and to Save the Children that they carry out a systematization of "best practices" in international human rights courts and organs, in order to assess the possibility of optimizing the participation of children in the contentious and advisory proceedings before the Court. The systematization would be analyzed by the Court during the coming year in order to improve the IACtHR's practices and norms with regard to children and adolescents, as appropriate.

C. Program of internships and professional visits

The training of the human capital and the facilitation of exchanges of experience is essential for strengthening the Inter-American System of human rights. This includes the training of future human rights defenders, public servants, members of the legislature, agents of justice, academics, and members of civil society, among others. It is to this end that the Court has implemented a successful program of internships and professional visits in order to disseminate the work of the Court and the Inter-American Human Rights System.

The program offers students and professionals from the areas of law, international relations, political science, journalism, social communication and similar disciplines, the opportunity to gain experience at the seat of the Inter-American Court of Human Rights, as part of a working group in the legal area of the Secretariat. Also, during the program a series of conferences, seminars and discussions are held with the Court's Judges and lawyers in order to broaden the knowledge of the future professionals.

Among other activities, the work consists in researching human rights issues, writing legal reports, analyzing international human rights case law, collaborating in the processing of Contentious Cases, Advisory Opinions and Provisional Measures, and the monitoring of compliance with the Court's Judgments, and providing logistic assistance during public hearings. Owing to the large number of applicants, selection is very competitive. At the end of the program, the intern or visitor receives a diploma certifying that he or she has successfully completed the internship or visit. The Court is aware of the importance of its program of internships and professional visits in this day and age.

From 2000 to 2020, the Court received a total of 1,007 interns of 43 nationalities at its seat, in particular, academics, public servants, law students, and human rights defenders.

After the World Health Organization declared that COVID-19 could be characterized as a pandemic and based on the "National health guidelines to monitor coronavirus infections" issued by the Ministry of Public Health of the Republic of Costa Rican, the Inter-American Court decided to provisionally suspend the program from May 2020. Consequently, no internships or professional visits were offered at the seat of the Court in 2021.

Further information on the program of internships and professional visits offered by the Inter-American Court of Human Rights can be found [here](#).

PROGRAM OF INTERNSHIPS AND PROFESSIONAL VISITS

Period 2005-2021

 **1007** Interns and professional visitors

 **43** Countries from 4 continents



Note: In view of the COVID-19 pandemic, the Court decided to temporarily suspend the internship program as of May 2020, and therefore no interns and professional visitors were received at the Court's seat during 2021.

PROGRAM OF INTERSHIPS AND PROFESSIONAL VISITS

Period 2005-2021

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Germany	1	2	0	1	1	2	0	1	0	2	1	0	0	1	2	0
Andorra	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Argentina	6	2	2	9	2	8	6	4	6	5	5	4	12	15	12	4
Austria	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Bolivia	0	0	0	1	1	1	0	1	0	0	1	2	0	1	1	1
Brazil	1	2	5	4	6	5	4	1	1	3	3	3	3	7	2	3
Canada	0	1	3	1	0	1	1	0	0	1	2	1	2	2	1	0
Chile	2	0	2	4	1	3	2	2	4	3	4	3	5	6	6	9
Colombia	3	4	6	5	6	8	7	9	8	9	8	8	14	12	11	2
South Korea	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
Costa Rica	0	1	1	1	0	1	4	4	1	2	5	3	3	6	7	5
Cuba	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Ecuador	0	1	0	1	2	1	1	2	3	5	4	2	3	6	1	1
El Salvador	0	0	0	1	1	0	0	0	0	0	0	1	0	0	0	1
Scotland	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Spain	0	1	0	2	5	1	2	0	4	3	3	5	3	1	2	4
United States	14	3	16	4	5	13	5	11	6	7	3	5	3	3	2	0
France	1	0	2	2	4	3	1	2	5	1	1	2	1	0	2	1
Greece	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Guatemala	0	0	0	0	0	0	1	2	1	0	1	1	1	1	0	0
Haiti	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0
The Netherlands	0	0	0	0	1	0	1	0	0	0	0	1	1	0	0	0
Honduras	0	0	0	1	0	0	1	0	1	0	0	1	2	1	2	0
England	0	0	0	0	0	0	1	1	1	0	2	0	0	0	0	0
Israel	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Italy	1	2	0	0	1	1	2	2	1	0	2	0	0	2	1	0
Jamaica	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0
Kenya	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Mexico	3	3	9	8	13	12	9	9	12	18	23	21	19	21	22	4
Nicaragua	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
Norway	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0
Panama	0	0	1	0	1	0	0	1	0	0	0	0	0	2	0	0
Paraguay	0	1	2	0	0	0	0	0	0	1	0	0	0	0	0	0
Peru	2	1	5	1	1	5	8	3	1	1	1	4	8	0	6	1
Poland	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Portugal	2	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
Puerto Rico	0	0	0	3	0	0	0	0	1	0	0	0	0	0	0	0
Dominican Republic	0	0	0	3	4	2	2	2	4	0	0	0	0	1	0	1
Switzerland	2	0	0	0	0	0	0	0	1	0	1	0	0	1	0	1
Trinidad and Tobago	0	2	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Uruguay	0	2	0	1	0	0	0	0	1	0	1	0	0	1	0	0
Venezuela	0	3	0	0	1	0	0	0	2	2	1	1	1	3	3	1



Publications



XIII. Publications

A. Institutional publications

A.1. Proceedings of the International Seminar “Successes and challenges in the regional human rights systems”

The international seminar held to commemorate the 40th anniversary of the entry into force of the American Convention on Human Rights and the creation of the Inter-American Court of Human Rights: “Successes and Challenges to the Regional Human Rights Systems” was held on July 18 and 19, 2018. It was attended by the Judges of the world’s three regional courts, former Judges of the Court, national and international experts, senior authorities of domestic high courts, victims of human rights violations, State officials, and representatives of academe and civil society.

The publication contains, and makes available to all those interested, the presentations made during the international seminar in order to disseminate the opinions and contributions concerning the past, present and future of the Inter-American Court and of the international protection of human rights. Currently, the compilation and edition of all the texts has concluded and it is ready for the layout process and printing. It is hoped to publish this text at the beginning of the coming year.

B. Proceedings of the inauguration of the 2020 and 2021 Inter-American Judicial Years

B.1. Proceedings of the inauguration of the 2020 Inter-American Judicial Year

On February 3, 2020, the Inter-American Court of Human Rights held a ceremony to inaugurate the 2020 Inter-American Judicial Year. During the ceremony, the new Board of the IACtHR formally assumed office. It consisted of Judge Elizabeth Odio Benito as President and Judge Patricio Pazmiño Freire as Vice President; their mandates will conclude on December 31, 2021.

The text of this publication includes the presentations made during the ceremony which was attended by the President of the Republic of Costa Rica, Carlos Alvarado Quesada, and the First Lady, Claudia Dobles Camargo, and also Christiana Figueres Olsen, former Executive Secretary of the United Nations Framework Convention on Climate Change, as well as other senior authorities of the Government of Costa Rica, members of the Diplomatic Corps accredited to Costa Rica, and representatives of international organizations and civil society. The proceedings of the ceremony were published on April 17, 2021, and disseminated on the Court’s website and on its social networks. The text is available [here](#).

B.2. Proceedings of the inauguration of the 2021 Inter-American Judicial Year

On March 19, 2021, the ceremony to inaugurate the 2021 Inter-American Judicial Year was held virtually, with the participation of the President of the Inter-American Court, Judge Elizabeth Odio Benito, the Vice President, Judge Patricio Pazmiño Freire, and the Court’s Judges. In addition, the event was attended, virtually, by representatives of the Government of Costa Rica and of the Member States of the Organization of American States, members of the Diplomatic Corps accredited to Costa Rica, and representatives of international organizations and civil society.

This publication includes the presentations made during the ceremony; the address to inaugurate the 2021 Inter-American Judicial Year by the President of the Inter-American Court, and the conference “The global challenges to human rights in a post-pandemic world,” imparted by Michelle Bachelet, United Nations High Commissioner for Human Rights. In addition, it includes information on the activities of the Inter-American Court, some of the results obtained during 2020, and the Statement 1/20 COVID-19 and Human Rights: the problems and challenges that must

be addressed from the perspective of human rights and respect for international obligations. The proceedings of the ceremony were published on July 30, 2021, and disseminated on the Court's website and on its social networks. The text is available [here](#).

B.3. Case Law Bulletin of the Inter-American Court of Human Rights N° 28: Right to Health

This bulletin was published on May 19, 2020, a few months after the start of the COVID-19 pandemic in our region. Its publication was made possible thanks to the support of the German cooperation agency, GIZ. In terms of content, the text first addresses general aspects of the economic, social, cultural and environmental rights (ESCER), such as the basic principles and their relationship with the prohibition of discrimination. It then reviews the content and scope of the Court's case law on the right to health, as well as some other notable developments in the jurisprudence of the Inter-American Court. It also analyzes the relationship of the right to health with other rights enshrined in the American Convention, and describes the measures of reparation ordered by the Inter-American Court in relation to the violation of the right to health. This edition also includes Declaration 1/20 on "COVID-19 and Human Rights: Problems and challenges must be addressed with a human rights perspective and respecting international obligations," issued by the Court in April 2020.

B.4. Case Law Bulletin N° 29 of the Inter-American Court of Human Rights: Jurisprudence regarding Honduras

This bulletin is the fourth in the series dedicated to systematizing the Court's jurisprudence by country. It was published on October 1 and forms part of the project "Strengthening the protection of human rights and the rule of law through jurisprudential dialogue, optimization of institutional capacities and compliance with the Judgments of the Inter-American Court of Human Rights in El Salvador, Guatemala and Honduras," an initiative implemented with the support of the *Swiss Agency for Development and Cooperation (SDC)*.

This edition systematizes the Court's most important decisions in contentious cases regarding Honduras and addresses various issues related to preliminary objections, merits and reparations. It includes excerpts on the State's acknowledgment of international responsibility, its general obligations, the rights to life, personal integrity, personal liberty, judicial guarantees and judicial protection, freedom of thought and expression, political rights, the rights of persons deprived of liberty, indigenous and tribal peoples, children and adolescents, and human rights defenders, among other highly relevant topics.

In addition to its dissemination on the Inter-American Court's website, through its social networks and through a press release, this bulletin was presented to the officials in charge of the administration of justice in Honduras during the closing session of the Refresher Course on the Jurisprudence of the Inter-American Court of Human Rights, held on October 1 and 2, 2020.

B.5. Case Law Bulletins of the Inter-American Court of Human Rights. N° 30: Human Rights Defenders and N° 31: Emblematic Provisional Measures of the Inter-American Court

These two bulletins form part of the project "Training and awareness-raising on human rights on the occasion of the COVID-19 pandemic," implemented with the support of the Heinrich Böll Foundation.

The Inter-American Court published Case Law Bulletin N° 30: Human Rights Defenders on October 30, 2020. The first section presents general aspects of the role of human rights defenders. The second section reviews the case law related to the importance of defending human rights and the conditions necessary to carry out this work. Sections three and four examine various treaty rights specifically pertaining to human rights defenders. The fifth chapter includes some cases relating to the duty to investigate when human rights defenders are victims of attacks on their lives and personal integrity. The sixth section specifically analyzes the protection of environmentalists as human rights defenders. Finally, the seventh section describes the reparation measures that the Inter-American Court has ordered in relation to the violation of the human rights of human rights defenders.

The Case Law Bulletin N° 31 of the Inter-American Court: Emblematic Provisional Measures of the Inter-American Court of Human Rights was published on November 19, 2020. This publication systematizes the most relevant paragraphs of the Court's provisional measures. With regard to the organization of the document, the first part presents general aspects of the provisional measures. Then, it reviews the jurisprudence on different groups of people with respect to whom the Inter-American Court has ordered provisional measures. Finally, it addresses issues related to impunity for serious human rights violations and the provisional measures issued in those cases. It should be noted that this is the first bulletin that deals with topics other than contentious cases and advisory opinions for the first time in the history of this series.

C. Case Law Bulletins of the Inter-American Court of Human Rights

In 2021, three new Case Law Bulletins were prepared and another fourteen were updated. The new Bulletins are:

1. Case Law Bulletin of the Inter-American Court of Human Rights No. 32; Measures of reparation;
2. Case Law Bulletin of the Inter-American Court of Human Rights No. 33; Preliminary objections, and
3. Case Law Bulletin of the Inter-American Court of Human Rights No. 34, Case law concerning Guatemala.

Ten of the updated Bulletins contain the Case Law of the IACtHR up until 2018, and another four, up until 2019:

1. Case Law Bulletin of the Inter-American Court of Human Rights No. 17: Interaction between international human rights law and international humanitarian law, 2018;
2. Case Law Bulletin of the Inter-American Court of Human Rights No. 4: Women's human rights (previously called Gender), 2018;
3. Case Law Bulletin of the Inter-American Court of Human Rights No. 5: Children and adolescents, 2018;
4. Case Law Bulletin of the Inter-American Court of Human Rights No. 7: Control of conventionality, 2019;
5. Case Law Bulletin of the Inter-American Court of Human Rights No. 10: Personal integrity, 2018;
6. Case Law Bulletin of the Inter-American Court of Human Rights No. 11: Indigenous and tribal peoples, 2018;
7. Case Law Bulletin of the Inter-American Court of Human Rights No. 13: Judicial protection, 2018;
8. Case Law Bulletin of the Inter-American Court of Human Rights No. 14: Equality and non-discrimination, 2019;
9. Case Law Bulletin of the Inter-American Court of Human Rights No. 16: Freedom of thought and expression, 2018;
10. Case Law Bulletin of the Inter-American Court of Human Rights No. 19: Rights of LGBTI people, 2018;
11. Case Law Bulletin of the Inter-American Court of Human Rights No. 20: Political rights, 2018;
12. Case Law Bulletin of the Inter-American Court of Human Rights No. 21: Right to life, 2018;
13. Case Law Bulletin of the Inter-American Court of Human Rights No. 22: Economic, social, cultural and environmental rights, 2019; and
14. Case Law Bulletin of the Inter-American Court of Human Rights No. 23: Corruption and human rights, 2019.

The Bulletins are an important tool for training and dissemination of the Inter-American Court's case law and, in addition to being distributed by the means previously indicated, they are also used as material in the increasing number of training activities that the Court is offering in different countries in the region. Therefore, in addition to fulfilling their pedagogic function for the actors, users and other people interested in the Inter-American Human Rights System, and in access to international justice, they enhance the visibility of the Court's work.

D. Infographics

In recent years, the IACtHR has published infographics on some of its decisions in order to reach a greater public, in an accessible manner; especially, those who do not have a legal training or in-depth knowledge of human rights.

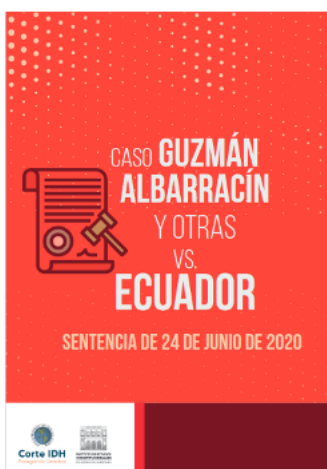
The infographics resume, through graphic visual representations, the main aspects of a Judgment or Advisory Opinion of the IACtHR, combining different elements of image and text that summarize and simplify the Court's decisions, so that they may be easily understood. These publications are addressed at an audience that does not follow the Inter-American Court regularly, and supplements the other publications – such as the institutional publications and Case Law Bulletins – that are clearly addressed at a highly specialized audience.

To reinforce this new line of work, the publications for a mass audience – which requires intensive use of time and human resources – the IACtHR has sought external support and has associated itself for this task with the Instituto de Estudios Constitucionales of Querétaro, Mexico. The following three infographics on Contentious Cases were published recently as a result of this joint initiative.

[Read Infographic](#)



[Read Infographic](#)

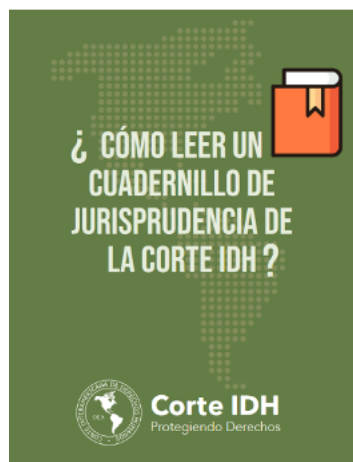


[Read Infographic](#)



Additionally, two more infographics were prepared addressed at the Court's non-regular audience, to provide them with information on how to read the Court's decisions, and also on what the Case Law Bulletins are and how they can be used.

[Read Infographic](#)



[Read Infographic](#)





Communications



XIV. Communications

During 2021, the Inter-American Court has given emphasis to the development of a communication strategy that provides greater social legitimacy to its work vis-à-vis its diverse audiences. To this end, the Court has reinforced the projects of the Department of Communications and Press, which is responsible for implementing the Court's internal and external communications strategy, together with managing relations with the media, and protocol activities.

An institutional communications plan has been implemented, in the understanding that proactive communication by the Inter-American Court will result in a greater comprehension by the citizens of member States, civil society organizations, human rights defenders and journalists, among other groups, of the impact of the Court's case law on their daily lives. In addition to improving the existing outreach channels, the Court has strengthened daily communication with the region's journalists by the creation of a network (the DIALOGO Network), which now consists of more than 5,000 communicators who regularly receive and share information on the work of the Court.

The Court has also reinforced various channels of communication with the general public by active participation on social networks, such as Facebook, Twitter, Instagram, LinkedIn, and YouTube, and this has allowed the Court to reach more than 1.2 million followers, expanding the range of its message.

The Court has also increased its communications in English and Portuguese by the translation of its press releases, as well as the creation of social networks with content in both languages. Now, all press releases are available in three languages. It has also created a Twitter account in French where it shares some of the content of the Court's work.

The work of the DIALOGO Network of human rights journalists in Latin America and the Caribbean has been expanded by holding the second and third edition of the diploma course on human rights for journalists. More than 190 journalists, selected from among more than 4,500 candidates, have now graduated from the course. Those journalists took part in a training course on issues related to the functioning of the Inter-American Human Rights System and, especially, of the IACtHR. They received training on the Court's case law on topics such as gross human rights violations, freedom of expression, violence against women, migrants, discrimination based on sexual orientation, indigenous communities, the economic, social, cultural and environmental rights, and reparations for human rights violations, imparted by the Court's Judges and lawyers.

Furthermore, national meetings of the DIALOGO Network were held in Chile, Colombia, Uruguay and Mexico with local partners, and more than 1,200 journalists took part in the activities. A 12-hour seminar on "Journalism and human rights" was held under an agreement with the Journalists' Professional Association of Chile for the journalists of that country.

Under the collaboration agreement with the World Association of Community Radio Broadcasters (AMARC), signed in 2020, a workshop was held to discuss human rights and community communications, and diverse podcasts were shared so that the network of community radio stations (AMARC has more than 5,000 radio station members) could access those contents.

The Inter-American Court's new communications strategy has increased possibilities of interacting with the general public, universities, and human rights defenders, among others. In this context, during 2021, several international conferences were organized on issues related to the work of the Inter-American Court, in which thousands of people participated virtually.

In addition, the transmission of the Inter-American Court's public hearings by Facebook, Twitter, YouTube and Vimeo, has allowed us to reach more than 11 million people during 2021.

The Court has also worked on the creation of audiovisuals, Infographics and reports that present in a simple didactic manner both the range of the Court's work, and the impact of its case law on people's daily lives.

As a result of these actions and others described below, communications have become a key component to support the Inter-American Court's work. The Department of Communications and Press receives support from the European

Commission, UNESCO, Norwegian International Cooperation, the Spanish International Cooperation Agency (AECID) and the Konrad Adenauer Stiftung Foundation.

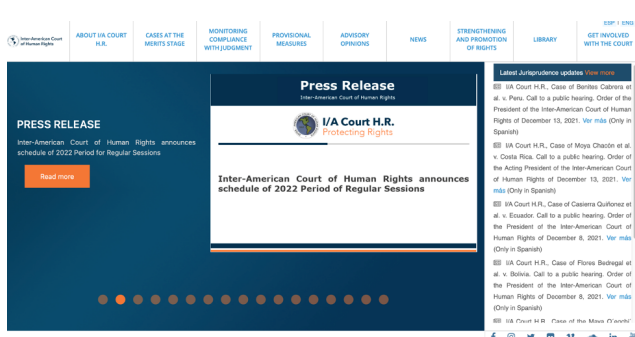
A. Optimization of the Inter-American Court's new website

New website. We have created and launched the Inter-American Human Rights Website, the **Spanish version** of which can be visited at: www.CorteIDH.or.cr and the **English version** at <http://www.CorteIDH.or.cr/index.cfm?lang=en> progress is also being made with the **Portuguese version** <https://www.CorteIDH.or.cr/index.cfm?lang=pt>.

In addition to being completely redesigned in order to improve the visitor's experience, the Inter-American Court's case law is presented via an interactive map where the Court's actions in each of the countries that have ratified the American Convention on Human Rights can be consulted.

The website also has audiovisual contents so that, using simple language, everyone can understand the different functions of the Inter-American Court. These contents include subtitles for the videos and explanatory audio guides for persons with any type of disability.

Audiovisual reports on the cases decided by the IACTHR and that are now at the stage of Monitoring Compliance with Judgment are published on the new website.



The project to develop an **advanced technology platform** for the Case Law of the IACtHR has been initiated involving several working groups at the Court, and this will enhance the case law search engine on the website.



Corte IDH
Protegiendo Derechos

Propuesta

Desarrollo de una Plataforma con Tecnología Avanzada para la Jurisprudencia de la Corte IDH

ETAPAS DE LA GESTIÓN DOCUMENTAL



Corte IDH
Protegiendo Derechos

B. Interaction using the Inter-American Court's social networks

During the year, the Court continued the strategy of increased communication and interaction with users of social networks to disseminate its activities. Currently, the Court has accounts on Facebook, Twitter, Instagram, LinkedIn, YouTube, WhatsApp and Academia. The number of followers of these networks has increased considerably over the past year, as has the production of specific contents for the social networks such as videos, infographics, podcasts, etc.

The Facebook account has **675,940 followers**, 135,000 more than in 2019. Also, the Twitter account now has more than **473,000 followers**, 123,000 more than in 2019.

The Instagram account has **42,700 followers**, 37,000 more than in 2019. Also, new accounts have been opened with YouTube, LinkedIn and Academia that allow the Court to interact with new users.

These numbers reveal that the public is very interested in reading the Inter-American Court's publications and sharing their contents. These publications relate to all this Court's activities, including press releases, Judgments handed down, and orders issued, the livestreaming of hearings, and academic activities.

Due to the increase in the production of content for social networks, together with the creation of specific material for them, the Court is able to explain the range of its case law in simple language, and provide information on its other activities.

The transmission of the public hearings and other similar content by the social networks has allowed the Court to increase its interaction with the general public.

REDES SOCIALES

Facebook 

 **675.940**

De enero a diciembre de 2021 la página de Facebook tuvo un crecimiento de **43.186** seguidores con respecto al 2020.

YouTube 

 **12.300**

YouTube tuvo su apertura en el año 2020 y de enero a diciembre del 2021 ha tenido un crecimiento de **6.370** suscriptores.

Twitter 

 **473.000** | **5.088** | **1.100** | **141**
Español | Inglés | Portugués | Francés

Twitter es la única cuenta que se encuentra en los 4 idiomas oficiales de la Corte IDH.

LinkedIn 

 **5.192**

LinkedIn tuvo su apertura en el año 2020, de enero a diciembre de 2021 ha tenido un crecimiento de **2.292** contactos.

Instagram 

 **42.700**

De enero a diciembre de 2020 la página de Instagram tuvo un crecimiento de **12.100** seguidores con respecto al 2020.

CLAIM #ProtegiendoDerechos has been established, producing videos, infographics, photographs and diverse content on the social networks: **Facebook, Twitter, Instagram, LinkedIn, YouTube** and **Vimeo**. This has substantially increased the reach of the Inter-American Court's publications on its social networks.

The Court's public hearings have been held virtually and livestreamed on the social networks, **Twitter, Facebook and YouTube**, reaching thousands of people.



Corte Interamericana de Derechos Humanos
Audiencia pública de Supervisión de Medidas Urgentes

Asunto Juan Sebastián Chamorro y otros respecto de Nicaragua

Viernes 27 de agosto de 2021 | 8:00 am (Hora de Costa Rica)

143 POS | Período Ordinario de Sesiones
Del 17 de agosto al 10 de septiembre de 2021

 **Corte IDH**
Protegiendo Derechos

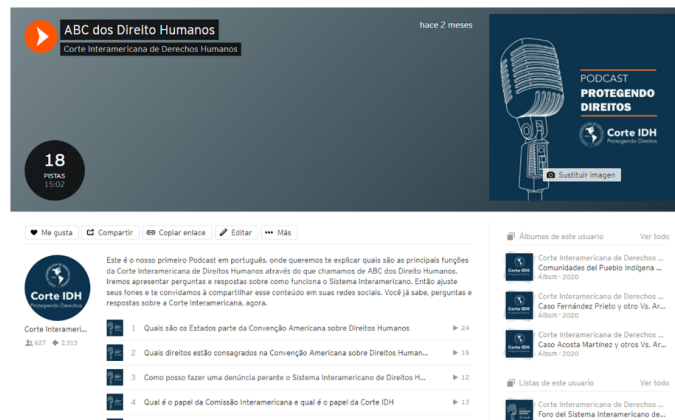
En breve iniciamos



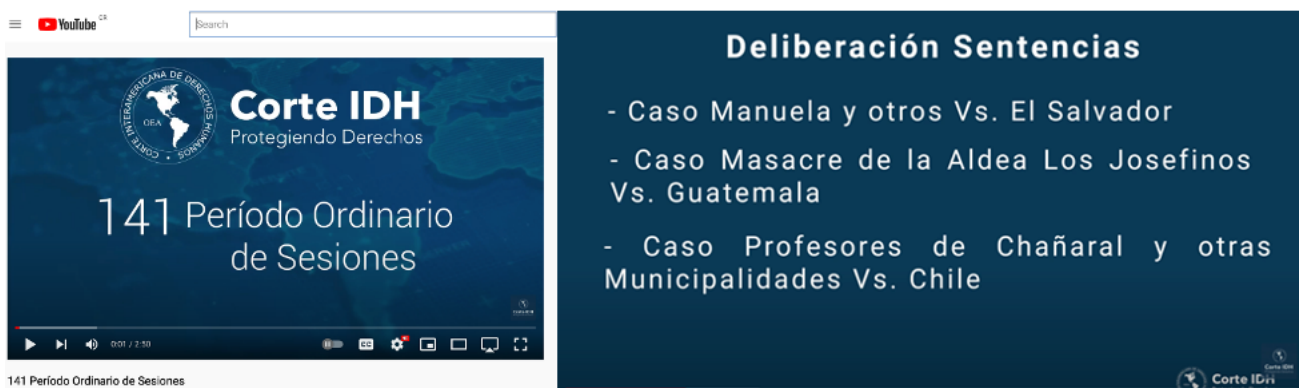
We have produced the **Podcast #ProtegiendoDerechos** on a weekly basis with information on the Court's case law, as well as on its activities, and it is distributed via our social networks. In 2021, **47 podcasts** were produced.



The Court has also developed a **Podcast in Portuguese** on various issues associated with the Inter-American Court.



Audiovisual summaries have also been produced on the **Regular Sessions, Judgments and orders** of the Inter-American Court, and these are distributed on the Court's social network platforms.



C. Multilingual communication in Spanish, English and Portuguese

To improve communication with the general public, with regard to the content of the website, and the dissemination of press releases, as well as the content for the social networks and institutional newsletter, communication is now carried out in Spanish, English and Portuguese.

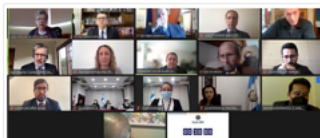
The Court has updated the database for specialized human rights audiences at the global level with more than **65,000 contacts** to date, classified by country and type of audience, and they receive press releases, and the newsletter.

The NEWSLETTER “Protecting Rights” (Spanish, English, Portuguese) is distributed to specialized audiences on issues of human rights around the world. To date 10 institutional newsletters have been published.



REGULAR SESSIONS

The Inter-American Court of Human Rights held its 142nd Regular Sessions Period



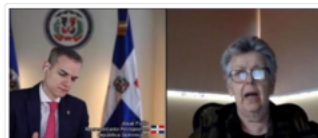
The Inter-American Court held its 142nd Regular Sessions Period, from May 24 to June 25, 2021.

Judgments

- a. Case of Grijalva Bueno v. Ecuador
- b. Case of Maya Solís v. Peru

ANNUAL REPORT 2020

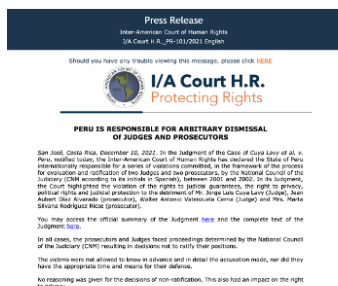
The Inter-American Court of Human Rights presented its 2020 Annual Report



The President of the Inter-American Court of Human Rights, Judge Elizabeth Odio Benito, presented the Inter-American Court's 2020 Annual Report to the Committee on Political and Judicial Affairs of the Organization of American States.

D. Press releases

During 2021, more than **100 press releases** have been published on the work of the Inter-American Court; they are distributed to a Press Database of more than **65,000 contacts**. All press releases are issued in Spanish, English and Portuguese.



E. Educational communications

The Project: #Datos #DerechosHumanos has been implemented in order to provide information, in a simple, didactic manner, on the impact of the Inter-American Court's work. Under this project, the work of the IACTHR and its case law are explained using Infographics and Videographics.



Animated videos have been produced that present, in a simple didactic manner, different basic aspects of the work and functioning of the Inter-American Court of Human Rights. The contents are created based on the principal inquiries received by the Court.



In addition to the Series #ABCDerechosHumanos, a series of collections of didactic videos of a viral nature have been produced that explain other aspects of the Inter-American Court's operations, such as: Questions and answers on the IACTHR in 30 seconds, and the campaign: "Viralizing human rights." Users then distributed the images on their networks.



F. Production of reports on Monitoring Compliance with Judgments

One of the most important aspects of the work of the Inter-American Court is monitoring compliance with its Judgments. Therefore, attention has been given to improving the visibility and communication of this important task. A series of micro reports **#ReparandoDerechos** has been created compiling the testimony of individuals and organizations involved in cases at the **stage of monitoring compliance** using micro testimonial videos and reports. The reports have already been translated into Portuguese and will be incorporated into the website in this language.

These reports reconstruct the testimony of the victims and the reparative effect of the Judgment in their lives, as well as the actions that States have taken to comply with the decisions taken by the Court.

“Reparando Derechos” seeks to constitute an historic audiovisual record of the important work performed by the Inter-American Court after it has delivered a Judgment, and also of the impact of the reparations on a personal and community level.



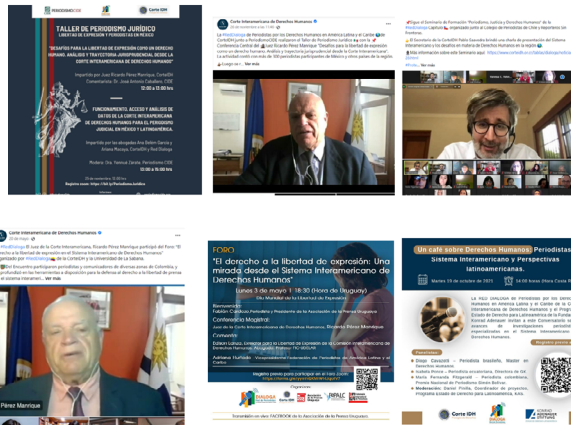
G. DIALOGA Network and diploma course for journalists

In order to maintain constant communication with the region’s journalists, the Court has created the **#DIALOGA Journalists Network with more than 5,000 journalists** in Latin America and the Caribbean who are connected by information on issues linked to the work of the IACtHR in the region.

Furthermore, the **second and third edition of the diploma course on “Human Rights for Journalists”** has been held with the participation of **150 journalists** selected from among more than 4,500 candidates who received the corresponding diploma. **The Court’s President and Judges, and also its lawyers, took part in the course.**



In addition, national meetings of the DIALOGO Network have been held in Chile, Colombia, Costa Rica, México y Uruguay with local partners, and more than 1,200 journalists took part in these activities. A 12-hour seminar on “Journalism and human rights” was held under an agreement with the Journalists’ Professional Association of Chile for that country’s journalists.



The **DIALOGA Network web platform** has been created: <https://www.CorteIDH.or.cr/tablas/dialoga/index.html> where journalist can find useful information on issues related to the work of the Inter-American Court, and also able to participate, sharing journalistic output on the Case Law of the IACtHR. A collaboration agreement has been signed with UNESCO for the organization of national meetings of journalists, members of the DIALOGO Network.



Red DIALOGA de Periodistas por los Derechos Humanos en América Latina y el Caribe

realizará Talleres en diversos países en 2022

La Red Dialoga de Periodistas por los Derechos Humanos en América Latina y el Caribe de la Corte Interamericana de Derechos Humanos, con el apoyo del Programa de Desarrollo de la Información y Comunicación de la UNESCO realizará Talleres Nacionales con Periodistas de distintos países de la región durante el año 2022.

En cada una de las reuniones se desarrollará un Taller sobre la Jurisprudencia de la Corte Interamericana de Interés para el contexto de cada país y un Taller sobre el Funcionamiento de la Corte IDH. A su vez se promoverá un espacio de intercambio para la construcción de temas de interés entre los y las periodistas de cada país y la Corte Interamericana, con el objeto de facilitar la difusión del trabajo que realiza el Tribunal.

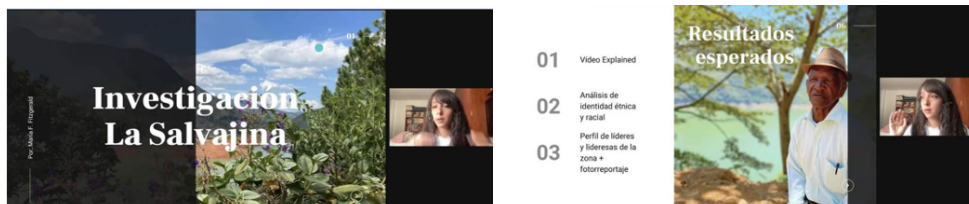
Estas instancias se constituirán en una gran oportunidad para que la Corte IDH pueda tener un contacto directo con los y las periodistas y fomentar la difusión en diversas líneas jurisprudenciales tales como graves violaciones de derechos humanos, libertad de expresión, violencia contra la mujer, migrantes, discriminación por

An **Investigative Journalism Grant** has been set up by the IACtHR and the Rule of Law Program for Latin America of the KAS Foundation, under which three journalists were awarded a grant to strengthen investigative reporting on the Case Law of the IACtHR.



The investigative journalists are implementing the **Project Inter-American Voices for Human Rights**, in which they are compiling information and testimonies of journalistic value on the Court’s public hearings and Judgments. This is recreated in an interactive virtual space in which users will be presented with different audiovisual resources, especially testimonies, in relation to the different areas of the Court’s Case Law.

They are also carrying out **investigative journalism** on issues related to their interests and the Case Law of the Inter-American Court. During 2021, they began to prepare reports on issues associated with the Court's case law on environmental defenders and the situation in Colombia (Fernanda Fitzgerald), the Court's Case Law on women and sexual education in Latin America (Diogo Cavazotti, Brazil), and compliance with Judgment in the Case of Guzman Albarracín v. Ecuador (Isabela Ponce, Ecuador).



H. COVID-19 and Human Rights Information Center

Given the current situation, the COVID-19 and Human Rights Information Center was updated with recent information on the issue: www.CorteIDH.or.cr/tablas/centro-COVID/index.html.



I. Website of the three Regional Human Rights Courts

As part of the joint efforts between the three regional human rights courts, the website with information on the joint case law of the courts, the Declaration of San José, the Declaration of Kampala, and all the activities carried out in the context of the joint work between the African Court of Human and People's Rights, the European Court of Human Rights, and the Inter-American Court of Human Rights was maintained and updated.

The website is available here: <https://www.CorteIDH.or.cr/tablas/tres-cortes/index.html>.



J. Channels for attending the general public

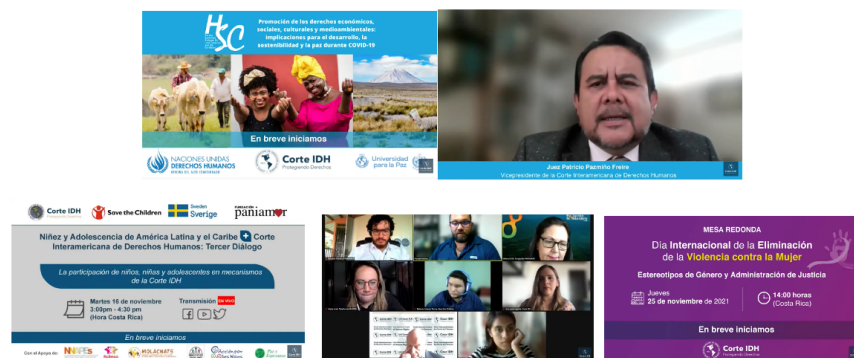
In order to provide a permanent service of attention to the general public, a virtual post box was set up to receive inquiries from the general public by email and the social networks and to distribute information of interest to the different users who request this. Every month, the Court responds to more than 900 inquiries in Spanish, English and Portuguese (30 each day).

Additionally, during 2021, more than 20 in-person inquiries were answered by email.

K. Forums and Inter-American conferences

As a channel for permanent communication with the general public, the Inter-American Court plays an active role in dozens of regional and international forums and conferences, seeking to increase the dissemination and awareness of the functioning of the Inter-American Human Rights System, and to build bridges for dialogue with the general public.


The Communications Department provides support to the organization, production, dissemination, recording, online transmission and coverage of the different events in which the Court takes part.



L. Campaigns to disseminate the Case Law of the IACtHR on key human rights issues

The Court regularly disseminates its case law relating to key international days involving human rights. During 2021, it organized 57 campaigns to disseminate issues related to human rights and the Case Law of the Inter-American Court on social networks. The dissemination campaigns can include graphics, audiovisuals and podcasts. The information is distributed on all the Court's social networks.





Agreements and relations with other entities



XV. Agreements and relations with other entities

Agreements with national entities

The Court signed framework cooperation agreements with various entities under which the signatories agreed to carry out the following activities, inter alia: (i) to organize and implement training events, such as congresses, seminars, conferences, academic forums, colloquiums and symposiums; (ii) to provide specialized internships and professional visits by national officials to the seat of the Inter-American Court of Human Rights; (iii) to conduct joint research activities; (iv) to make available to the national entities the Inter-American Court's advanced human rights search engine on human rights.

- Office of the Ombudsman of the City of Buenos Aires, Argentina.
- Brazilian Council of Justice, Brazil.
- Colegio Colombiano de Abogados Administrativistas, Colombia.
- Personería de Bogotá, D.C, Colombia.
- Council of Central American Ombudsmen, Central America.
- Office of the Ombudsman of Ecuador, Ecuador.
- Superior Court of Justice of Arequipa, Peru.
- Asociación de Defensores de Oficio de Uruguay, Uruguay.

Agreements with universities

The Court signed cooperation agreements with a series of academic establishments under which the signatories agreed to carry out the following activities, inter alia: (i) organization of congresses and seminars, and (ii) professional practicums for officials and students of those institutions at the seat of the Inter-American Court of Human Rights.

- Instituto Tecnológico de Costa Rica (ITCR), Costa Rica.
- Universidad Tecnológica de Ecuador (UTE), Ecuador.
- Universidad Católica de Santiago de Guayaquil, Ecuador.
- Universidad de Deusto, Spain.
- Universidad Pablo de Olavide, Seville, Spain.
- Yale Law School, United States of America.
- Universidad ITESO Jesuita de Guadalajara, Mexico.
- Universidad Católica de Santa María, Arequipa, Peru.



Library, Archives and Databases



XVI. Library, Archives and Databases

A. Library

Founded in 1981, the Inter-American Court's Library provides information services, in particular the selective dissemination of information, the preparation of specialized bibliographies, guided visits to the collections, introduction courses on the use of the catalogue, and database searches.

It coordinates research visits and loans out materials on-site, to take home, or by agreements with other information units. It is also responsible for the publication of case law on the website and processing the ISBN and ISSN for the Court's publications.

The Library possesses an important collection of specialized legal bibliographical material. It consists of almost 40,000 volume on different topics related to human rights and similar issues. It also keeps a collection of relevant journals on different areas of law, including doctrine, case law and human rights reports. In addition, it holds the proceedings and the historical documents of the General Assembly, specialized databases, and other sources of information organized in different collections available through the [online catalogue](#).

- General Collection
- Collection of Journals
- Collection of the Court's Case Law
- Collection of the Court's Case Law Bulletins
- Historical Collection
- Audiovisual Collection
- Basic Human Rights Documents

During 2021, the Library responded to **1,934 inquiries** received by different means of communication: instant messenger service, mail, telephone and social networks. In addition, **it published on the website: 158 orders in Contentious Cases, Provisional Measures, and Monitoring Compliance with Judgment; Advisory Opinions** and the corresponding observations, and orders on evidence and hearings.

Digital Library

Faced with the need to offer innovative services and products that respond to requests for information owing to the global health emergency, and with the support of international cooperation, the [Biblioteca Digital](#), or Digital Library was inaugurated, a repository of full-length books with user profiles and with reading functions, such as an underlining option, and the possibility of adding notes, storing reading progress, and dictionary access.



The Digital Library has **697 specialized volumes** on human rights, public international law, humanitarian law, and related topics. Since its inauguration last September, the record of visits and consultations reveal that **162 users have consulted 476 volumes**.

DerHum literary news

In order to publicize recent acquisitions and new bibliographical material, in September, the first edition of the DerHum literary news was published. The electronic publication is distributed weekly by email to almost 7,000 subscribers around the world. Each issue contains ten new entries accompanied by a summary of the content and a photograph of the cover.

Thesaurus

The Library has been working on an updated version of the specialized human rights thesaurus, conceived not only as guide for the development of the database, but also as a conceptual reference instrument, useful for guiding and facilitating the selection, recovery, analysis, indexation and dissemination of documentation on human rights.

This thesaurus ensures the consistency of the terminology used in different specialized databases, other thesauruses, case law, and publications such as the Case Law Bulletins.

The definition of the features and the selection of the terms included in each of the above leads to consistency and coherence when making a search, and also reduces the percentage of errors that occur when processing and indexing documents, facilitating the identification of linguistic equivalents and the convergence with other controlled vocabularies.

B. Archives

In April 2015, the processing email address was set up as the single point for receiving briefs in Contentious Cases, Monitoring Compliance with Judgment, Advisory Opinions and Provisional Measures. The Archives Electronic Document Management System (SGDEA) was created to standardize the treatment of documents throughout their processing or usefulness within the Court, and the optimization of the use of electronic case files. In addition, a platform for the registration and management of briefs was brought into operation, which permits the incorporation of documents into the Court's files, the internal control of the information received for the Court's procedures, the opening of files, the assignment of new matters and cases, and the notification of reports to the Court's officials by email.

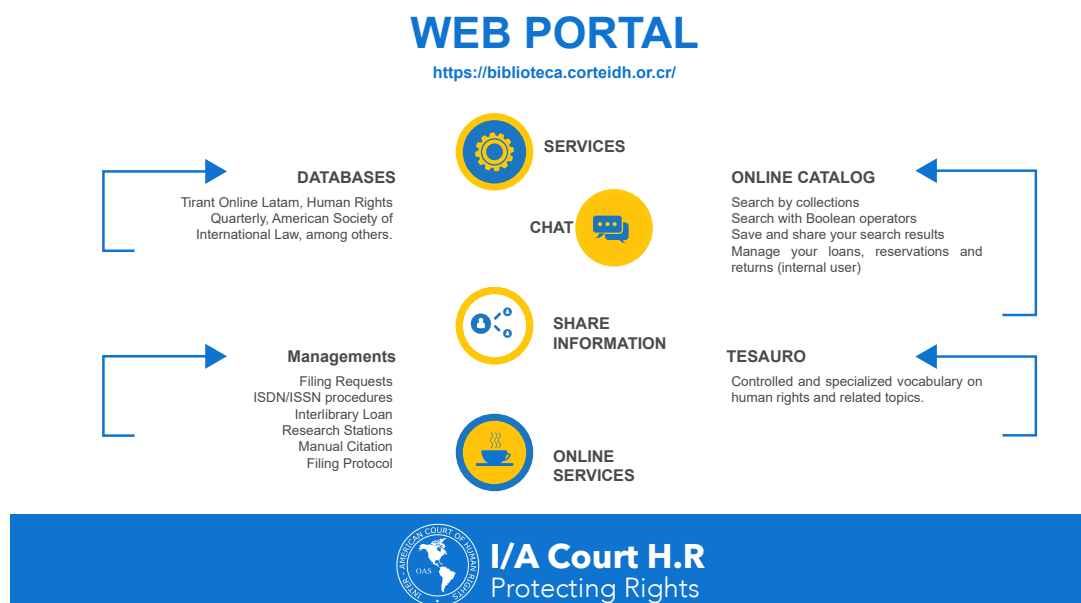
The Archives has assumed the process of digitalizing the briefs that are received by regular mail, in addition to digitalizing and revising pre-2014 inactive files. It is also responsible for publishing the main briefs in Contentious Cases on the Court's website.

Together with the Legal Area, it is implementing a Case File Protocol aimed at standardizing the processes of the creation, maintenance, use and conservation of the Court's case files. The rules established in this protocol have led to the standardization of the practices for the preservation of the physical and digital files, the protection of the confidentiality of the personal and private information of the parties involved in the cases, and an improvement in access to information.

C. Online Catalogue

The online catalogue possesses more than **37,731 bibliographical resources**, and features a new organization by collections, the use of Boolean operators, functions that allow the users to keep and share bibliographical search results on social networks and instant messengers. It also allows the officials of the Inter-American Court to manage the reservation, loan and return of bibliographical material.

It has access to diverse specialized databases, such as: HeinOnline, Tirant Online Latam, Human Rights Quarterly, and American Society of International Law.



D. Digesto


The DIGESTO is an advanced tool for access to the provisions of the American Convention on Human Rights in light of the Court's case law. It contains all the Court's legal rulings, arranged according to the rights and obligations of the American Convention that case law has referred to most frequently. It has been brought up to date with all the case law related to Articles 1, 2, 4, 5, 8, 21, 24, 25 and 26 up until May 2020.

The THEMIS methodology is a joint effort by the Legal Area of the IACtHR and the regional program on international law and access to justice in Latin America (DIRAJus II) of the German cooperation agency, GIZ.



The information can be consulted here: <http://www.CorteIDH.or.cr/cf/themis/digesto/>.

E. Collections and Databases

The Library has an important collection of specialized literature, consisting of more than 37,323 volumes on diverse topics relating to human rights and similar issues. The library is subscribed to around 568 periodic publications. Its collection is most composed of publications on different areas of law, including legal doctrine, case law and human rights reports.



Reinforcement of the institutional policy on sexual and workplace harassment



XVII. Reinforcement of the institutional policy on sexual and workplace harassment

The Inter-American Court of Human Rights has made a firm and clear commitment to prevent and, if applicable, not to tolerate any type of harassment as a practice that is contrary to a person's dignity. Consequently, it is constantly endeavoring to take all necessary steps to generate and reinforce a hospitable, healthy and respectful working environment, free of improper conduct and any form of discrimination.

As part of this institutional policy, the Inter-American Court has taken new measures in this regard and has adopted new Internal *Regulations on conflict resolution for the prevention and elimination of all forms of sexual and workplace harassment*, which have been in force since July 10, 2020. The purpose of the Regulations is to prohibit and prevent sexual and workplace harassment and, as appropriate, to sanction this and adopt the necessary corrective measures.

The Regulations establish a conflict resolution system that takes into account the interests of the parties in disagreement, promotes constructive dialogue, achieves improved collaboration in the workplace, and manages any conflicts that arise appropriately, recommending options to resolve problems and grievances related to sexual and workplace harassment and, in certain cases, the adoption of the required corrective measures. To this end, the Regulations establish the mechanism of "Counselor" who is the person delegated to conduct the informal conflict resolution procedure. They also create the Sexual and Workplace Harassment Committee responsible for substantiating any complaints of sexual or workplace harassment under the formal procedure established in the regulations.

Furthermore, aware that the prevention of sexual and workplace harassment is an essential component of the measures that the IACtHR must take, compulsory training and awareness-raising activities will be held on a regular basis for everyone, whether or not they are members of the Court's staff. The purpose of these activities is to create awareness of zero tolerance for any type of sexual and workplace harassment within the Court, to promote a better understanding of what constitutes workplace harassment, to provide guidance on the Regulations and the corresponding procedures, and also to encourage the creation of an open and harmonious working environment. These activities will be organized by the Working Environment Committee which, among other functions, was created to initiate, coordinate and follow up on the implementation of the preventive and proactive measures established in the Regulations.

The training and awareness raising activities will be mandatory for everyone to whom the Regulations apply, whether or not they are members of the Court's staff. Therefore, this includes interns and visiting professionals, visitors, translators, interpreters, consultants and anyone who is subcontracted.

1. Workshop on the Rules of the Conflict Resolution System for the Prevention and Elimination of all Forms of Sexual Harassment and Workplace Harassment

In order to obtain better results, the entire staff of the Inter-American Court was divided into three groups of approximately 25 people. The aim was to facilitate greater interaction and participation in the workshops and to ensure that each group received, in addition to general knowledge, information in accordance with the functions and responsibilities of its members. Each group participated in three sessions of two and a half to three hours per session, for a total of eight hours of training per group, which took place from June 29 to July 15, 2021. The three sessions per group were distributed as follows:

- Session 1. Basic principles for the construction of a healthy and safe working environment and main concepts of the Rules.
- Session 2. Tools for managing the processes related to sexual or workplace harassment.
- Session 3. Situation of other international organizations and elements of national legislation with respect to sexual and workplace harassment.

2. Self-training course

The Self-training Course has been available since October 20, 2021 on the digital platform of the IACHR Court, Evol Campus, after meetings were held to adjust and validate the proposal. Thus, the self-training course began to be implemented as of November 2021.

The screenshot displays the 'Edición de curso' (Course Editing) interface on the Evol Campus platform. The course title is 'Prevención del acoso sexual y acoso laboral en la Corte IDH (2021)'. The interface includes a sidebar with navigation options like 'CURSOS', 'ALUMNOS', and 'COMUNICACIÓN'. The main content area shows fields for 'Nombre*' (Name), 'Edición' (Edition), 'Idioma' (Language), and 'Imagen' (Image). The 'Nombre*' field contains the course title, 'Edición' is set to '2021', and 'Idioma' is set to 'Español'. The 'Imagen' field shows a photo of a diverse group of people. A red 'X' icon and the text 'Eliminar foto' (Remove photo) are visible below the image. On the right side, there are instructions: 'La edición sirve para diferenciar dos cursos con el mismo nombre.' (The edition is used to differentiate two courses with the same name.), 'Seleccione el idioma por defecto en el que se presentará el campus para los alumnos de este curso.' (Select the default language in which the campus will be presented to the students of this course.), and 'El tamaño final de la imagen será de: 400px de ancho y 180px de alto. Por eso es recomendable que la imagen tenga esta resolución o superior.' (The final size of the image will be: 400px wide and 180px high. Therefore, it is recommended that the image have this resolution or higher.)

3. Training Workshop for Trainers

The Training Workshop for Trainers was held on Friday, September 24 and Wednesday, September 29, 2021. The training was divided into two modules; each module consisted of a three-hour virtual workshop and a 30-minute asynchronous activity. In terms of content, the first module on “Training and Learning” discussed the differences between teaching and learning, experiential learning and andragogy and the role of the facilitator, while the second module, entitled “Synchronous Facilitation,” addressed topics such as preparation and implementation, knowledge activation, active learning, recommendations for the use of equipment, and prior preparation of the facilitator, among other topics.

4) “Detox” Training’

As part of the preventive approach to sexual harassment based on the public health model, we conducted “Detox” training. All the Court's personnel were divided into 3 groups, which were required to attend 2 sessions, each lasting 3 hours. As a result of this new initiative, 74 of the Court's staff were trained. The sessions were held on December 2 and 3 (Group 1), December 6 and 7 (Group 2) and December 8 and 9 (Group 3) and covered the following topics:

- Topic 1: Participatory approach to proactive witnessing (including analysis of intervention scripts, work culture and recurrence of events).
- Topic 2: Preventive Approach (addressed the normalization of sexual harassment, stereotypes and patriarchal myths that deny harassment and ambiguous behavior), and
- Topic 3: Intersectional Approach. (discussed the various forms of re-victimization, stereotypes and patriarchal myths that blame the victim as well as intersectional discrimination).



Officials of the Inter-American Court of Human Rights



XVIII. Officials of the Inter-American Court of Human Rights

Registrar

Pablo Saavedra Alessandri

Deputy Registrar

Romina I. Sijniensky

Legal Affairs Director

Alexei Julio Estrada

Director of Administration and Finance

Arturo Herrera Porras

Lawyers

Ana Lucía Aguirre Garabito
 Amelia Brenes Barahona Marta
 Cabrera Marín Agostina Cichero
 Jorge Errandonea Medin
 Pablo González Domínguez
 Agustin Martín
 María Gabriela Pacheco Árias
 Bruno Rodríguez Reveggino
 Auxiliadora Solano Monge
 Julio César Cordón Aguilar
 Rita Lamy Freund
 Ariana Macaya Lizano
 Astrid Orjuela Ruíz
 Ana Belém García Chavarría
 Celeste Salomé Novelli

Assistants

J. Nayib Campos Salazar
 Adolfo Lara Aguilar
 Cristhian Esteban Molina Delgado
 Romina Troconis Naranjo
 Paula Pastor Cordero
 Jose Daniel Rodríguez Orúe
 Shashira Douglas Clayton
 Natalia Oviedo Rodríguez
 Tsáitami Ordóñez Araya
 Juan Pablo Solano Pochet
 Amanda Solano de la O

Secretaries

Alicia Campos Cordero
 Marlyn Campos Vásquez
 Sandra Lewis Fisher
 Paula Cristina Lizano Carvajal
 Yerlin Tatiana Urbina Álvarez

International cooperation

Mariana Castillo Rojas
 Javier Mariezcurrena
 Fidel Gómez Fontecha
 Ana Lucía Ugalde Jiménez

Human Resources

Andrea Fallas Bogantes
 Marco Antonio Ortega Guevara

Administration

Viviana Castillo Redondo
 Christian Mejía Redondo
 Siria Moya Carvajal
 Claudio Pereira Elizondo
 José Bernardo Sagot Muñoz
 Tatiana Villalobos Rojas
 Laura Villalta Herrera

Accounting

Johana Barquero Mata
 Marta Hernández Sánchez

Pamela Jiménez Valerín
 Marcela Méndez Díaz

Information and knowledge management

Jessica Mabel Fernández Castro
 Francella Hernández Mora
 Esteban Montanaro Ching
 Ignacio Murillo Henderson
 Ana Rita Ramírez Azofeifa
 Magda Ramírez Sandí
 Sofía Rodríguez Ramírez
 Hannia Sánchez López
 Víctor Manuel Valverde Castro

Communications

Patricia Calderón Jiménez
 Matías Ponce Martínez
 Julliana Saborío Arguedas
 María Gabriela Sancho Guevara

Information Technology

Luis Mario Aponte Gutiérrez
 Josué Calvo Conejo
 Johnny Espinoza Quirós
 Steven Quesada Delgado
 Bryan Rojas Fernández
 Marjorie Subero Martínez
 Elizabeth Tames Garita
 Douglas Valverde Fallas

2021
ANNUAL REPORT

Inter-American Court of Human Rights



I/A Court H.R.
Protecting Rights