



# ANNUAL REPORT 2019

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

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## REGIONAL OVERVIEW

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

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

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

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

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

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

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



# 1. PROTESTS, REPRESION AND MILITARIZATION

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

## MAIN DRIVERS OF MASS DEMONSTRATIONS

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

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

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

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

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

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

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

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

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

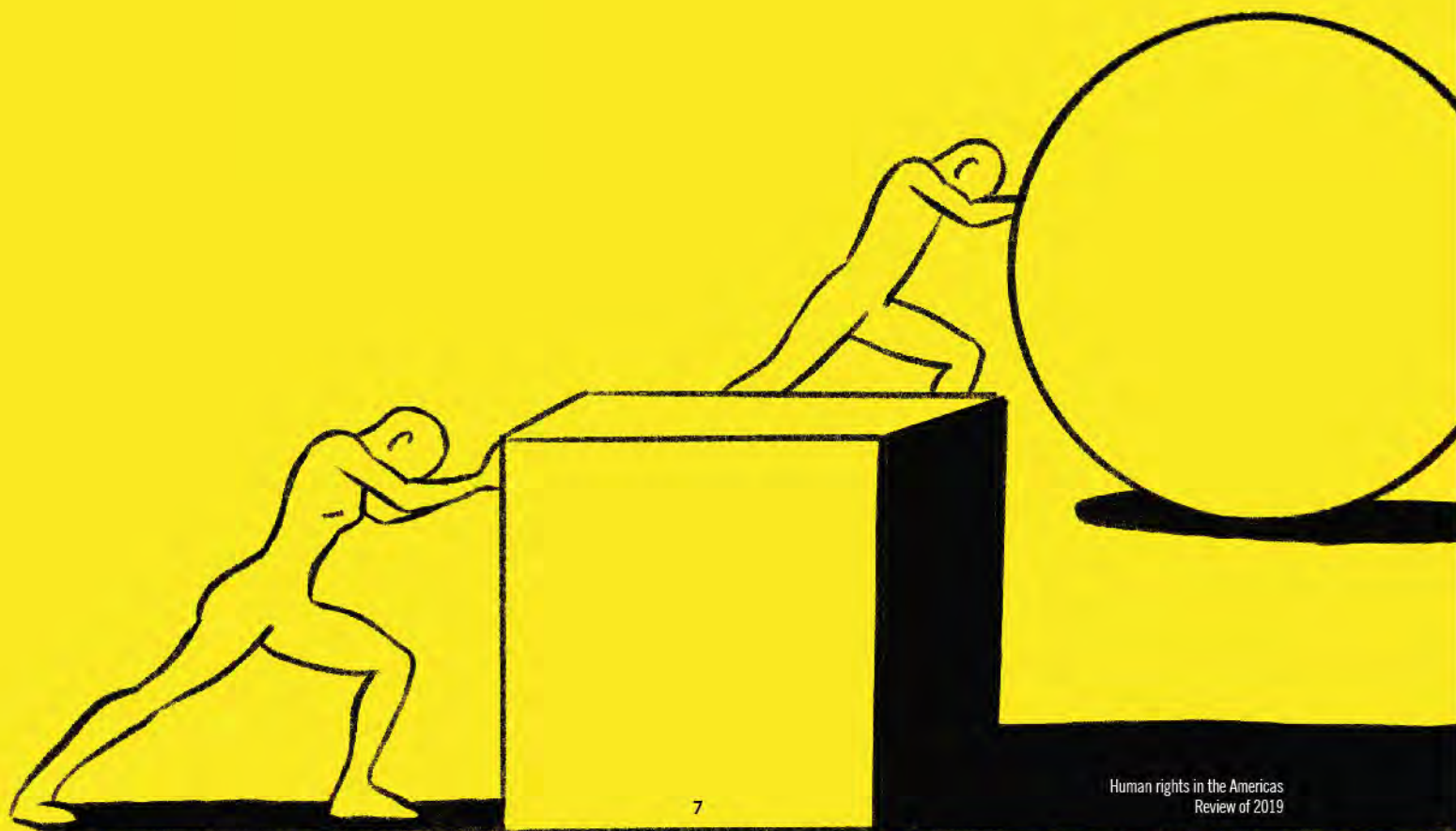
In Chile, protests started in mid-October and the State forces, mainly the armed forces and carabineros (national police), carried out widespread attacks against demonstrators resulting in the death of four protesters and the torture and serious injury of others. More than 350 of those injured sustained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

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

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

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

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





### 3. HUMAN RIGHTS DEFENDERS

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

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

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

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

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

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

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



## 4. RIGHTS OF WOMEN AND GIRLS

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

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

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

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

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

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



## 5. SEXUAL AND REPRODUCTIVE RIGHTS

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

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

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

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



# 6. INDIGENOUS PEOPLES' RIGHTS

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



## VIOLENCE AGAINST INDIGENOUS PEOPLES AND ACCESS TO JUSTICE

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

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

## RIGHTS TO LAND, TERRITORY AND A HEALTHY ENVIRONMENT

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

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

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

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

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

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

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

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

## 7. CLIMATE CRISIS

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

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

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

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



## 8. PEOPLE ON THE MOVE

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

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

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



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

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

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

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





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# ARGENTINA

/ Argentine Republic

HEAD OF STATE AND GOVERNMENT:

**ALBERTO FERNÁNDEZ**

(replaced Mauricio Macri in December)



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

## BACKGROUND

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

## INTERNATIONAL SCRUTINY

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

## SEXUAL AND REPRODUCTIVE RIGHTS

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

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

## VIOLENCE AGAINST WOMEN AND GIRLS

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

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

## INDIGENOUS PEOPLES' RIGHTS

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

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

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

## IMPUNITY

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

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

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

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

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

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

## POLICE AND SECURITY FORCES

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

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

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

## ARBITRARY ARRESTS AND DETENTIONS

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

## RIGHTS OF REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

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

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

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

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

## CLIMATE CHANGE

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

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

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# BOLIVIA

/ Plurinational State  
of Bolivia

HEAD OF STATE AND GOVERNMENT:

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

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



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

## BACKGROUND

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

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

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

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

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

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

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

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

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

## INTERNATIONAL SCRUTINY

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

## HUMAN RIGHTS DEFENDERS

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

## INDIGENOUS PEOPLES' RIGHTS

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

## RIGHT TO A HEALTHY ENVIRONMENT

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

## REFUGEES AND ASYLUM-SEEKERS

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

## IMPUNITY

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

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# BRAZIL

/ Federative Republic of Brazil

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



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

## BACKGROUND

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

## LEGAL, CONSTITUTIONAL AND INSTITUTIONAL DEVELOPMENTS

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



## ENVIRONMENTAL CRISIS IN THE AMAZON

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

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

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

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

## INDIGENOUS PEOPLES' RIGHTS

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

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

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

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

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

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

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

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

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

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

## POLICE AND SECURITY FORCES

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

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

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

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

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

## HUMAN RIGHTS DEFENDERS

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

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

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

## IMPUNITY

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

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

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

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# CANADA

/ Canada

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

HEAD OF GOVERNMENT:  
**JUSTIN TRUDEAU**



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

## INDIGENOUS PEOPLES

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

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

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

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

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

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

## CLIMATE CRISIS

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

## WOMEN'S RIGHTS

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

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

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

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

## FREEDOM OF RELIGION

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

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

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

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

## REFUGEES AND ASYLUM-SEEKERS

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

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

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

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

## CRIMINAL JUSTICE SYSTEM

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

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

## COUNTER-TERROR AND SECURITY

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

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

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

## CORPORATE ACCOUNTABILITY

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

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

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

## HUMAN RIGHTS DEFENDERS

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

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

## ARMS TRADE

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

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# CHILE

/ REPUBLIC OF CHILE

HEAD OF STATE AND GOVERNMENT:  
**SEBASTIÁN PIÑERA ECHENIQUE**



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

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

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

## SOCIAL PROTEST AND STATE REPRESSION

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



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

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

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

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

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

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

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

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

## IMPUNITY FOR CRIMES OF THE PAST

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

## UNFAIR TRIALS

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

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

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

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

## INDIGENOUS PEOPLES AND ENVIRONMENTAL RIGHTS

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

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

## HUMAN RIGHTS DEFENDERS

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

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

## SEXUAL AND REPRODUCTIVE RIGHTS

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

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

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

## RIGHTS OF MIGRANTS, REFUGEES AND ASYLUM-SEEKERS

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

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

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

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# COLOMBIA

/ Republic of Colombia

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



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

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

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

## BACKGROUND

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

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

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

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

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

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

## INTERNAL ARMED CONFLICT

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

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

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

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

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

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

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

## RECYCLING OF OLD TACTICS

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

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

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

## NEW PHASE OF ARMED CONFLICT

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

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

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

## PEACE AGREEMENT

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

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

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

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

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

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

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

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

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

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

## HUMAN RIGHTS DEFENDERS

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

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

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

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

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

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

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

## VENEZUELAN S E E K I N G I N T E R N A T I O N A L P R O T E C T I O N

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

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

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

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# COSTA RICA

/ Republic of Costa Rica

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



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

## SEXUAL AND REPRODUCTIVE RIGHTS

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



## DISCRIMINATION

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

## MIGRANTS AND REFUGEES

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

## HUMAN RIGHTS DEFENDERS

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

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

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

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# CUBA

/ Republic of Cuba

HEAD OF STATE AND GOVERNMENT:  
**MIGUEL MARIO DÍAZ-CANEL BERMÚDEZ**



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

## BACKGROUND

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

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

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

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

## INTERNATIONAL SCRUTINY

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

## REPRESSION OF DISSENT

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

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

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

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

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

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

## PRISONERS OF CONSCIENCE

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

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

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

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

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

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

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

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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

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