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## OPEN LETTER TO HEADS OF STATE PARTICIPATING IN THE VIII SUMMIT OF THE AMERICAS

Amnesty International acknowledges the VIII Summit of the Americas as a regional space promoting dialogue between various states of the American continent. This organization considers it essential to prioritize human rights, as a transversal axis of public policy in the Americas, for a comprehensive approach to the central theme of this Summit: “Democratic Governance against Corruption.” Important social, economic and participatory gaps latently persist in the American hemisphere, and there are great challenges in terms of access to justice, impunity and full enjoyment of human rights for the majority. The Americas continues to be the most unequal and violent region in the world.

Discrimination and inequality still exist in the continent, exacerbated by the havoc brought about by high levels of violence: waves of homicides, forced disappearances and arbitrary detentions. Human rights defenders also fall victim to this violence when carrying out their work. Indigenous Peoples continue to suffer from discrimination, and their economic, social and cultural rights are constantly violated, including their right to ancestral land and to free, prior, and informed consent regarding projects that affect them. In general, American states have had few advances in terms of protecting women and girls’ rights, as with those of lesbian, gay, bisexual, transgender and intersex people (LGBTI).

The persistence of extreme violence remains a reality for millions of people in the continent, including countries such as Brazil, El Salvador, Honduras, Mexico and Venezuela. This violence is fuelled by the proliferation of illegal weapons and by the increasing influence and presence of organized criminal groups.

Many states continue to resort to repressive tactics, including the inappropriate use of security forces and justice systems to silence dissidence and any critics. This allows for impunity in the widespread use of torture and other forms of abuse, and for countries to be governed within a context of inequality, poverty and discrimination, which is often sustained by corruption and a lack of accountability. At the same time, a very large number of people flee from their homes to escape the repression, violence, discrimination and poverty. Many of these people encounter other forms of abuse when embarking upon these journeys, or when arriving in other countries in the region.

It is in this context that we also call upon states to include firm commitments in the final declaration of the VIII Summit of the Americas, in order to guarantee that the human rights of all people, without distinction, are protected. These commitments must be translated into action and policy to be immediately implemented in the Americas.

Amnesty International would like to take this regional meeting opportunity, before all heads of state in attendance at this Summit, to reiterate some considerations regarding the human rights situation in the continent:

### Regressive rhetoric with regard to human rights and their impact in the Americas

Millions of people throughout the region are facing a human rights crisis compounded by legislation, policy and practical setbacks in the protection of human rights, and by the increasing use of regressive and divisive rhetoric.

In the United States, president Trump’s administration has brought forward an anti-rights rhetoric, in favour of discrimination and xenophobia; a rhetoric that is evidenced through the signing of a series of executive orders that threaten millions of people’s human rights, in that country and abroad. The executive orders that suspended the refugee resettlement program for 120 days; and decreasing the annual limit of refugees accepted to 45,000 amidst a global refugee crisis, have devastating effects on people from Central America and Mexico, as well as those from other countries in the region who seek protection due to widespread violence in their countries.



In particular, the cancelling of humanitarian programmes such as Temporary Protected Status (TPS), which allows nationals from El Salvador, Haiti and Nicaragua to legally work; or the termination of the Deferred Action for Childhood Arrivals (DACA), which puts the temporary work permits of 700,000 undocumented immigrants at risk, not only have harmful effects, but they also represent major setbacks in terms of human rights, immigration and refugee status.

Furthermore, in Venezuela, where people are living through the worst human rights crisis in that country's history, the rhetoric of aggression against voices critical of President Maduro is used to justify serious human rights violations, such as arbitrary detentions, attacks against civilians, and torture and other forms of abuse, amidst a humanitarian crisis that affects the general population.

Women and girls are also experiencing devastating consequences as a result of human rights regressions. In the United States, upon reincorporating and expanding the global gag rule, around \$8.8 billion in foreign assistance funds have been restricted for international health programmes that offer or even mention the word abortion in their work. In Latin America alone, where experts estimate that 760,000 women are treated annually due to unsafe abortion complications, the government of the United States' policy puts the lives of many women and girls at risk.

Another unfortunate example is the Paraguayan Ministry of Education and Science's resolution, adopted in October of 2017, which bans the dissemination and use of materials related to what the ministry considers "gender theory and/or ideology." This resolution has represented a major human rights setback and contradicts the international obligations of the Paraguayan state.

Women, girls and lesbian, gay, bisexual, transgender and intersex people (LGBTI) are victims of discrimination and ongoing violence due to enduring prejudices and stereotypes in our society. Erasing education on equality from the curriculum promotes this violence and discrimination on the part of the state, with very serious consequences.

#### Access to justice and the fight against impunity

Impunity continues to be widespread and plays a key role in human rights violations and abuses in many countries in the continent. Some recent examples uncover outstanding historical debts related to justice:

In countries such as Mexico, arbitrary detentions and confinement are widespread and often bring about other human rights violations, the majority of which are not adequately investigated. More than 35,000 people have disappeared, in addition to the alarming figures on extrajudicial killings. Torture and other forms of abuse are constant practices that security forces resort to regularly, and with impunity, in order to force people to sign false "confessions."

In a recent report from the United Nations High Commissioner for Human Rights it is made clear that even in the case of the 43 Ayotzinapa students, who were subjected to forced disappearance in 2014, the official investigation employed tactics such as torture and other forms of abuse, concealment and manipulation of evidence. Other cases are not managed much better either.

Furthermore, the former Peruvian president, Pedro Pablo Kuczynski, pardoned former president Alberto Fujimori, who was sentenced to 25 years in prison in 2009 for crimes against humanity. Mr. Kuczynski also granted a right to grace, terminating all criminal proceedings against Mr. Fujimori. This measure has serious consequences for the right of victims of crimes under international law, and is a serious violation of the human right to truth, justice and reparations.

Last year, hundreds of people took to the streets in Guatemala to reject impunity and corruption. The country also faced a political crisis when several members of the government resigned from their positions as a response to President Jimmy Morales' attempt to expel the director of the International Commission against Impunity in



Guatemala, an independent body established in 2006 by the government and the UN to strengthen the rule of law following conflict.

In Chile, authorities closed an investigation on the alleged kidnapping and torture of the Mapuche leader Víctor Queipul Hueiquil in 2017. This sent a discouraging message to those defending human rights throughout the country as it appeared that a thorough and impartial investigation had not been carried out. Indigenous leader Machi Francisca Linconao and another 10 Mapuche people were acquitted of terrorism charges due to lack of evidence implicating them in the death of two people in January of 2013. However, in December, the Court of Appeals declared this judgement null and void.

### Refugee crisis

According to UNHCR, the UN Refugee Agency, more than 57,000 people from Honduras, Guatemala and El Salvador requested asylum abroad in 2017. Many of these people were forced to return to their countries, where the lack of an effective protection system leaves them exposed to the same dangers and conditions they were trying to escape.

In addition to the refugee crisis in Central America, this organization must highlight the situation in Venezuela, which has led to a significant increase in the number of Venezuelan refugees. This increase cannot be understood without evaluating the human rights crisis this country is experiencing.

### Protests and the excessive use of force

Authorities in several countries, including Colombia, Argentina, Venezuela, Paraguay and Puerto Rico, have recently responded to social protests in the streets with unnecessary and excessive use of force.

Even though the homicide rate in Honduras has decreased, Amnesty International expresses its deep concern at the high levels of violence and insecurity. The impunity that reigns has weakened public confidence in authorities and the justice system. Recently, there were mass protests throughout the country to denounce the lack of transparency surrounding November's presidential elections, and security forces employed excessive force to repress these mobilizations. According to local organizations, more than 30 people died under these circumstances, dozens were injured and more than 1,000 people were detained.

In Venezuela, security forces also used excessive and abusive force against those protesting peacefully: among other things, they used tear gas and rubber bullets. More than 120 people died as a result of this social unrest. Thousands of people were arbitrarily detained, and numerous reports of torture and other forms of abuse were recorded. The judicial system has often been used to silence dissent – by using military courts to try civilians, among other tactics – and to prosecute and harass human rights defenders.

### Human rights defenders

Honduras remains the most dangerous country in the region for human rights defenders, especially for those who work to protect land, territory and the environment. In Guatemala and Honduras, state and non-state agents linked to national and transnational companies target campaigns seeking to discredit their work. Human rights defenders are intimidated, threatened and attacked without proper investigation. In Guatemala, the justice system is frequently used to attack, harass and silence those defending human rights.

In the case of the killing of renowned human rights defender Berta Cáceres, which occurred in March of 2016, a recent report from a team of international lawyers exposes serious shortcomings in the official investigation. As a result, this organization calls upon authorities to lead investigations to determine and identify those responsible, who actively participated in the official investigation. Moreover, since the killing of said human rights defender, several environmental and human rights activists from Honduras have been subject to harassment and threats.

In Colombia, the increase in attacks against human rights defenders, especially community leaders, defenders of land, territory and the environment, and people leading a peace process campaign, is deeply concerning.



According to the Office of the United Nations High Commissioner for Human Rights, more than 100 human rights defenders were victims of homicide in 2017. Paramilitary groups have also made numerous death threats, and, in most cases, authorities have not been able to identify those responsible for the deaths or the threats.

In Cuba, a large number of human rights defenders and political activists continue to be harassed, intimidated, wrongfully terminated from state jobs, and arbitrarily detained, in an attempt to silence critics. There is still censorship both on and off the internet. Eduardo Cardet Concepción, the leader of a pro-democracy group called the Christian Liberation Movement is among the prisoners of conscience, and he was sentenced to three years in prison for publicly criticizing the former president, Fidel Castro. In another example, the Ladies in White, a group of female relatives of people detained for political reasons, continue to be a key target for repression by authorities.

The Peruvian Supreme Court of Justice's judgement acquitting human rights defender Máxima Acuña Atalaya, after five years of legal proceedings based on false claims of land invasion, marks a milestone for environmental defenders in the region; however, there is still much to be done to guarantee effective and comprehensive protection for human rights defenders in the continent.

### The rights of Indigenous Peoples

In the Americas, violations of Indigenous Peoples' rights are still occurring in countries such as Argentina, Bolivia, Canada, Chile, Colombia, Ecuador, Honduras, Nicaragua, Paraguay and Peru, among others.

In Argentina, Indigenous Peoples continue to be criminalized. It is a reality that criminal proceedings are used to harass these communities, as are police attacks, including beatings and intimidation. Rafael Nahuel, from the Mapuche community, met a violent death in November of 2017 during an evacuation carried out by security forces.

In Colombia, a wave of homicides of individuals from Indigenous Peoples historically affected by the armed conflict underscores limitations in the application of the Peace Agreement. The killing of Gerson Acosta (leader of the Kite Kiwe Indigenous council in Timbío, Cauca, who was shot several times when leaving a community meeting) tragically illustrates the inefficiency of measures adopted by authorities to protect the lives and security of community leaders and other members of Indigenous Peoples.

In Peru, legislation has been enacted that weakens the protection of Indigenous Peoples' right regarding land and territory, and undermines their right to free, prior, and informed consent. Similarly, Peru continues to disregard hundreds of Indigenous Peoples' right to health as their only water sources have been contaminated with toxic metals, and they lack access to adequate health care.

In Ecuador, Indigenous Peoples' right to free, prior, and informed consent continues to be violated, and there have been situations where the state has intruded upon Indigenous Peoples territories for the purpose of future oil extraction.

In a similar vein, Indigenous Peoples in Paraguay continue to have their right to land denied, as well as their right to free, prior, and informed consent on projects that affect them. Despite the Inter-American Court of Human Rights' judgments, the state has not provided the Yakye Axa community with access to its lands, nor has it resolved a case regarding lands owned by the Sawhoyamaya community that were expropriated.

The Guatemalan Supreme Court of Justice recognized the lack of prior consultation with the Xinca community from Santa Rosa and Jalapa, which was negatively affected by mining activity. In Brazil, several conflicts over land and invasions of Indigenous Peoples territories by illegal loggers and miners have resulted in violent attacks against Indigenous Peoples.

### Equality and non-discrimination

In the entire region, women and girls continue to be subjected to a wide range of human rights violations and abuses, which include violence, discrimination and violations of their sexual and reproductive rights.



Impunity is widespread for crimes such as rape, homicides and threats. Discrimination in the investigation and persecution of these types of crimes is deep-rooted and often reinforced by a lack of political will and limited resources allocated for these purposes.

Ongoing gender-based violence in the Dominican Republic, for example, led to an increase in the number of homicides of women and girls. Gender-based violence against women and girls is also a cause of profound concern in Mexico, and it has worsened in countries such as Nicaragua and El Salvador.

There has been an increase in the number of homicides of women in leadership positions in Colombia, and there are no clear advances to guarantee access to justice for survivors of violence. Nevertheless, Colombian women's organizations did get the peace agreement to establish that those suspected of having committed crimes of sexual violence must appear before transitional courts of justice.

Furthermore, LGBTI persons face ongoing conditions of discrimination, harassment and violence in the region, particularly in countries such as Haiti, Honduras and Jamaica, among others. In the Dominican Republic, the body of Jessica Rubi Mori, a transgender woman, was found dismembered in a vacant field. While, in Bolivia, the Plurinational Constitutional Tribunal invalidated part of a law that gave transgender people who have changed gender on their identity documents the right to get married.