



OPEN LETTER TO THE PRESENT MINISTERS AND THE ORGANIZATION OF AMERICAN STATES IN THE CONTEXT OF THE XLVIII OAS GENERAL ASSEMBLY

Amnesty International acknowledges the XLVIII Organization of American States (OAS) General Assembly as a regional summit that promotes dialogue between the diverse states of the Americas. In the context of its 70th anniversary, the OAS has invited reflections on its future as it seeks to comprehensively advance its four pillars: human rights, democracy, comprehensive development and multidimensional security. With this in mind, Amnesty International considers it is essential that human rights be the connecting thread in everything the OAS does, especially considering that human rights are fundamentally intertwined with the Organization's other three pillars.

It is also a priority for Amnesty International that human rights be reprioritized in the development of public policy in the Americas to holistically address the region's most concerning situations. Unfortunately, significant social, economic and participatory divides endure in the American hemisphere. Difficult challenges remain regarding access to justice, impunity and respect for human rights. Indeed, the Americas remain the world's most unequal and violent region.

The efforts of the states of the region, focused over the last decades on economic development, have not addressed the grave lack of respect for the human rights of millions of people. Moreover, historical discrimination and inequality have endured and worsened in the hemisphere, exacerbated by high levels of violence.

Many states in the region continue to resort to repressive tactics through inappropriate use of force and the justice system to silence and discourage dissidence and criticism, allowing impunity in cases of serious human rights violations. Further, conditions of inequality, poverty and discrimination are often sustained by corruption and a lack of accountability. These conditions force an extremely high number of people to flee their homes in search of decent living conditions. Many suffer new abuses when they begin the journey or when they arrive in other countries of the region.

Faced with these facts, the organization calls on the states of the region to include in the final declaration of the General Assembly firm commitments that guarantee the protection of human rights for all people without distinction. These commitments must naturally be translated into actions and policies to be implemented in the Americas immediately.

Amnesty International would also like to take the opportunity presented by the regional assembly to reiterate before OAS member states and the Secretary General its considerations on some of the urgent human rights situations facing the region:

The regressive rhetoric and policies relating to human rights and their effects on the Americas

Millions of people throughout the region are faced with a human rights crisis exacerbated by legislation, policies and practices that roll back human rights protections. Moreover, the increasing use of regressive and divisive rhetoric deployed by authorities at the highest levels creates an atmosphere that favours serious human rights abuses and violations.

In the United States, the Trump administration has put on display its anti-rights rhetoric that promotes discrimination and xenophobia. This rhetoric has been codified in the adoption of policies and practices that seem designed to strip human rights protections from millions of people. Recently, humanitarian programmes like the Temporary Protected Status (TPS) programme, which allowed Honduran, Salvadoran, Haitian and Nicaraguan nationals to reside and work legally in the United States, and the Deferred Action for Childhood Arrivals (DACA) programme, which granted temporary legal status to 700,000 young immigrants, have been



cancelled. These moves not only cause harm, but also represent significant setbacks for human rights, migration and refugee policy.

Amnesty International has also repeatedly called attention to the serious human rights crisis occurring in Venezuela. This situation has led thousands of people to leave the country to access their most basic rights, like the rights to food and healthcare. Though the most conservative statistics note that at least a million and a half people have fled the country, President Nicolás Maduro refuses to accept the reality of the human rights crisis and this massive exodus of people. He therefore also refuses to take measures that would put an end to this situation. This emergency exit, as Amnesty International has termed it, exposes Venezuelans to multiple risks, like the recent mass deportations from Trinidad and Tobago, limited access to healthcare in countries like Colombia or restrictions on asylum systems and migration laws as in the case of Chile.

Elsewhere, the application of the poorly-named “gender ideology” has become a serious setback for human rights that violates the international obligations of the countries in the region. Paraguay for example, prohibited the diffusion and use of materials that call for equality and non-discrimination in an October 2017 resolution. The Education Ministry explained that the materials offended traditional family values. Similarly, the Lima High Court of Justice annulled the National Education Curriculum’s “Focus on Gender Equality” after an appeal by a group of “heads of household.”¹

Human Rights Defenders

Honduras remains one of the most dangerous countries in the region for those who defend human rights, especially for those who work to protect rights related to land, territory and environment. In the case of the 2016 killing of renowned human rights defender Berta Cáceres, the Public Ministry has detained nine people, some of whom are affiliated with the Honduran military and Desarrollos Energéticos S.A. (DESA), the company building the dam that Berta was fighting. It is noteworthy that the trial, initially planned for June of this year, has been postponed. The lack of justice in this case continues to send the disappointing message that human rights defenders can be killed without consequence.

Similarly, in Guatemala, Peru and Paraguay, human rights defenders, especially those who work on land, territory and environmental rights issues, suffer constant defamation, intimidation, threats and attacks that are not appropriately investigated. And, further, the justice system is often used inappropriately to attack, harass and silence human rights defenders.

In Paraguay and Peru, Amnesty International has confirmed a pattern or strategy used to silence rights defenders that uses three key methods. One is stigmatization through public statements (including by authorities) and media articles that paint defenders as criminals and “enemies” of development. Another is arbitrary application of various norms to forcibly displace Indigenous or rural communities that oppose exploration for or exploitation of natural resources, and that demand their rights related to territory, environment and land. The third is the prosecution of unfounded legal cases brought against leaders. The inappropriate use of the judicial system is not limited, however, to Guatemala, Peru or Paraguay. In Chile, for example, the *machi* Indigenous leader Francisca Linconao was recently absolved for a third time by Chilean courts. Such cases demonstrate how the inappropriate use of criminal codes and the judicial system can obstruct the work of rights defenders.

Similarly, in Colombia, the increase in attacks against rights defenders, especially community leaders, defenders of land, territory and the environment, and people who campaign in favour of the peace process, is extremely concerning. According to the Office of the UN High Commissioner for Human Rights, over 100 human rights defenders were murdered in Colombia in 2017. This is on top of the death threats that are attributable to paramilitary groups. In most cases, authorities have not been able to identify those responsible for the deaths or the threats. So far in 2018, over 40 murders of rights defenders have been reported in Colombia. Afro-

¹ Peru, Lima High Court of Justice (First Civil Court). Sentence through resolution 30 of July 13, 2017. **Case** number 011-2017-0-1801-sp-ci-01.



descendant communities and Indigenous communities in the Chocó, Catatumbo and Cauca areas remain under threat of armed attack while the state still has not made any advances in mechanisms for collective protection.

Internationally, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, sponsored by the Economic Commission for Latin America and the Caribbean (ECLAC) and signed in March of this year, represents an important opportunity to guarantee an atmosphere of safety that allows people, groups and organizations to promote and defend human rights related to environmental issues without suffering threats, restrictions or insecurity. It is therefore important for states of the region to commit to quick ratification of this instrument to demonstrate their commitment to defending and protecting the people who work for land, territory and the environment.

Situations of particular concern in the Americas region

In the Americas, extreme violence, excessive and disproportionate use of force, inappropriate use of the justice system, lack of guarantees of due process and impunity have shown themselves to be a successful formula for silencing the voices of those who demand accountability from their governments. Amnesty International therefore urges the states of the Americas to organize efforts to prioritize human rights so that the people of the American hemisphere can fully enjoy their rights.

Amnesty International calls attention to three critical situations that require immediate attention from the OAS, given the severity and the speed of the surge in human rights violations:

a) Nicaragua

Over the last years the deterioration of the human rights situation has been ever more visible in this Central American country. The recent events of April and May, in which thousands of people protested reforms to the social security system, have illustrated a government strategy of repression. This repression has left a death toll of more than 70 people dead, some as a consequence of possible extrajudicial executions. Additionally, hundreds of people have been injured and dozens have been arbitrarily detained. Multiple attempts to harass and censure human rights defenders and journalists have also been reported.

Amnesty International believes that the Nicaraguan authorities are executing a strategy of repression, at times lethal, that aims to punish dissident voices, discourage popular criticism and cover up human rights violations and crimes against international law. The mechanics of this strategy of repression are clearly identifiable. They include official discourse that tends to deny the reality of the situation and stigmatize the population that demonstrates its opposition to government policies; attempts to control the press; use of paramilitary armed groups; excessive use of force by the National Police and antiriot units; strong indications of extrajudicial executions; irregularities in investigations of crimes and human rights violations; and the denial of medical assistance to people injured in protests.

It is therefore imperative that the OAS and the states of the region actively pursue immediate responses. The adaptation of special and exceptional mechanisms, such as special investigation commissions that seek to guarantee exhaustive inquiries and prosecute those found responsible (materially and intellectually), would give clear answers to demands for justice as long as they remain truly independent. Such measures would not allow mere reparation and repetition. The OAS and the region's states have an opportunity here to stand with the victims of serious human rights violations.

b) Honduras

Despite Honduras' falling homicide rate, Amnesty International expresses profound concern for the country's high levels of violence and insecurity. Prevailing impunity weakens public trust in the authorities and the justice system. Recently, the entire country experienced large protests that denounced lack of transparency in the November presidential elections. Security forces deployed various tactics to repress these protests and discourage people from exercising their right to peaceful protest, including excessive and lethal force. Over 30 people were killed in this context. In seven cases there are indications that extrajudicial executions took place.



Further, dozens of people were beaten and intimidated when they were arrested and detained for several days or months to await trial.

Amnesty International urges the OAS and the community of state parties in the Organization to respond immediately. In addition to detentions and excessive use of force, Amnesty International is concerned about allegations of violations of due process. Amnesty International therefore urges the OAS to strengthen the government institutions in charge of the justice system through its technical assistance programmes so that investigations of alleged human rights violations are undertaken effectively and impartially, applying international standards of due process. Amnesty International also calls on the states of the region to pay close attention to the human rights situation in Honduras and to act quickly on possible allegations of human rights violations.

c) Venezuela

Venezuela has for years experienced a serious crisis with massive human rights violations. Amnesty International has denounced the recurring practice of arbitrary detention for political purposes, the use of military courts to try civilians and the deterioration of civil rights in the country. It has therefore called Venezuela to free political prisoners who have been unjustly deprived of their liberty. Venezuela is registering alarming levels of regression in respect for human rights. One of the most notable consequences is the drastic increase in the number of people who are fleeing to other countries in the region to access their most basic rights, like the rights to food and health.

It should be noted that the people fleeing Venezuela have international protection under the Cartagena Declaration on Refugees. This declaration broadens the traditional definition of “refugee” as a person who has fled their country for fear of persecution on the basis of race, religion, political opinion, nationality, or social group. It also considers as refugees those who have fled their countries because their lives, security or liberty have been threatened by generalized violence, foreign aggression, internal conflicts, massive human rights violations or other circumstances that seriously disturb public order.

Amnesty International urges the states of the region to honour as quickly as possible the commitments made in the Declaration of Cartagena to guarantee that those who leave Venezuela find durable and effective solutions to their residence in other countries in the region. Amnesty International also calls on the states of the Americas to fulfill their shared obligation to guarantee human rights throughout the hemisphere. It is also necessary for the Americas region to reprioritize concern for human rights and focus all of its attention on demanding respect and guarantees for those rights, leaving aside political or ideological leanings that could interfere with the protection of people in Venezuela.

70 years of the OAS: Challenges and Opportunities

The Organization of American States, as the leading multilateral organization of the Americas, represents a fundamental ally for the promotion and defence of human rights in this hemisphere. It is therefore imperative for the OAS to be capable of responding comprehensively to the setbacks to human rights occurring in the region.

Amnesty International urges the Secretary General to prioritize the human rights agenda in the Organization, and to react effectively as per its mandate as it faces serious human rights violations. The recent events in Honduras and Nicaragua have put to the test the region’s states’ capacity for rapid and effective response to fulfill their shared responsibility to guarantee the human rights of all people without distinction. It is therefore fundamentally important for the OAS to play a leading role that unifies the positions of member states so they can adequately confront the major challenges of the region.

Amnesty International also recognizes the invaluable contribution of the Inter-American Human Rights System, which for many victims of serious human rights violations has constituted the last hope for the restitution of their rights. Amnesty International therefore urges the OAS to prioritize within its budget the doubling of funding from the Regular Fund for the Inter-American Commission on Human Rights, as the 2017 General Assembly



resolution on human rights called for.² Likewise, Amnesty International makes a firm call to OAS member states to transform the commitments they made in that resolution into concrete action by quickly effectuating the doubling of that budget.

Lastly, Amnesty International urges the OAS to guarantee effective participation for the region's civil society in the Organization's political spaces. Amnesty International laments that there were various obstacles to guaranteeing the full participation of civil society in recent General Assemblies and Summits of the Americas. Examples include the lack of a schedule that set norms for civil society's participation and that established a timetable for registration and responses to petitions for participation; the lack of norms emitted with adequate notice to explain opportunities for participation; and the lack of secure and adequate spaces for human rights defenders to make their contributions. Amnesty International urges the OAS to establish: clear deadlines for participation petitions and responses; a precise methodology on opportunities for participation; and participation norms that guarantee non-violence and effective participation, to include accountability measures for member states.

² See AG/RES 2908 (XLVII-0/17) "Promotion and Protection of Human Rights" part xxvi "Financing of the organs of the inter-American human rights system from the program-budget of the Organization for 2018".