



OPEN LETTER TO THE HEADS OF STATE OF AMERICAN STATES ON THE OCCASION OF THE FIFTY THIRD REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE OAS (OAS)

The Organization of American States (OAS), on the occasion of its 53rd Regular Session of the OAS General Assembly of the States, has called for a discussion of the need to strengthen the culture of democratic responsibility and the promotion, protection and equality of human rights in the Americas.

Amnesty International recognizes the importance of multilateral forums as crucial spaces for discussion and for the comprehensive resolution of the world's principal human rights issues. The organization therefore welcomes the inclusion in this General Assembly of an agenda which prioritizes a debate on the protection and promotion of human rights in the Americas region. As it does every year, Amnesty International calls on the OAS and its General Secretariat to focus their efforts so that human rights guide the public policies developed by the continent's highest multilateral forum. The organization presents below some of its main human rights concerns requiring urgent attention and calls on this forum to prioritize their discussion on finding durable solutions at the regional level.

1. Excessive use of force in the context of protests

In several countries in the region, thousands of people have taken to the streets, exercising their right to peaceful protest to demand accountability from their states and the protection of their rights. However, in many cases, the state response has been repressive, in an attempt to silence legitimate demands. Thus, the excessive and unnecessary use of force has become a policy to punish those who protest. For example, in **Peru**, the security forces have resorted to the unlawful use lethal force and the indiscriminate use of less lethal weapons, with a racist bias against Indigenous and *campesino* people to suppress the demonstrations that began in December last year in the context of the political crisis; this has already resulted in the deaths of 49 people and hundreds of injuries.

In **Colombia**, where most cases of human rights violations committed by security forces in the context of the 2021 National Strike protests remain unpunished, cases of excessive use of force by the police continue to be documented. In 2022, an Indigenous leader was shot dead during an environmental protest and, in another protest that took place in the capital (Bogotá), a man sustained eye trauma after being hit by a projectile, in both cases it has been reported that the shots were fired by state officials.

The above situations are purely emblematic examples of how in many countries on the continent the authorities continue to violate the rights to life, physical integrity, personal freedom and to fair trial of people who express their disatisfaction with government policies.

Amnesty International calls on states in the Americas to ensure that people can exercise the right to peaceful protest and that any force deployed by security officials when policing demonstrations is necessary, legitimate and strictly proportionate. The organization also urges states to find ways to engage in dialogue with their citizens so that their legitimate demands can be addressed.

2. Arbitrary detention, unlawful killings and torture and other ill-treatment

Arbitrary detentions continue to be widespread in **Colombia, Cuba, Ecuador, El Salvador, Nicaragua, Mexico and Venezuela**. In **Cuba**, where people are detained on political grounds or for exercising their human rights, Amnesty International has named José Daniel Ferrer García, Maykel "Osorbo" Castillo and Luis Manuel Otero Alcántara as prisoners of conscience, as emblematic cases representing just a small fraction of the total number of people warranting this description. According to Cuban human rights organizations, since the historic protests across the country in July 2021, 1,812 people have been arbitrarily detained, 768 remain in prison and many more are subject to unfounded judicial processes. The new Penal Code, which entered into force on 1 December last year, seeks to consolidate undue restrictions on freedom of expression and peaceful assembly.

In **Nicaragua**, according to the findings of the April 2023 report of the United Nations Group of Human Rights Experts on Nicaragua, there are reasonable grounds to believe that the Nicaraguan authorities have committed



crimes against humanity, including killings, mass incarceration, torture, sexual violence, deportation and politically motivated persecution. These findings are consistent with the reports of other mechanisms, including the Inter-American Commission on Human Rights (IACHR) and its Interdisciplinary Group of Independent Experts (GIEI), and the Office of the United Nations High Commissioner for Human Rights.

Despite efforts by the international community to seek solutions to the situation in Nicaragua, the country continues to close spaces to international scrutiny, proof of this is that this will be the last General Assembly in which Nicaragua participates, since in November 2019 the [Nicaraguan State denounced the OAS Charter](#).

In **El Salvador**, more than a year has passed since the imposition of a state of emergency (*régimen de excepción*), under which multiple human rights violations have been committed. As of April 2023, the government had registered the detention of [68,200](#) people, bringing the country's prison population to more than 100,000. Since the start of the state of emergency, Amnesty International has received numerous reports of serious human rights violations, including the arbitrary detention of hundreds of minors, cases of torture and other ill-treatment, and the deaths in various penal facilities of at least 132 people in state custody who, at the time of their deaths, had not been convicted of any crime. To date, no impartial, prompt investigations are known to have been initiated into the circumstances surrounding the deaths in custody, nor have the alleged perpetrators been identified. In many cases, families have not even been properly informed by the authorities of the deaths; the only information they have received has come from hospitals or funeral homes.

In **Venezuela**, human rights organizations estimate that between 240 and 310 people continue to be arbitrarily detained on political grounds. Between January and September 2022, security forces allegedly carried out 488 extrajudicial executions. Among those arrested are human rights defenders, such as prisoner of conscience Javier Tarazona, leader of the organization Fundaredes. The reports of the [UN Fact-Finding Mission on Venezuela](#) have examined the responsibility of the Venezuelan authorities and judicial bodies for possible crimes against humanity and the lack of independent, impartial and thorough investigations into human rights violations in the country. In addition, the Prosecutor's Office of the International Criminal Court has opened an investigation into alleged crimes against humanity committed in Venezuela, the first of its kind in the region.

Unlawful killings by security forces are widespread in the region, often targeting people living in low-income, racialized neighbourhoods in **Argentina, Brazil, Colombia, the USA, Mexico, the Dominican Republic and Venezuela**, among other countries. During 2022, in **Ecuador**, a total of 146 people deprived of their liberty were killed in a context of crises in the prison system, while in **Brazil**, police operations caused the deaths of hundreds of people, especially young Black people.

The authorities in states in the Americas must address impunity by undertaking prompt, independent, impartial and effective investigations into all crimes under international law and other human rights violations, including throughout the chain of command as well as possible racist motivation, in order to ensure justice, truth and reparation for victims and survivors. The organization also urges states in the Americas not to use the penal system to carry out arbitrary politically motivated detentions and to release those subject to such detention immediately and unconditionally.

3. Human mobility and the need for international protection

Human rights and humanitarian crises on the continent have led to an increase in the number of people leaving their country in search of protection. As of March 2023, the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela estimated that 7.23 million Venezuelans had left the country, 84% of whom were seeking protection in 17 countries in Latin America and the Caribbean. In 2022, the number of people on the move leaving [Haiti](#) and [Cuba](#) increased, adding to the steady flow of people fleeing Central American countries. Restrictive migration and asylum policies, as well as the repeated militarization of borders have generated a human rights and humanitarian crisis across the continent in which people in need of protection are exposed to high rates of violence, discrimination, racism and other human rights violations.



US immigration policies have placed people in need of international protection in life-threatening situations, as well as other human rights violations, making access to the right to seek asylum almost impossible and forcing them to seek more dangerous routes that put them in a greater situation of vulnerability. While Title 42 came to an end on 11 May of this year, the new immigration measures implemented continue to drastically limit access to asylum at the US-Mexico border. [Amnesty International notes with concern](#) the mandatory use of the mobile phone application (CBP One) as the only means of scheduling an appointment in the USA to apply for international protection; this seriously restricts asylum seekers' options and represents a major obstacle for people who do not have access to mobile devices or the internet or who, for other reasons, cannot access or use the application. Under no circumstances should the application be the only way to apply for asylum in the USA. In addition, there have been numerous occasions when the application did not function properly, forcing asylum seekers to wait in Mexico near the border for prolonged periods of time where they are at risk of serious acts of violence and where minimum conditions of habitability are lacking. CBP One also raises serious concerns regarding privacy, discrimination and surveillance. Amnesty International is concerned that facial recognition and GPS technologies, together with cloud storage, are being used to collect data on asylum seekers and that facial recognition technology, in particular, is being used in an indiscriminate and discriminatory manner.

All of the above is in addition to Amnesty International's earlier [research](#) which specifically found discrimination on racial grounds in USA's treatment of Black Haitians seeking refuge who have been expelled from the USA in conditions that may amount to torture.

Meanwhile, **Mexico** granted the National Guard powers to operate in migration matters and militarized the borders. In addition, it has resorted to the systematic detention of migrants. Proof of this was the fire at Estancia Provisional in Ciudad Juárez in the early hours of 28 March of this year in which at least 40 migrants died. Among those killed and injured were 28 Guatemalans, 13 Hondurans, 12 Venezuelans, 12 Salvadorans, an Ecuadorian and a Colombian. In 2022 alone, Mexican immigration authorities detained at least 318,660 people at immigration centres and expelled more than 106,000 people, including children and adolescents. These detentions are carried out in breach of standards of exceptionalism, proportionality, necessity and the appropriateness of detention and in conditions that do not fulfil the highest standards relating to decent conditions of detention, including the prohibition of overcrowding and the provision of sufficient water and food.

In the south of the continent, asylum seekers did not fare any better. For example, the measures implemented in [Chile and Peru](#) have triggered a humanitarian crisis on the border between the two countries, where it is estimated that around 300 people, mostly Venezuelans, as well as Haitians and other nationalities, were left stranded. In **Chile**, the Decree for the Protection of Border Areas No.1 of February of this year gave the military powers to inspect identity documents as well as to register and detain people, as well as, in collaboration with the police, to oversee the entry and exit of foreign nationals from the country and to monitor the legality of foreign nationals' stay in the country. These measures, in force for a period of 90 days in certain border areas of northern Chile, are intended to "contribute to immigration control and the detection of crimes, minor offences and misdemeanours". While in **Peru**, in April 2023, a state of emergency was declared that restricts freedom of transit, assembly and personal security for 60 days in certain districts of the seven border departments of [Amazonas, Cajamarca, Loreto, Madre de Dios, Piura, Tacna and Tumbes](#). In addition, the National Police is empowered to maintain internal public order, with the support of the armed forces.

Amnesty International reminds states in the Americas that they have an obligation to ensure that people in need of international protection have access to their territory and to procedures for the recognition of refugee status, and that they are not rejected at the border, in violation of the principle of non-refoulement. Likewise, the organization urges American states to immediately suspend illegal expulsions, refrain from detaining refugees and migrants and guarantee their care and rights.

4. *Militarization and public security*



The use of the armed forces for public security tasks has been intensified not only in border control functions, as in the previously mentioned cases of **Mexico, Chile and Peru**, but also increasingly in public security policy, in many cases as part of attempts to extend policies of militarization which give rise to human rights violations, while states continue to fail to address the root causes of criminal violence. Thus, for example, **Ecuador and Mexico** have adopted legislative, judicial and/or administrative decisions to expand the role of the armed forces in public security tasks.

Mexico has also strengthened the involvement of the armed forces in public security tasks through various actions, such as the 2019 constitutional amendment which created the National Guard, a *de facto* military security body. Although the constitutional amendment allowed the armed forces to be deployed for public security tasks only in an extraordinary, regulated, supervised, subordinate and complementary manner, a 2020 presidential agreement authorized the participation of the armed forces in public security tasks until 2024, subsequently extended until 2028, which was endorsed by the Supreme Court of Justice (SCJN). Additionally, in September 2022 Congress approved the transfer of administrative and operational control of the National Guard to the Ministry of National Defence (SEDENA); this was recently declared void by the SCJN.

In 2022, the National Guard took over 227 operational areas that were normally the responsibility of civilian bodies, 148 of which were not related to public security, such as airport and highway construction, the management of COVID-19 vaccinations and immigration control.

Militarization in the country has taken place in the context of decades of serious human rights violations. By the end of 2022, the number of missing persons had reached than 109,000, which remained in almost absolute impunity. According to the National Search Commission, only 36 convictions have been handed down for the crime of disappearance. In 2022, the United Nations Committee on Enforced Disappearances released a report exposing the country's ongoing forensic crisis; authorities continue to hold more than 52,000 bodies which are pending identification.

Amnesty International urges states in the Americas to ensure that the participation of the armed forces in public security tasks is genuinely exceptional, temporary and restricted to what is strictly necessary in particular situations, in addition to being subordinate and complementary to civilian forces, as established by the Inter-American Court of Human Rights. It is also calling for a gradual and orderly review of their participation, under civilian command, and for the strengthening of the capacities of their police forces.

5. *Human rights defenders*

The American continent continues to be the most dangerous in the world for the defence of human rights. Human rights and environmental defenders face contexts of serious violence, from killings to criminalization and persecution by their own states.

In 2022 alone, in **Bolivia, Brazil, Colombia, Guatemala, Honduras, Mexico, Peru and Venezuela**, human rights defenders were killed because of their work. In addition, in countries such as **Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru and Venezuela**, among others, cases of threats, harassment, arbitrary detention and unfair trials have been documented. Frontline Defenders stated in its 2022 report that, in **Colombia**, at least 186 civil society leaders and human rights defenders were victims of homicide, which makes it the most dangerous country for the defence of human rights and the environment in the world. The same report stated that in **Mexico** there were 45 killings of human rights defenders, while **Brazil** recorded 26 victims of such killings last year.

In **Venezuela**, in the [first quarter of 2023 at least 226](#) human rights defenders were subjected to intimidation, stigmatization and threats. In addition authorities in the National Assembly in Venezuela have announced proposals for laws that seek to [increase the scrutiny and control of civil society organizations](#), which would put them at high risk of being criminalized and their members sanctioned.



In **Nicaragua**, as of December 2022, the government of President Ortega had cancelled the legal status of at least 3,144 organizations, closed at least 12 universities, imprisoned journalists and harassed political activists. In February 2023, the government also forcibly exiled 222 people arbitrarily detained on political grounds, including prominent human rights defenders and opposition leaders; it also stripped them, and 94 others, of their nationality, in a new form of repression.

In **Paraguay**, activists continued to face unfounded charges for participating in protests against public health policies. While in **Bolivia**, human rights defenders were subjected to legal proceedings for criticizing the government.

In several countries in the region, authorities also used ambiguous or overly broad laws to silence critical voices. In **El Salvador**, the Penal Code was amended to stipulate penalties of between 10 and 15 years in prison for those who generate “anxiety” or “disquiet” by reporting on gangs. In **Nicaragua**, the General Law on the Regulation and Control of Not-for-Profit Organizations was approved, the latest in a series of laws passed since the repression of 2018 that have undermined civil society organizations. In **Cuba**, a new Penal Code came into force last December that could consolidate the restrictions on freedom of expression and peaceful assembly that are already commonplace. In **Argentina**, the provincial government of Jujuy presented a bill to reform the province’s constitution and limit protests by prohibiting the blocking of roads and the “usurpation of public space”. In **Guatemala**, there has been a rise in attacks on those responsible for the administration of justice who are involved in high-profile cases of large-scale corruption and human rights violations. Evidence of this is the unfounded criminal prosecution of former prosecutor Virginia Laparra, now a prisoner of conscience, in a context of the misuse of the criminal justice system to harass and punish judges, prosecutors, human rights defenders and journalists who have been involved in this struggle.

Technology has also been misused to attack human rights defenders, proof of this is the verification of the use of the Pegasus spyware to unlawfully monitor activists and journalists in **El Salvador, Mexico, and the Dominican Republic**.

Amnesty International urges states in the Americas to guarantee the right to defend human rights, including ensuring that people engaged in journalism, human rights defenders and those considered political opponents can carry out their work and exercise their rights in a safe and enabling environment without harassment, violence or unlawful surveillance.

6. *Climate crisis*

Across the continent, states’ efforts remain inadequate as dependence on fossil fuels, the main factor in the climate crisis that threatens life as we know it, has not been addressed. Despite their rhetoric in favour of reducing global emissions, many states have not followed words with deeds and the growing impact of climate change on rural and historically marginalized communities is increasingly evident.

According to the United Nations Food and Agriculture Organization (FAO), Latin America remains, after Africa, the region of the world with the highest rate of net loss of forest area. In **Brazil**, the rate of deforestation in its Amazon basin reached its highest level since 2015 between January and October 2021. In 2022 in **Bolivia**, despite the commitment of the authorities to preserve the country’s forest cover and combat illegal deforestation, more than a million hectares of land were burned, mainly to expand agricultural activity.

While several states in the Americas have made commitments and passed legislation on climate change, Amnesty International believes this is still not commensurate with the scale of the crisis. In 2022, very few states in the region submitted new nationally determined contributions (NDCs) for emissions reductions, in compliance with the request of the 26th United Nations Climate Change Conference (COP26). **The USA**, which has historically been one of the main global emitters of greenhouse gases (GHG), and **Canada**, which is one of the main emitting nations in the region, are among the countries that did not present new commitments. Meanwhile, **Brazil and Mexico** presented insufficient CDNs in relation to their contribution to climate change and the global goal of limiting the rise in global temperature to below 1.5°C.



In addition, most states in the region have failed to fulfil commitments they had already made as parties to the Paris Agreement and, in some cases, continue to actively support fossil fuel projects. By mid-2022, **Canada's** export promotion agency had funded the oil and gas sector, domestically and abroad, to the tune of CAD 3,400 million (USD 2,500 million); at the same time, the same country launched a plan to phase out public funding for new fossil fuel projects.

Amnesty International is calling on states in the Americas to take urgent action to curb their carbon emissions and stop funding fossil fuel projects, making a just and human rights-compliant transition. The continent's most resource-rich states must make this transition quickly and urgently increase climate finance for low-income countries and commit to providing specific additional funds for loss and damage.

7. Indigenous peoples

Over the past year, Amnesty International has documented cases of killings of Indigenous leaders in countries such as **Brazil, Colombia, Ecuador and Mexico** in the context of land-related conflicts. In **Colombia**, Indigenous leaders and human rights defenders have been subjected to attacks and killings and, in areas of the country where armed groups still operate, Indigenous peoples and Afro-descendant communities continue to face forced displacement and, in some cases, humanitarian crises.

In several countries – such as **Argentina, Brazil, Canada, Guatemala, Honduras, Mexico, Paraguay, Peru and Venezuela** – states have proceeded with or have granted concessions to national and multinational companies to carry out extractive, agricultural and infrastructure projects without the free, prior and informed consent of the affected Indigenous peoples. The criminal law has also been misused against Indigenous peoples. In **Canada**, the five [Wet'suwet'](#) Clans that have opposed the construction of a pipeline on their ancestral territory have been subjected to continuous surveillance and criminalization through court orders, and have been harassed, forcibly expelled and imprisoned.

Amnesty International urges the authorities of states in the region to respect the right of Indigenous peoples to self-determination and to obtain their free, prior and informed consent for projects in their territories. The killings of Indigenous people should be investigated immediately, impartially and effectively and the misuse of criminal law against them should be stopped and reparation ensured.

8. Violence and discrimination against women, girls and LGBTI people

Gender-based violence continues to be one of the major human rights challenges on the continent. States in the region continue to fail to adequately address very high levels of gender-based violence, including femicides. Rates of sexual violence against women and girls continue to rise, with Indigenous women being particularly disproportionately affected in countries such as the [USA](#) and [Canada](#). In addition, hundreds of femicides continue to be recorded in countries such as **Argentina, Honduras, Venezuela and Mexico**.

Several states in the Americas have also taken measures that threaten sexual and reproductive rights. Last year, in the **USA**, the Supreme Court [overturned the constitutional guarantee of access to abortion](#), enshrined in *Roe v. Wade*. In **El Salvador**, the total ban on abortion remains in place and at least two women remain imprisoned on charges related to obstetric emergencies, one of them serving a 50-year prison sentence. In other countries such as **Nicaragua, Haiti, Honduras and the Dominican Republic**, a total ban on abortion also remains in force, while in others, restrictions make it almost impossible for women and girls to access their sexual and reproductive rights. Despite this adverse context, in **Colombia** the perseverance of women's rights activism and a sophisticated judicial action launched by the *Causa Justa* movement contributed to [a Constitutional Court ruling decriminalizing abortion](#) during the first 24 weeks of pregnancy. The same court also recognized a non-binary gender marker on national identity cards, setting a legal precedent for gender diversity in the country.

The LGBTI population in several countries continues to be exposed to homicides, attacks, discrimination and threats, and faces enormous difficulties in obtaining legal recognition of their legal identity. In **Paraguay**, transgender



people still do not have the right to legally change their names according to their gender identity. In **Brazil, Colombia, Guatemala, Honduras and Mexico**, transgender people are at particular risk of being killed. **Brazil** remains the deadliest country in the world for transgender people, despite the fact that two transgender women were elected as federal deputies for the first time in the country's history last year.

Amnesty International urges states in the Americas to take urgent action to address all forms of gender-based violence, as well as to conduct meaningful, thorough and impartial investigations into killings of LGBTI people, feminicides and femicides, in order to bring those responsible for these crimes to justice and ensure that guarantees of non-repetition are put in place.

9. Election of members of the IACHR

This year, the OAS General Assembly is due to elect four people to the IACHR. For Amnesty International, the Inter-American System for the Protection of Human Rights, comprising the IACHR and the Inter-American Court of Human Rights, is a heritage to be safeguarded in the Americas, often being the only hope of justice for many victims.

In order for the IACHR to continue to be a vital part of the Inter-American System's machinery and optimal for the realization of human rights in the Americas, it needs to be composed of people with the highest credentials, in line with the principles of suitability, impartiality, independence and recognized competence in the field of human rights.

This year, 10 nominations were submitted by states for four vacant positions on the IACHR. However, the [USA, Brazil, Honduras and Peru](#) withdrew their nationals' candidatures. In the case of Brazil, Honduras and Peru, these nominations were withdrawn after 23 March, the date on which the deadline for nominations expired. Amnesty International is particularly concerned about their withdrawal, without states explaining why they were withdrawn or, failing that, how these individuals did not meet the requirements of suitability, independence, impartiality and recognized competence in the field of human rights necessary to be part of this type of mechanism for the protection of human rights.

The organization would draw your attention to the statement by the [Independent Panel](#) to assess candidates to the political bodies of the Inter-American System that a "reduction in the number of candidates decreases the possibility of achieving an open process, where the suitability of candidates can be discussed. It would not be desirable in any case to have the same number of proposed candidates as vacancies in the bodies of the [Inter-American System]. This could give rise to a highly politicized election."¹

Finally, Amnesty International urges states in the Americas to ensure that the nomination and withdrawal of candidates for the Inter-American System is firmly based on the inter-American legal framework, in particular the provisions of Resolution AG/RES 2991 (LII-O/22): "Gender parity and balanced geographic and legal-system representation on the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights" regarding guaranteeing transparency in processes and "maintaining gender parity while always ensuring compliance with the requirements of independence, impartiality, high moral authority, and recognized competence in human rights matters."

¹ Original, in Spanish only: "reducción del número de candidaturas implica una menor posibilidad de lograr un proceso abierto, donde se pueda discutir la idoneidad de las y los aspirantes. No sería en ningún caso deseable que fueran propuestas el mismo número de candidaturas que vacantes a los órganos del [SIDH]. Esto daría margen a una elección altamente politizada."