**Educating in Human Rights** | **Strengthening American Democracies**

# Strategic Framework 2022-2026

**IIHR**
Inter-American Institute of Human Rights

Throughout its 41 years of existence, the Inter-American Institute of Human Rights (hereinafter, the "IIHR" or the "Institute") has positioned itself in the American region as the reference entity in human rights education (hereinafter, "HRE"), the promotion, research, and strengthening of the exercise of human rights and, particularly, political rights. Its programs and actions have strengthened public, private, and civil society actors' institutional and rights defense functions. Its contribution has been extensive to HRE, producing specialized doctrine, training, and methodologies, providing technical assistance, and conducting academic research to promote and protect the region's rights.

Latin America has made good progress in the last twenty years, with the increase of countries governed by democratic systems, the adoption of commitments to human rights, and the strengthening of international protection bodies. In American societies, there is greater knowledge and awareness of equality and justice. However, weaknesses are observed in the quality and performance of democracies that prevent responding to social demands and limit the effective enjoyment of rights, development opportunities, and access to justice under equal conditions, which puts peace, democratic governance, and the observance of human rights at risk. Additionally, circumstantial factors, such as the crisis caused by the COVID-19 pandemic, increased the exclusion of the most marginalized populations. In addition, in some countries, the effects of the health measures adopted to deal with it brought setbacks or risks in the observance of human rights. In other cases, there have been regressions in the validity of the fundamental institutions and principles of an authentic democracy.

In this sense, the IIHR understands that it is necessary to renew work methodologies and review and enrich the visions with which democratic and human rights

processes in crisis in the Americas are addressed. Therefore, it has updated its strategic framework so that its contribution is even more pertinent to face the challenges that the guarantee of respect for human rights and democracy entails today.

Given the growing complexity in the region, from its new strategic framework, the IIHR reinforces its commitment to contribute to the consolidation of democratic regimes. Those capable of guaranteeing the conditions for the realization of human rights and preventing their violation, promoting respect for human diversity, and contributing to developing cultures and policies aimed at consolidating the democratic rule of law. To this end, its action seeks to catalyze the

commitment and collective mobilization for the defense of democracy based on awareness, empowerment, and the exercise and application of human rights approaches and standards in the different social and institutional sectors.

In addition, as an auxiliary entity of the Inter-American Human Rights System (hereinafter, the "IAHRS") for the education and promotion of human rights, the Institute will continue disseminating the standards developed by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights; promoting knowledge, application, and debate on this matter.

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# I.
# NATURE AND MANDATE

## I.1 Nature

In 1980, through an agreement between the Inter-American Court of Human Rights and the Republic of Costa Rica, the IIHR was created as an autonomous international entity of an academic nature for the teaching, research, and promotion of human rights and all disciplines relating to them.

## I.2 Mandate

Its mandate is to spread the doctrine from the existence and operation of the Inter-American System for the Protection of Human Rights, for which it links its activities with the action of the Inter-American Court of Human Rights (hereinafter, "IA Court") and the Inter-American Commission of Human Rights (hereinafter, "IACHR").

From a multidisciplinary approach and considering the reality in the Americas, the IIHR collaborates with institutions and organizations of a diverse nature, convinced that guaranteeing human rights requires joint work to contribute to lasting solutions.

The IIHR's mandate entails a restriction since it prohibits making or supporting formal complaints against States, nor is it possible to rule on compliance with international obligations in this area. This self-imposed condition, emanating from its Statute and put into practice since its creation, is an effective tool since it allows it to play a facilitating role in the dialogue between the various actors of the human rights movement and state authorities.

## II.1 Mission

"Educate in human rights and promote their respect to contribute to the consolidation of democracy and justice in the inter-American sphere."

## II.2 Vision

"To be the inter-American reference in education, promotion and specialized training in human rights, as well as the regional reflection center that generates thought, actions and research in this field to influence its effective validity."

## II.3 Motto

The motto of the Strategic Framework (SF) 2015-2021-"Educating in human rights, promoting their validity"- emphasized the role of the IIHR concerning the education and promotion of human rights.



Educating in human rights, strenghthening american democracies.

For this period, the IIHR endorses what is stated in the Vienna Declaration and Program of Action, in which it is affirmed that democracy, development, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Therefore, in the new Strategic Framework 2022- 2026, the motto expresses this relationship between human rights education and the strengthening of democracies, with the following statement: **"Educating human rights, strengthening American democracies."**

Educating in rights is not only reiterating and making visible the institutional nature and mandate, but it is also an action aimed at strengthening the exercise of citizenship by those who live in the region. On the other hand, strengthening democ-racies responds to the need to contain and reverse the setbacks observed in the region in recent years and to varying degrees. The notion of "democracies" is a recognition of the diversity of democratic models in force in the countries of the American continent and the plural mention of "The Americas" makes visible the geographic, political, and cultural diversity and diversity of the peoples that comprise them.

The motto is a declaration of internal and external communication that denotes what inspires the efforts and investments of the Institute, broadens its vision of the future, and projects its contribution to social and political change from the firm conviction that only through respect for human rights is democracy strengthened.

## II.4 Principles

To carry out its mandate, the IIHR is guided by the following performance values in the internal and external spheres. These are:

### ≫ **Academic quality**:

Excellence and strictness at work with discipline, planning, commitment, professionalism, and a proactive attitude.

### ≫ **Innovation**:

Recognizes and takes advantage of the differences between the members of the staff, the work areas, and external actors to fulfill its mission through collaborative, coordinated, dynamic, and practical work.

>> **Complementarity and synergy**:

Complementarity and synergy: recognizes and takes advantage of the differences between the members of the staff, the work areas, and external actors to fulfill its mission through collaborative, coordinated, dynamic, and practical work.

>> **Interdisciplinarity**:

Based on the multidimensionality of human rights, it multiplies the effect of the action taking advantage of the potential of people and entities with different backgrounds, visions, and experiences.

>> **Transparency**:

Generates confidence and security in the veracity, openness, probity, objectivity, and legality of its procedures and institutional practices, as well as in its control mechanisms.

>> **Equality and non-discrimination**:

Promote equity, justice, peace, freedom, and dignity of all people and groups without discrimination.

>> **Pertinence and flexibility:**

It responds coherently and in a differentiated way to the particular needs of the plurality of actors linked to the guarantee of human rights and the risks and factors of the context.

>> **Impartiality**:

the actions of the IIHR do not judge the actions of governments since this falls under the mandate of the IACHR and the Inter-American Court; however, it is not neutral in that it is not passive or indifferent to the violations that both instances point out and judge. On the contrary, the purpose of its existence and work is to promote the development of practices that respect human rights based on international standards.

>> **Independence:**

Although the IIHR requests and accepts financial aid from international organizations, governments, and private entities, it is governed by its own policies, with free criteria and forged solely on its experience, evidence, academic reflection, and research, which ensures full autonomy and institutional and academic integrity.

# STRATEGIC PROJECTION 2022-2026

## III.1 Strategic objective

Contribute to overcoming actions that harm the rule of law to strengthen democracy and the exercise of citizenship in American societies, this is done by carrying out its mandate of research, promotion, and teaching of human rights aimed at the development of capacities of all social actors to assume, affirm and claim rights per the highest standards in the matter.

## III.2 Intervention strategy

Since the political transition at the end of the 20th century brought with it the establishment of democratic regimes in Latin America, most of the international community had become convinced that democracy had been consolidated in the region. However, in recent years, numerous analyzes and specialized appraisals[1], such as those led by the Center for Electoral Assistance and Promotion (hereinafter, "CAPEL")[2], have warned of the growing cracks in its operation and the solid structure of states in democracy.

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**1**	The IIHR, through its specialized program CAPEL, led a participatory process for the preparation of the research "Latin American Democracy at a Crossroads: Crisis and Challenges," in which, from the complementary views of various authors, "the serious deterioration that, to a greater or lesser extent, the democratic regimes of Latin America show, to the point of not deserving that adjective in some cases, despite the holding of elections, not always validated by the international community" (IIHR, 2021). The work "seeks [...] to shed light on how the health of democracies is deteriorating and suggests elements for the construction of more authentically democratic societies and public administrations" (IIDH, 2021). This process, its conclusions, and other consultation processes have been a guide for preparing this Strategic Framework.

**2**	CAPEL is a permanent program of the Inter-American Institute of Human Rights, active for more than 35 years. CAPEL provides electoral technical advice and promotes democracy with a multidisciplinary approach. In this sense, it has carried out these tasks with electoral bodies, legislative powers, civil society organizations, and political parties of all the region's countries.

The setbacks and challenges observed are related to the fact that once the governments are chosen through more or less democratically held elections, they do not necessarily adjust their actions to the observance of the human rights of individuals and communities, a requirement for genuine democracy.

Naturally, the challenges to democracy materialize in various sectors and ways. For example, leaders with disturbing authoritarian traits are observed that are uncomfortable with, and even criminalize, the division and independence of powers, the existence of a critical civil society, and social protest; strictly punitive security practices are also observed, limited to the use of force without addressing the underlying causes of crime; justice systems that tolerate, cover up and reproduce corruption, impunity and the exclusion of the most vulnerable groups; models and public policies that perpetuate economic and social inequality, and erode economic, social, cultural and environmental rights (hereinafter "DESCA" in Spanish); and, more recently, the technological development that is implemented without dimensioning its impact on human rights. Added to this are the effects of the COVID-19 pandemic and the measures adopted to deal with it, which deepened violence and inequality.
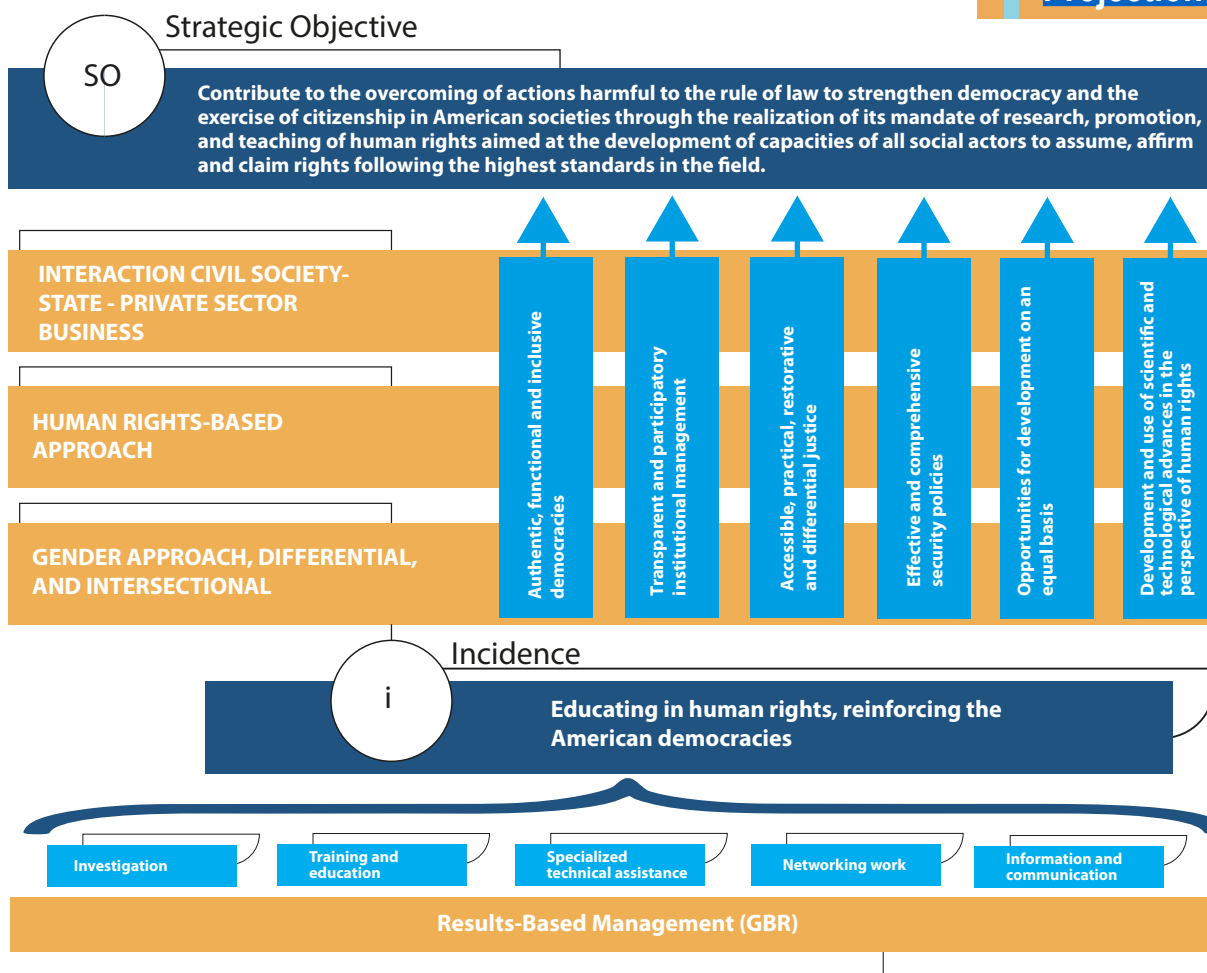
Faced with this crossroads, the IIHR reiterates that democracy must not only be legitimate in its origin but must materialize in the use of power with respect for the rights of individuals, with particular relevance to those of minorities and populations in situations of vulnerability to consolidate a -democratic- legitimacy of exercise (Thompson, 2021). It is, therefore, about recognizing human rights as an essential element in the processes of integral and sustainable development and in the construction of cultural, legal, social, and political practices that promote equality and the validity of these rights.

Therefore, the IIHR seeks to strengthen democratic systems by developing the capacities of all social actors to assume, affirm and claim rights by the highest standards in the matter. In this sense, it puts into practice a working model based on its mandate, which continues to be the cornerstone of its strategy: human rights education.

In correspondence with a dynamic and complex regional environment that places American democracies at a crossroads, the IIHR continues to promote human rights education, considering them as a guide and a benchmark for the actions of all social actors. Consequently, in this period, it will concentrate its actions on six strategic priorities, three transversal axes, and five lines of action combined synergistically to ensure their contribution towards the proposed change.

Strategic Objective

**SO**

Contribute to the overcoming of actions harmful to the rule of law to strengthen democracy and the exercise of citizenship in American societies through the realization of its mandate of research, promotion, and teaching of human rights aimed at the development of capacities of all social actors to assume, affirm and claim rights following the highest standards in the field.

INTERACTION CIVIL SOCIETY-STATE - PRIVATE SECTOR BUSINESS

HUMAN RIGHTS-BASED APPROACH

GENDER APPROACH, DIFFERENTIAL, AND INTERSECTIONAL

Authentic, functional and inclusive democracies

Transparent and participatory institutional management

Accessible, practical, restorative and differential justice

Effective and comprehensive security policies

Opportunities for development on an equal basis

Development and use of scientific and technological advances in the perspective of human rights

Incidence

**i**

Educating in human rights, reinforcing the American democracies

Investigation

Training and education

Specialized technical assistance

Networking work

Information and communication

Results-Based Management (GBR)

# III.3 Transversal axes

Following its institutional policy, the IIHR applies the following cross-cutting approaches in its work:

### III.3.1. Interaction Civil Society – State – Private business sector

Traditionally, it has been observed that, in the interaction between civil society organizations and public entities, as a specific and specific phenomenon of the social and political development of each country, some tensions and rapprochements affect -positively or negatively- the realization, protection, and promotion of human rights. In this framework, the IIHR, with its forty years of experience, has acted as a recognized interlocutor primarily between state agencies and civil society, generating spaces for proactive dialogue that are recognized and legitimized in the regional political arena and legitimated.

However, it also observes that the role of companies as specialized organs of society that perform specialized functions and that must comply with all applicable laws and respect human rights" (OACNUDH, 2011).

Therefore, it has decided to incorporate the private business sector in its interventions in a triad of social actors that require strengthening capacities and sensitivity for protecting human rights. Per the *Guiding Principles on business and human rights*, the IIHR understands that these must be one of the central axes in the strategies of any company, regardless of its size and sector, especially when its activity has direct and indirect impacts - in the environment and the rights and development of populations and groups in a situation of greater vulnerability. Consequently, from now on, the IIHR refers to public institutions and state agents as bearers of obligations; and as bearers of responsibilities to private actors, such as the business sector that, in the current context, has excellent capacity and influence in the protection-or not- of human rights.

### III.3.2. Rights-Based Approach (hereinafter, RBA).

It is a conceptual framework that assumes as a basic premise the norms, principles, and practices of human rights, including the jurisprudence emanating from the Inter-American Human Rights System and the Universal System of the United Nations. It also assumes the doctrine of the integrality and interrelation of human rights, recognizing that these are universal, indivisible, and interdependent.

The IIHR also endorses the four human rights principles that support the RBA: non-discrimination, participation, and inclusion; Transparency and accountability; and validity of the Rule of Law.

In general terms, it implies that each action and process is directly related to the guarantee and enjoyment of human rights in the hemisphere. To this end, it is proposed to continue strengthening the capacities of rights holders and bearers of obligations and responsibilities. In the first, to help with their empowerment to demand compliance with their rights, and in the latter, to comply with their obligations and due diligence actions, incorporating international human rights standards into laws, practices, public policies, and national jurisprudence.

### III.3.3. Gender, differential, and intersectional approaches.

The IIHR recognizes that a permanent feature of life in society is the diversity of human beings. Distinguished by the coexistence of different visions and ways of perceiving the world, life, and human existence, including the conception of one's own identity and belonging, ways of being, being, feeling, thinking, and relating. In this perspective, it identifies national and regional, ethnic and cultural, gender, sexual, age, religious, ideological, social, economic, political, and capacity diversities, among others, as a value.

However, discrimination and inequality are severe impediments to ensuring that diversities and people and groups in vulnerable situations achieve living conditions that correspond to universal human rights standards. Therefore, the IIHR promotes gender, differential, and intersectional approaches as a fundamental condition for the development of its actions.

These approaches suppose the recognition that no norm, practice, or intervention should be neutral, but that from its design, the differentiated impact that they have in the particular situations in the life of each structurally excluded group must be analyzed, and pertinent solutions proposed.

On the one hand, the interventions must be aimed at promoting that the entities with obligations and responsibilities take appropriate and differentiated measures to guarantee the exercise of rights and access to justice for diverse populations. On the other hand, they must contribute to the change of social and institutional perception to eliminate stigmatizing prejudices and stereotypes that generate and perpetuate unequal power relations, discrimination, and violence and criminalize differences.

In such diverse societies, the IIHR applies the intersectionality approach, defined as "a model of analysis of social differences that addresses the phenomenon of *disempowerment*, which occurs when different modalities intersect in the same person. and forms of discrimination [...]" (Fáundez & Weinstein, 2012). In other words, each intervention must be sensitive and pertinent to the multiple discriminations that cross the social body.

## III.4 Strategic priorities

### III.4.1 Authentic, functional and inclusive democracies

Despite the advances in the democratic transition, among which are the consolidation of electoral processes and a broader recognition of rights, there are still significant institutional deficits and even authoritarian and corrupt political practices that hinder the consolidation of the State's social and democratic law in the region, emptying democracy of content and favoring setbacks. Therefore, it is a priority for the IIHR to promote the strengthening of democracies so that they can be classified as authentic, functional, and inclusive.

This requires the implementation of democratic regimes, with legitimacy both in origin and exercise, that guarantee political participation, especially of traditionally excluded sectors and populations; the full validity of the Rule of Law; and the proper functioning of the powers of the State, with emphasis on the judicial sector, as well as government mechanisms and institutions.

From this perspective, the first element of political participation[3] is electoral integrity, which requires not only formal mechanisms (frequency and regularity of elections; formation of electoral bodies; effective and efficient electoral logistics; civic education and parties politicians who genuinely represent the interests of the citizens they bring together, among others), but also the expansion of the dimension of participation to aspects that emphasize its quality (for example, fairness, equality and inclusion in the contest; a greater and better national and international observation of elections; the strengthening of the internal democracy of the parties; ethics both in economic aspects and in the veracity and sincerity of the discourse; access to information and conditions for its dissemination; the impact of techniques of polling of public opinion such as surveys, and conducting debates with equity or the participation of specific sectors inclusively). In short, it also requires implementing affirmative action measures to promote women's political participation in equal conditions and other traditionally excluded groups, as well as the generation of public policies to eradicate gender-based political violence.

However, political participation is not restricted to the electoral. However, it includes other forms that can pronounce on matters of public debate and generate community, local, regional or national action initiatives. Said forms of participation must be aimed at overcoming exclusion. For this reason, they must be based on a broad concept of citizenship, with the greatest possible degree of universality, incorporating favorable and suitable rules and procedures that recognize the rights of populations and groups in conditions of vulnerability.

On the other hand, democracies must recognize the Rule of Law under its broadest conception that "incorporates elements such as the degree of development of the constitutional regime, the effective limitations on the power [based on an effective division of powers with checks and balances], the human rights system, the effective electoral system, the laws and mechanisms that protect minorities and the presence of a strong [active and demanding] civil society"[4] (Cordenillo and Sample, 2014).

Likewise, the Rule of Law and democracy require solid institutions with the capacity to formulate and manage policies and strategic public goods-hopefully, based on the RBA- aimed at satisfying the specific needs of citizens. To do this, they must have adequate regulatory frameworks and sufficient and sustained budgets. Public officials must possess the necessary knowledge and skills to exercise their mandate with full respect for human rights, non-discrimination, and equality.

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**3** "all activity of the members of a community, individually or collectively, derived from their right to decide on their system of government; elect political representatives; be elected and hold representative positions; participate in the definition and elaboration of norms, practices and public policies; control the exercise of the functions entrusted to their representatives and intervene on matters of interest." The IIHR adopted the concept in 2006.

**4** Elements in square brackets were added to the original text.

### III.4.1.1 Challenges of the regional context

Greater promotion and implementation of new citizen formats for consultation and participation are necessary (such as councils and specific consultations, as is the case of prior, free and informed consultation regarding the rights of indigenous peoples or other decisions about the local sphere), especially where there is often a lack of access to information and resources for participation.

Legal, political, institutional, and cultural barriers perpetuate the exclusion or underrepresentation of discriminated populations in spaces to participate and make decisions on matters of interest to them. This also limits equal political participation and the incorporation of gender and differential perspectives in electoral processes.

In some cases, the implementation of illegitimate practices by certain sectors to perpetuate themselves in power is observed, in particular, the authorization of indefinite presidential re-election[5] and the taking over of strong positions; the cooptation of institutions; the dismantling of civil society organizations; the manipulation of the justice apparatus; and the persecution and criminalization of independent justice operators, journalists, and human rights defenders.

Rule of Law Index *World Justice Project*, in Latin America, only three countries (Uruguay, Costa Rica, and Chile) obtain a sufficient rating, while others, such as Honduras, Nicaragua, Bolivia, and Venezuela, obtain some of the lowest scores in the world. This means that a large part of the States of the region presents serious deficiencies in aspects such as the limits to governmental power, the absence of corruption, open government, fundamental rights, order and security, regulatory compliance, and civil and civil justice penal.

The COVID-19 pandemic had a differentiated impact on the different countries, and the consequent measures caused or accentuated, in some cases, violations of democratic regimes, such as the suspension of the rights to political participation, limits to freedom of movement and assembly based on the disproportionate use of states of emergency and exception; limitations on the freedom of expression of citizens and the media, and the acquisition and contracting of very diverse products and services in conditions of opacity and corruption.

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5    The Advisory Opinion OC-28/21 of the Inter-American Court of Human Rights is particularly illuminating.

### III.4.1.2 Fields of action

For the implementation of the actions under this strategic priority, the intervention of the Center for Electoral Assistance and Promotion (CAPEL) stands out, a permanent program of the Inter-American Institute of Human Rights (IIHR), active for more than 35 years to provide technical electoral assistance and promote democracy with a multidisciplinary approach.

**Bearers of obligations and responsibilities**

» Provide specialized technical assistance to strengthen the capacities of duty bearers in promoting citizen participation, ensuring inclusion and equity in the contest, and transparency in democratic institutions and electoral processes. In this period, advocacy is key to strengthening the participation of women, indigenous peoples, and other excluded populations in consultation and decision processes.

» Raise awareness and provide technical assistance, together with independent electoral bodies, to the executive and legislative powers of the countries of the region on the importance of strengthening electoral systems, as well as opening spaces for citizen participation and consultation that involve women, indigenous peoples, indigenous, Afro-descendant and other excluded populations in the identification of their interests and the institutional response to them.

» Provide technical assistance to strengthen electoral observation exercises and promote citizen participation and transparency, as well as the internal democratization of political parties.

» Provide specialized technical assistance to state entities for properly implementing free, prior, and informed consultation processes for indigenous peoples per ILO Convention 169 and international standards.

» Support the development of regional networks of public actors for the exchange and development of practices of guarantee and protection of rights, as well as the promotion of citizen participation in all areas of political decision.

» Promote spaces for dialogue to generate proposals for action aimed at advancing the recognition of the legitimacy of the exercise of democracy and the practice of the rule of law.

**Rights holders**

» Raise awareness and train civil society organizations that promote political participation so that they consider inclusion and equity in the electoral contest and in the processes of broadening citizenship among their priorities.

» Promote the audit of electoral processes, more specifically, of political candidacies and party political financing, with a preventive approach to corruption and conflicts of interest.

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》》 Disseminate strategic lines for reflection and training of political parties in the region to strengthen internal democratization and legal financing of electoral campaigns.

》》 Generate spaces for reflection and provide technical assistance to civil society organizations on alternative forms of participation (informed and inclusive) with an emphasis on sectors in conditions of vulnerability, insufficient or inadequately represented.

》》 Provide support and technical assistance in free, prior, and informed consultation processes to indigenous peoples and communities based on the provisions of ILO Convention 169 and international standards.

》》 Promote interdisciplinary regional and subregional debate on the challenges and health of current democratic systems and suggest approaches for the construction of authentically democratic societies and public administrations.

From the perspective of the IIHR, critical elements of democratic legitimacy are transparent and participatory institutional arrangements; accessible, practical, restorative, and differential justice systems; effective and comprehensive security policies; policies that promote development opportunities under conditions of absolute equality; and the development and use of technologies with respect for human rights. Therefore, the rest of the IIHR's strategic priorities also point to the strengthening of authentic, functional, and inclusive democracies.

### III.4.2 Transparent and participatory institutional management.

Despite the advances in the political transition in Latin America towards representative democracy, in most countries, these do not correspond to the legitimacy of the exercise of public function. This is evidenced in the corruption and abuse of power that undermine the rule of law, human rights, and democracy.

Therefore, the IIHR prioritizes work with institutional efforts at all levels to establish and strengthen a culture of adherence to the law through the exercise of transparency, accountability, and the guarantee of options for community participation. Citizenship.

On the one hand, transparency ensures citizens' access to public information, clarity, and probity in decision-making and the management and use of public funds. On the other hand, accountability provides control and oversight mechanisms for exercising powers and responsibilities in public management based on a legal mandate.

Transparency and accountability convene, ensure political participation, and open up possibilities for citizens to decide on their interests. On the contrary, its absence calls for mistrust, disagreement, and delegitimization of governments, institutions, and democracies. Therefore, transparency and accountability also include the control exercised by society through public opinion.

For this, access to information and the free dissemination of diverse opinions are essential to form their criteria. The preceding translates into full respect for the rights relating to information and freedom of expression, especially regarding its social dimension.

The right of access to public information is the faculty of citizens to request and obtain free of charge, without any justification on their part, the information that the institutional framework has on public affairs, which, in turn, must deliver it. Access to information recognizes, on the one hand, the citizen's right to know it and, on the other, the State's obligation to do so. This right is complemented by the social dimension of freedom of expression, which includes the right to receive and broadcast various opinions and messages. This duality allows individuals and communities to intervene in public debate, form a sufficiently informed opinion, and influence public affairs closely linked to political participation. This is why access to information must be guaranteed through laws, policies, mechanisms, and strategies established in public administration systems.

Thus, from the RBA, transparency, and accountability also translate into clear and timely information given to citizens about the actions undertaken and the results achieved in fulfilling obligations and responsibilities in this field. However, a drive from the public is usually necessary for accountability to be effective. Therefore, the capacities of rights holders must be sufficiently strengthened, and they, especially those living in poverty and exclusion conditions, must have access to the resources, knowledge, mechanisms, and practices that allow them to be linked to oversight actions and social control.

### III.4.2.1 Context challenges

» Weaknesses in the conceptualization and understanding of the relationship between corruption and the violation of human rights so that data or statistical analyzes are not always produced that generate solid causal diagnoses to develop anti-corruption regulations and policies.

» Increasing complexity in anti-corruption constitutional designs, leading to intra- and inter-institutional coordination problems. This institutional framework has not had a significant impact on reducing corruption; On the contrary, Latin America is the second most corrupt region in the world and the first with the most impunity in this matter.

» Impunity allows acts of corruption to be repeated over time, even by the same people, so these are not isolated practices but rather structural patterns.

» La comisión de actos corruptos es una decisión política de algunos agentes estatales que no solo son omisos frente a ella, sino que se benefician y actúan para mantener este estatus quo. A estos se suman la persecución y la violencia contra los actores vigilantes, como lo son periodistas, operadores/as de justicia y personas defensoras de derechos humanos.

» The commission of corrupt acts is a political decision of some state agents who not only ignore it but also benefit and act to maintain this status quo. Added the persecution and violence against vigilante actors, such as journalists, justice operators, and human rights defenders.

» The lack of mechanisms, procedures, and practices in institutions that ensure transparent management and accountability to citizens. In turn, the existence of norms and practices that hinder access to public information and the exercise of freedom of expression.

» Important gaps in the knowledge of the real impacts on societies of citizen control practices in the region. There is a research and methodological challenge to measure them and generate evidence that strengthens anti-corruption actions.

### III.4.2.2  Fields of action

**Bearers of obligations and responsibilities**

» Provide specialized technical assistance to the educational authorities of the region's countries to include the human rights approach and the values of transparency and accountability in the primary school curriculum and other training spaces.

» Compile and systematize good accountability practices related to state obligations to guarantee human rights and combat corruption to disseminate them among institutional actors.

» Provide technical assistance to competent authorities to implement laws and practices that guarantee access to information, freedom of expression, transparency, and accountability. A key issue is the effective regulation of the new forms of digital communication to ensure equitable access to populations in situations of vulnerability and reduce technological gaps.

» Train and sensitize institutional actors to respond to the demands of transparency and accountability following the principles of human rights and state obligations in this field.

» Strengthen the capacities of national human rights institutions to apply the principle of progressivity in the realization of human rights, with an emphasis on economic, social, cultural, and environmental rights (DESCA).

Provide specialized technical advice to develop tools and install institutional capacities for information on compliance with international human rights treaties before the control bodies of the universal and inter-American protection systems.

Provide advice and generate research regarding impunity as a key variable of corruption and resort to extraordinary, international, and hybrid justice mechanisms that guarantee the political autonomy of the investigative state entity and the strengthening of the technical capacities of ordinary bodies.

Provide advice and generate research to include human rights defense bodies in the comprehensive anti-corruption systems of the States to strengthen the approach from the RBA.

**Rights holders**

Raise awareness and train social actors to overcome the weaknesses of the citizen culture related to the lack of participation to demand transparency and accountability.

Develop capacities in civil society organizations for the implementation of processes of social auditing, accountability, denunciation of corrupt practices, evaluation of public policies, and monitoring of compliance with the international and national obligations of the State in human rights, with the respective dissemination of their results.

Investigate and disseminate information and evidence on applying the principle of progressivity for the realization of human rights to promote social sensitivity regarding these and their recognition as the foundation of democracies.

Disseminate data and information for a better understanding and awareness of the values of transparency and accountability in institutionalizing and enforcing human rights.

Provide the citizen organization with mechanisms for evaluating its participation, measuring the achievements made, and providing evidence on the most effective and efficient actions to organized groups venturing into citizen oversight and auditing.

Promote the audit of the construction, bidding, and awarding processes of public works in which critical anti-corruption challenges have been identified in the Latin American region.

Promote research and awareness-raising actions based on evidence on the impact of corruption on the observance of human rights and the dignified living conditions of individuals and communities.

### III.4.3 Accessible, practical, restorative, and differential justice

In the context of advances in authoritarianism, worrying processes of intrusion into justice are observed that tend to obstruct or destroy judicial independence, which, even under democratic regimes and with some exceptions, has been a historical debt in the region. As this is one of the pillars for realizing human rights, the IIHR promotes strengthening accessible, practical, restorative, and differentiated justice systems.

For justice to be accessible and effective in a functional democracy, the necessary and adequate resources must be guaranteed to demand the exercise of human rights before the instances are created for that purpose. This means that all people and groups, without discrimination, must have the real possibility of settling any conflict of interest (individual or group) before the different justice systems (traditional, local, national, and international) to obtain a fair and prompt resolution under the principles of autonomy, impartiality, and independence.

Based on inter-American standards, these principles imply the existence of normative and practical conditions that guarantee that justice operators are appointed in clean, public, and transparent processes, with measures that allow and favor them to exercise their position independently, under the principle of immobility and reinforced guarantees for their security -if required- and stability. Independence must be given concerning the other powers or organs of the State, but also before other actors and phenomena, among them the pressures of organized crime and the private sector. Therefore, it is imperative to strengthen the justice apparatus to prevent the reproduction of corrupt practices, prosecute them, and not fall into impunity.

In turn, justice must consider the differential or differentiated approach of victims in a particularly vulnerable situation so that institutional and infrastructure conditions, processes, and legal analyses are adapted to their specific needs. Likewise, the justice systems must promote the justiciability and enjoyment of civil, political, and, especially, economic, social, cultural, and environmental human rights for all people to establish a more equitable, just social order and democratic.

Justice must also be restorative, so resolving conflicts, particularly in cases of human rights violations, ensures comprehensive reparation that includes satisfaction measures for the victims and guarantees of non-repetition with structural impacts.

The access and administration of justice are not limited to accessing the established instances, processes, and procedures, nor is it limited to the Judiciary. Therefore, it must be ensured that all state authorities can know, identify and apply international human rights standards in their functions and competencies in applying the law or standard that is more protective of human rights under the rigorous exercise of conventionality control.

Justice is not limited to the national sphere, so it is also necessary to ensure the consolidation of international bodies to protect human rights. To this end, the IIHR considers that it is necessary to speed up the deadlines for admitting petitions and their resolution; broaden the recognition of its competence (universality); improve the execution of sentences by the States; disseminate its doctrine, jurisprudence and protection standards; and, promote spaces for reflection to strengthen it in favor of maximum protection for victims.

Finally, addressing the effects on access to justice caused by the COVID-19 pandemic and the measures implemented, such as the accumulation and slowdown of processes, is essential.

### III.4.3.1 Context challenges

» Little knowledge of human rights regulations and weak capacities to identify standards and integrate them into legal arguments inhibit their application in judicial solutions linked to violations in this area.

» Institutional weakness and lack of *de jure* and *de facto* in justice administration systems, which promote acts of corruption and perpetuate impunity.

» Infrastructures, care practices, and stigmatizing views persist, hindering access to national and international justice for people and populations who are discriminated against or inadequately represented.

» Deficiencies and persistence of institutional obstacles in the execution of national and international sentences that contain measures of comprehensive reparation and non-repetition for the effective protection and reparation of violated rights.

» Disassociation of reparation sentences from the processes of definition and implementation of public policies and redesign of the institutions concerned, aimed at guaranteeing the non-repetition of human rights violations.

» Social unrest and distrust in the justice system based, among other factors, on the notions of inefficiency and inaccessibility and the normalization of impunity, which -in a climate of worsening crime- favor justice by one's own hands and social legitimacy of judicial actions contrary to human rights standards (for example, the reduction of the age for criminal responsibility and the reinstatement of the death penalty, among others).

### III.4.3.2 Fields of action

**Bearers of obligations and responsibilities**

» Generate tools and methodologies to disseminate international standards for the protection of human rights.

» Develop promotion and training actions to contribute to the rigorous application of conventionality control, the gender perspective, and the differential approach.

» Provide technical assistance to design strategies and install capacities that guarantee access to justice with a human rights approach and gender and differential perspectives to remove structural obstacles.

» Provide technical assistance to design indicators for strengthening justice applicable to institutional and social monitoring.

» Systematize and disseminate learning and good practices in dealing with transitional justice and effectively applying sentences of reparation and compensation to victims in this area.

» Provide specialized technical advice to the states' justice entities for harmonizing national justice delivery systems and traditional systems based on indigenous law.

» Promote research on good practices in incorporating alternative dispute resolution systems and mechanisms and conciliation mechanisms for certain criminal types and, thereby, contribute to decongesting and overcoming the backlog of cases brought to the justice system and the promotion of restorative justice.

» Train and sensitize justice operators in understanding and applying the rights to a healthy environment and defending rights to avoid the criminalization of human rights defenders.

» Promote the creation of public policies, regulations, and ad-hoc institutional procedures to encourage the private sector to assume human and environmental rights responsibilities based on the Guiding Principles of business and human rights.

**Rights holders**

⟫ Develop resources, models, and pedagogical tools for the promotion and training on international and regional human rights standards adapted to access platforms and media relevant to the audiences they are directed.

⟫ Strengthen the capacities of civil society in strategic litigation of human rights and the control of conventionality in the national and international spheres.

⟫ Develop research under innovative and participatory models to identify structural obstacles that limit access to justice in the region and their impact on specific populations or sectors and propose solutions.

⟫ Generate spaces for dialogue and academic reflection with regional actors to analyze and identify the current challenges of international human rights systems, emphasizing the Inter-American.

## III.4.4 Effective and comprehensive security policies

Security is a political and social situation in which all people are entirely, legally, and effectively guaranteed the enjoyment of their rights and freedoms through efficient institutional mechanisms and processes to prevent and control the dangers and risks may harm them.

However, despite the establishment of democratic regimes, citizen insecurity and violence are some of the central problems in Latin America due to their critical levels in several regions and their different manifestations, from common crime to violence against specific groups and the actions of organized crime. In short, the American states do not have sufficient capacity to confront its causes, dynamics, and effects.

For the IIHR, it is a priority to promote security practices in a democratic state based on an approach that transcends the traditional concept of citizen security and takes elements and methodology from the doctrine and principles of human rights and human security. In this sense, "[t]he State is the only actor with the mandate to provide citizen security, insofar as it constitutes a public good. To fulfill its responsibility, it must act under the law and with respect for human rights." (UNDP, 2014)[6].

On this basis, it is about avoiding models that are reduced to authoritarian approaches based on punishment and violation of rights and eradicating the perception that regimes of force are more effective in confronting criminal actors. On the contrary, it seeks to prioritize actions that strengthen citizen coexistence, social cohesion, and prevention linked to development efforts.

In this sense, the report of the OAS and UNDP (2010)[7] fundamentally indicates that

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6 UNDP (2014). Regional Human Development Report 2013-2014. Citizen security with a human face: diagnosis and proposals for Latin America. https://www.undp.org/es/publications/informe-regional-de-desarrollo-humano-para-america-latina-2013-2014#

7 United Nations Development Program; Organization of American States. (2010). Our democracy. https://www.oas.org/es/sap/docs/nuestra_dem_s.pdf

it is necessary to address, on the one hand, the closing of the gaps of social inequality and, on the other, the strengthening of inclusive social policies and progressive for whose realization fiscal initiatives are needed that allow better financing of the States. Hence, the design of a public security policy should not depend on immediate political contingencies but instead respond comprehensively to the underlying causes of crime and institutional weakness to address it with clear and verifiable short, medium, and long-term objectives. Consequently, security policies must contemplate prevention, control, punishment, and reinsertion.

Likewise, as part of their viability and feasibility, they must incorporate the reform of the public institutions in charge of implementing them. For this reason, it is necessary to strengthen the technical capacities and specialization of each entity, including the security forces or bodies, the specialized bodies of criminal investigation, police intelligence, and criminal prosecution, the justice administration systems, and the institutions in charge of the application of penal sanctions and the social reintegration of the processed persons. In addition, it is necessary to promote the training of agents in charge of enforcing the law in human rights and, particularly, in the regulations on the use of force; At the same time, intersectoral agreements and coordination must be generated that favor inter-institutional coordination and immediate, effective and respectful action for human rights.

Society's understanding of how to address the problem of insecurity and contribute to its solution is central to improving the quality of democracies. Therefore, the guarantee of security must start from the articulation of the initiatives of the State with all the actors concerned -the public sector and the territorial authorities, as well as the security agencies, civil society, citizens, and the private sector.- in achieving a safer life for all people, under a principle of co-responsibility, with policies that establish their powers and commitments.

Both the lessons learned in the context of the COVID-19 pandemic and the intensification of crime make it urgent to design comprehensive security proposals that not only anticipate and prevent violence but also attack its causes by combining efforts of the different institutions in carrying out policies and actions that guarantee human development, the enjoyment of economic, social and cultural rights and equal opportunities for all people and groups, without discrimination, particularly those in vulnerable conditions. To this end, mechanisms for social dialogue and inter-institutional coordination must be established, and the perspectives of gender, intersectionality, and interculturality must be applied, as well as considering linguistic differences. On the other hand, in addition to complying with the principles and norms of human rights, legality and proportionality said proposals must be supported by the best scientific evidence and implement permanent control and evaluation processes.

Furthermore, it must be guaranteed that states of emergency and restrictions on exercising rights are adopted in strict adherence to international standards and due diligence. Measures must be taken so that the bodies in charge of enforcing the law act with moderation and proportionality in using force.

### III.4.4.1 Context challenges

Lack of comprehensive strategic measures to confront criminality and social violence associated with inequality, social exclusion, the progressive limitation of opportunities, and the institutional insufficiency to face the new challenges in this field.

Increased social tension (which has led to real outbreaks and social conflicts) as a result of the widening of inequality gaps and an accelerated sophistication of organized crime operations that are not faced with strategic solutions but with those based on short-termism, improvisation, and lack of a development approach.

Absence of social dialogue processes that allow the design and implementation of public security policies with a focus on rights and respect for human dignity, mainly in treating human mobility and social protest to prevent violations.

Lack of comprehensive designs of public security policy, formulated from the perspective of human security, that contribute to reducing the levels of violence and the fight against organized crime and prevent the execution of systematic practices of re-victimization against people or groups in vulnerable conditions.

The pandemic and the consequent sanitary measures that were adopted brought with them security challenges, including the increase in gender and intra-family violence in the context of quarantine; the impersonation of the State by criminal groups, especially in indigenous territories and rural communities, and the involvement of police and military forces in monitoring compliance with sanitary measures and, in some cases, with excessive use of force.

### III.4.4.2 Fields of action

**Bearers of obligations and responsibilities**

Provide specialized advice to the State institutions in charge of maintaining order and security in the design of action protocols that guarantee compliance with international standards in contexts of suspension of constitutional guarantees or states of exception from a territorial and dialogue approach. That allows for meeting the demands of the rights holders.

Design and implement training programs with schools and training academies for police and prison agents on protection practices with a human rights and human security approach, taking into account the rights of populations in conditions of vulnerability.

Provide specialized technical assistance to promote methodologies and tools that facilitate the monitoring of social conflict and the design of responses in advance of violence that neutralize the escalation of the conflict with a human rights, differential, and gender approach.

Provide specialized advice to State institutions to formulate public security and crime prevention policies that comprehensively address the underlying causes of crime with multisectoral and inter-institutional coordination approaches.

Promote the exchange of successful experiences between regional actors, particularly with the private business sector, regarding their participation in the processes and initiatives for the rehabilitation and social reintegration of persons deprived of liberty.

**Rights holders**

Generate research and evidence about the effects on the rule of law and human rights, insecurity, and transnational crimes linked to corruption and money laundering caused by drug activity, human trafficking, and arms trafficking in societies affected by social violence, organized crime, and forced migration.

Design and implement training programs, technical assistance, and spaces to exchange successful experiences in designing and managing community crime prevention strategies in areas with the highest rates of exclusion and marginalization.

Create tools and resources to disseminate evidence-based awareness campaigns aimed at society in general about the link between crime and the lack of development opportunities and the need to generate reintegration and social cohesion strategies.

## III.4.5 Development opportunities under conditions of real equality

Despite advances in democratic systems, economic, social, and territorial inequality is still notorious; Although some steps have been taken to reduce poverty and increase human development indices, this expansion has not managed to reduce structural gaps.

Inequality, closely linked to the capacity of the State to achieve equity in the distribution of wealth, has serious consequences on the applicability and validity of human rights in general and of economic, social, cultural, and environmental rights in particular. In short, the lack of sufficient guarantees for the implementation of DESCA in Latin American democracies keeps States from complying with international standards on the matter and the population's expectations.

Additionally, the COVID-19 pandemic has further exacerbated the exclusion of broad sectors so that those who suffer the most serious effects of these conditions and the most serious violations of their human rights are specific population groups, including migrants, indigenous peoples, indigenous people, the Afro-descendant population, LGTBIQ+ people, women, children and adolescents, people with disabilities, older adults, etc.

Therefore, the IIHR seeks to promote development in conditions of real equality, which implies that these populations are legally and socially recognized as subjects of rights and, if they are denied or made invisible, they put themselves at their disposal. Available the mechanisms, resources, and practices that allow them to demand compliance and protection without discrimination and with a differential approach regarding their particularities.

Efforts must offer them opportunities to satisfy their needs, implementing, among others, affirmative action measures and initiatives that promote and guarantee their autonomy, inclusion, and consultation in the formulation and development of public policies and legislative measures that concern them. Therefore, a change is required in the perception of third parties and how historically marginalized, excluded, and discriminated diversities perceive themselves so they can assume themselves as subjects of rights.

It is, therefore, a matter of strengthening institutions to design and implement public policies that "generate concrete impacts on the enjoyment and exercise of [the] rights for individuals, groups, and collectivities, with guarantees of equality and justice on the inherent foundation of human dignity" (IACHR, 2018). For this, it is essential to integrate the RBA into the entire cycle of public policy formulation, from its design to its evaluation. This approach constitutes a conceptual and methodological framework that helps public policies materialize in true "actions aimed at overcoming serious situations of exclusion and structural inequality of vast sectors of the population" (Abramovich, 2006).

However, beyond public policy, international doctrine and standards highlight the relationship of interdependence and indivisibility that exists between sustainable development and human rights, as well as the recognition of the link between these and the actions of non-state actors. (for example, business operations). Therefore, it is necessary to bet on the generation of alli-

ances and multi-stakeholder contributions, which integrate not only public institutions but also the private sector.

In this sense, companies must have the will and capacity to protect and respect human rights, primarily labor rights, with measures consistent with these aimed at achieving the well-being of workers and contributing to mitigating the impoverishment of workers. The population contributes to state efforts to promote equal opportunities for all people, particularly disadvantaged populations. Some of them are fair wages for the rise in the cost of living and other factors to consider in this regard; the gender perspective in terms of women earning the same as men for equal work; and guarantees of access to social security and the implementation of occupational health programs.

Another dimension of corporate responsibility is the recognition of the negative consequences that its activities may have on environmental rights, which must be prevented and, where appropriate, mitigated and repaired.

Therefore, they must comply with their obligations to establish the necessary legal frameworks, the concordant public policies, and the adequate mechanisms to supervise and control the projects of private, public, or public-private companies, especially those that, based on the environmental impact studies, are potentially harmful to populations at risk to protect their human and environmental rights. Following the Guiding Principles on Business and Human Rights, "[t]he States must protect against human rights violations committed in their territory and/or their jurisdiction by third parties, including companies."

On the other hand, the IIHR has deepened the relationship between a healthy and sustainable environment with the validity of Human Rights in general and also postulating, in the line that the OC-23/17 of the Inter-American Court affirmed that there is a right to have environmental conditions that ensure the integrity of other individual and collective rights and that opens the way for the recognition of the rights of nature or its constitutive elements in themselves.

In short, it is about guaranteeing the three facets of sustainable development: 1. that it be economic, social, and environmental; 2. of an integrated and indivisible nature; and 3. to achieve development, eradicate poverty and promote equality, equity, and social inclusion. And in the case of serious environmental damage, following the provisions of the Guiding Principles, "(...) they must adopt the appropriate measures to prevent, investigate, punish and repair these abuses through (...) [the] submission to justice."

In this sense, it is a priority for the IIHR to promote the reconstitution of the development model based on the recognition and appreciation of diversity, the progressive construction of business behavior closely linked to its human rights responsibilities, public policy decision-making from a rights-based approach to strengthening social cohesion and the democratic pact and the application of development schemes that promote a healthy and sustainable environment with the preservation of biodiversity.

### III.4.5.1 Context challenges

» Discrimination against populations in situations of vulnerability, which brings with it the invisibility of diversities in addition to being structural and institutional, has a cultural dimension nurtured by prejudices and stereotypes that continue to prevail and are expressed, for example, in unequal daily treatment and hate speech. The theoretically democratic systems often reproduce these conditions by tolerating their expressions in various fields and not considering the characteristics of diversities or the differential impact of their hegemonic measures and actions, which prevents progress toward the integration of communities and society.

» Regressive measures and legislation based on stigmatizing stereotypes against diversity and vulnerable populations are observed. For example, the restrictions on the sexual and reproductive rights of women, the custodial measures of a punitive nature exercised against migrants and impoverished people, and the criminalization of defenders of the territory, among others.

» Deficient or null processes of free, prior, and informed consultation are carried out regarding all the measures that concern them, mainly indigenous peoples and rural communities, which guarantee their access to information, autonomy, and participation, which ultimately generates public policies, practices, and regulations that exclude them from making decisions that concern or affect them, and from opportunities for well-being, development, and access to justice. In addition to this, among other factors, this lack of consultation related to the extractivist projects installed in the lands and territories of indigenous peoples and Afro-descendant and rural communities, which harm or are potentially harmful to their economic, social, and cultural rights and the environment. Healthy and territorial control of the ancestral peoples is the breeding ground for the numerous socio-environmental conflicts observed throughout the Region.

» Regarding the above, the IAHRS deals with hundreds of cases related to land and water conflicts and threats to food sovereignty caused by infrastructure and mining projects. Likewise, the negative impact on the environment and human rights of the business sector's illicit actions and the states' low capacities to supervise, control, and demand accountability for said activities, including judicial actions, which are notorious.

» It is observed that the adverse effects of climate change generate flows and movements of individuals and families who abandon their territories or flee from them due to the deterioration of their means of subsistence (mainly those that depend on the management of the territory), or the impossibility of permanence due to the de-

struction of their homes and livelihoods. Disasters, particularly climate change, play a preponderant role because they manifest as related events or phenomena that catalyze and multiply processes of change and deterioration of ecosystems, whose effects and consequences have a disproportionate impact on populations in more significant conditions of vulnerability, causing migration and displacement.

In another line, the changing and unprecedented context in recent history caused by the COVID-19 pandemic gave rise to the adoption of health measures that primarily respond to a privileged view and situation without considering the differentiated needs of the diversities. Likewise, many of them were adopted and adapted without developing new fundamentals, fully reproducing the analysis initially made at the beginning of the pandemic and avoiding a new proportionality analysis. In general, the measures adopted to mitigate the spread of infections translated into solid economic contractions that increased poverty and extreme poverty rates throughout the Region.

Poor knowledge and practice of the private business sector of human rights standards, the *Guiding Principles on Business and Human Rights of the United Nations*, and the obligations and methodologies of due diligence (due diligence), which brings with it its disrespect and non-application to promote integral human development.

Low awareness and capacity to apply the RBA as a methodology for formulating, implementing, managing, and evaluating public policies, ultimately generating welfare and patronage actions without sensitivity towards the differentiated needs of diversities.

### III.4.5.2 Fields of action

**Bearers of obligations and responsibilities**

Generate spaces for dialogue that contribute to establishing or revitalizing the links between institutions, the private sector, and civil society organizations to coordinate joint actions that promote equal opportunities for diversity.

Provide technical assistance for the design, implementation, and evaluation of legislation and public policies based on the rigorous application of the Human Rights-Based Approach, as well as affirmative actions aimed at guaranteeing equal opportunities for discriminated populations; and the implementation of consultation procedures by international standards for the protection of human rights.

Promote mechanisms of awareness, identification, punishment, and eradication of hate speech based on understanding the limits of freedom of expression and with the participation of critical actors in the construction and dissemination of messages, such as the press, journalists, and content creators.

⟫▷ Develop and disseminate tools, guides, and educational resources to promote and facilitate the knowledge and implementation of appropriate human rights due diligence procedures in the private business sector, which include the minimum standards of transparency, good faith, and access to information.

⟫▷ Promote spaces for dialogue and reflection aimed at addressing human mobility associated with climate change and disasters from a human rights perspective, which allows the incorporation of concrete actions in favor of vulnerable groups in legislation, public policies, and national plans for adaptation to climate change.

⟫▷ Strengthen the capacities of institutions to incorporate the human rights approach in actions to protect the right to a healthy environment in compliance with international standards.

⟫▷ Provide technical assistance to improve data collection tools and methodologies, to identify displaced communities or communities at risk of displacement, expulsion, and host communities of migrants and displaced persons or those trapped in contexts of risk, as well as the implications for their human rights. The existence of accurate data contributes to the formulation of public policies, both regional and national, that are coherent and effective in addressing the movement of people in the context of climate change.

## Rights holders

⟫▷ Promote campaigns and plan awareness strategies aimed at critical actors in society to make visible the violations of the human rights of diversity, to contribute to eradicating stigmas and prejudices, and foster a culture of respect for their rights and eliminate any form of discrimination.

⟫▷ Develop education and training processes for trainers of human rights holders and defenders aimed at strengthening activism and actions of denunciation and enforceability, focusing on protecting their security.

⟫▷ Investigate the condition of disadvantage and inequality suffered by diversities and populations in situations of vulnerability, expressed in the breach of human rights, as well as the persistence of discrimination that fosters it, and the successful experiences for its mitigation, thus contributing to its eradication, to promote advocacy actions based on evidence.

⟫▷ Develop processes of research and academic reflection on the impacts of climate change in its connection with the enjoyment of human rights in contexts and for specific groups of the population at risk and displaced (such as women, children, Afro-descendant population, LGBTIQ+, migrants, indigenous peoples, people with disabilities and older people), aimed at making visible the risks and threats that allow deepening the development of a regional corpus juris on the matter.

Promote spaces of articulation between the different actors of society, which allow the establishment of horizontal cooperation mechanisms towards a common agenda that contributes to the human right to development in conditions of fundamental equality.

## III.4.6 Use of scientific and technological advances from a human rights perspective

The development of information and communication technologies (ICT) has significantly impacted the institutions and actors of democracy, influencing both the political system and the public sphere since they play an increasingly important role in everyday life of citizens in general and in the implementation of public policies in particular.

ICTs have become essential means for access to information, mobilization, denunciation, and the articulation of networks. During the pandemic declared at the beginning of 2020, it is likely that this dependency will deepen by increasing its use in educational, judicial, and public sector activities and other activities, as well as in telemedicine and teleworking, all of them developed virtually.

However, ICTs can be used ambivalently in terms of whether or not they constitute a risk to democracy and whether they strengthen -or not- the rule of law and respect for human rights, as they have been defended and conceptualized in international treaties; if they favor —or not- harmonious social coexistence; and, if they contribute —or not- to access to truthful and reliable information. On the other hand, the improper access and commercialization of personal data through bots, algorithms, and various forms of hacking of electronic devices, the dissemination of false news, and the spread of hate speech through social networks, undoubtedly threaten the privacy rights, access to information and the right of a society to be truly informed.

For example, the control of crime through new technologies, the impact of new tools in politics and electoral processes, the monitoring or tracing people in the framework of the pandemic without their consent, and automated decisions. Thanks to artificial intelligence, they are the subject of discussions and controversies at a global level, and, undoubtedly, they are a new field of debate and decision-making regarding the protection of human rights.

Regarding security, there are recent examples of the challenges of using facial recognition technology[8]. The inclusion of our data and images without consent or knowledge and their use by the security forces can negatively impact the right to privacy and the protection of minorities, in addi-

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8   A tool that uses artificial intelligence through cameras to recognize faces.

tion to favoring massive surveillance and making it possible to use it to exclude individuals and groups from access to jobs, public or private places, educational opportunities, and more. In this way, there is a risk of deepening discrimination[9] given that it has been determined, for example, that this technology for categorizing human beings is frequently used in a biased manner and has a much more significant margin of error with non-Caucasian people. In European biometric databases, for example, excluded, racialized, migrant, and refugee people are overrepresented -especially women- who are usually their first target.

On the other hand, although technologies have been used to mobilize citizens or denounce the security forces' violence in peaceful demonstrations, they have also been used to censor them and dissuade people from participating in public actions due to the fear of being identified, repressed and monitored, with the consequent negative impact on the exercise of freedom of expression and the rights to peaceful assembly and privacy.

Likewise, the virtualization of judicial processes due to the COVID-19 pandemic posed other challenges to access justice, such as the cyber security of files and procedural information. On the other hand, the digital divide has deepened the exclusion of the most vulnerable populations.

In this sense, the ethics in the development and application of technologies and algorithmic transparency or consent for the access, commercialization, and use of personal data are some of the problems at the center of the debate.

In this regard, the Inter-American Juridical Committee (ICJ), one of the organs of the Organization of American States, April 2021 released the *Updated Principles of the Inter-American Juridical Committee on Privacy and Protection of Personal Data[10]*. This document includes the guidelines for the legal and legitimate use of private information, with due protection of human rights.

On the other hand, the CIJ approved 2021 a declaration on "Neuroscience, Neurotechnologies, and Human Rights: New Legal Challenges for the Americas." It explains that advances in neuroscience and the development of neurotechnologies raise essential ethical and legal concerns about their ultimate impact on fundamental principles, rights, and freedoms such as human dignity, the free development of personality, identity and autonomy, the right to privacy and intimacy, freedom of thought and expression, physical and mental integrity, enjoyment of the highest possible level of physical and mental health and access to remedies, equality before the law, as well as judicial protection in case damage, among others.

**9** AAszodi, N.; Norga, A. (3 Aug 2021). Facial recognition: advantages and disadvantages. Liberties. https://www.liberties.eu/es/stories/advantages-inconveniences-facial-recognition/43708

**10** Report CJI/RES. 266 (XCVIII/21) [Inter-American Juridical Committee]. Updated Principles on Privacy and Personal Data Protection. April 8, 2021. https://www.oas.org/es/sla/cji/docs/CJI-doc_638-21.pdf

The Declaration expresses concern about the absence of specific regulations for neurotechnologies. After describing the risks and rights possibly violated by its misuse, a series of recommendations are made to the States, the private sector, academia, and the scientific world.

Among those recommendations, there is a specific call to pay special attention to the development and implementation of these technologies through regulations that offer sufficient safeguards so that they do not constitute threats to human rights.

In addition, adopting measures based on brain-computer interface technologies that only pursue legitimate purposes is promoted and should be prohibited for social control or mass surveillance of citizens.

Consequently, it is a priority for the IIHR to address the opportunities, as well as the challenges and risks of technological and scientific developments, from the perspective of respect for human rights and the rule of law to strengthen democracies.

### *III.4.6.1 Context challenges*

» Weaknesses in the conceptualization, understanding, and regulation of new technologies and their operation by decision-makers and formulators of public policies.

» Increasing development of technologies by actors who do not know or apply the basic concepts of the protection of human rights and who, furthermore, do not foresee or avoid their consequent impact on their exercise and enjoyment.

» Use of technologies by States and the private sector regardless of their negative impact on the exercise and enjoyment of human rights.

» Lack of mechanisms, procedures, and practices in the institutions that ensure training in the use of technologies so that they do not become a vehicle for violating human rights.

» Important gaps in the knowledge of the actual impacts of technologies on the region's societies. There is a research and methodological challenge to identify and measure them from the point of view of human rights, intending to produce evidence that strengthens the practices so that they are valuable tools and not harmful instruments of the rule of law and democracy.

» Use media and social networks, as well as other digital expressions, to spread false news, generate disinformation contexts, seek to manipulate currents of public opinion in favor of candidacy or a political option or damage the honor and dignity of individuals and groups.

⟫▸ Abuse of technology for the illegal surveillance and monitoring of opponents of various kinds (human rights defenders, journalists, social and political activists, and more), which "(...) not only violates the right to privacy, (...), as well as the rights of other people around them.[11]"

## III.4.6.2 Fields of action

**Bearers of obligations and responsibilities**

⟫▸ Provide specialized technical assistance to technology developers and authorities that promote their use in the region's countries, including the RBA.

⟫▸ Compile, systematize, and disseminate good practices on the use of technologies in strengthening human rights and democracy.

⟫▸ Provide technical assistance to the competent authorities for the formulation of laws on artificial intelligence and the implementation of national plans so that it does not put the exercise of human rights at risk.

⟫▸ Contribute to developing capacities in national human rights institutions to monitor the impact of technologies in exercising human rights.

⟫▸ Strengthen the capacities of national authorities for protecting personal data so that they include international standards for protecting human rights in their mandate and exercise.

⟫▸ Provide specialized technical assistance on using artificial intelligence when it is a public sector tool with a potential impact on human rights.

⟫▸ Promote that the use of technology for surveillance be based on "(...) a legal and transparent framework consistent with international human rights norms and standards, guaranteeing the principles of necessity, proportionality, and an objective that is legitimate and by these regulations." (IACHR, 2022).

**Rights holders**

⟫▸ Develop capacities to overcome the weaknesses of citizens, especially the absence of actions and their lack of participation to demand the protection of their privacy and the exercise of freedom of expression in contexts of violation of their rights due to the implementation and illegitimate use of the technologies.

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11   Inter-American Commission on Human Rights. (2022, January 31). The IACHR, RELE, and OHCHR express concern over the findings on using Pegasus software to spy on journalists and civil society organizations in El Salvador [Press release]. https://www.oas.org/es/cidh/jsForm/?File=/es/cidh/prensa/communicados/2022/022.asp

⟫▶ Develop capacities in civil society organizations to influence the creation and evaluation of public policies related to the use of technologies; and the monitoring of compliance with the international and national obligations of the State in human rights, with the respective dissemination of its findings.

⟫▶ Investigate and disseminate information and evidence on applying the principle of progressiveness to realize human rights, contribute to social awareness, and recognize human rights as the foundations of democracies.

⟫▶ Disseminate data and information for a better understanding and awareness of the value of privacy protection, the exercise of freedom of expression, and the right of assembly, among other human rights, when the implementation and use of technologies violate them.

⟫▶ Promote spaces for consultation and participation with structurally excluded populations to map, systematize and disseminate their needs and proposals to generate public policies and practices that reduce the digital divide.

## III.5 Lines of action

The IIHR implements and executes its initiatives and strategic priorities through its five lines of action. These are:



As a strategic purpose, **advocacy** is defined as the influence generated by people and entities of various kinds to promote changes in policies, laws, and practices in favor of the observance of human rights. Therefore, advocacy is not seen as an independent line of action but rather as the ultimate goal to which each initiative developed by the IIHR aspires.

### III.5.1 Research

It is the process by which problems in human rights and democracy are identified, diagnosed, and understood, intending to provide possible solutions based on evidence. The IIHR investigation:

» It is developed with technical, scientific, and methodological rigor.

» Use accessible and inclusive language to communicate results.

» Produces knowledge and critical thinking about human rights issues.

» Assumes human rights standards as a baseline.

» It has a multiplier effect so that its results induce reflection and the promotion of human rights.

» It provides the criteria to identify new dimensions of human rights, new research, and possible training areas.

» It constitutes an evidence-based input for the formulation of public policies.

### III.5.2 Education and training

It is the development of behaviors, attitudes, skills, capacities, and knowledge, mainly in members of civil society, state agents, and the private business sector in the field of human rights and democracy, through the application of various methodologies and the use of varied and pertinent pedagogical resources. Education and training at the IIHR:

» It seeks a multiplier effect on the part of the bearers of obligations and responsibilities and the holders of rights.

» It is based on the principles, standards, and practices of human rights, both in the preparation of its content and in its methodology.

» It drives and promotes the necessary harmonious relationship between national law, International Human Rights Law, and other spheres of international protection of the person.

» It resorts to a diversity of forms, methods, and means (virtual, face-to-face, and hybrid) pertinent and likely suitable for the population and its circumstances and needs.

» It develops methodological and dissemination tools that meet the criteria of relevance, timeliness, and quality in its formats and content.

For its education and training actions, the IIHR has the **American Virtual Classroom (AVI)** platform for virtual teaching with tutoring or self-training.

### III.5.3 Specialized technical assistance

This line of action encourages transferring specialized knowledge, experience, and good practices in human rights and democracy to strengthen capacities, practices, and public policies. Technical assistance at the IIHR:

- It is part of strengthening the actors' capacities.
- It is pertinent based on exploring and identifying the needs of the entities, organizations, and populations to which it is directed.
- It is systematized and promotes the strengthening of institutional capacities.
- Promotes and enhances horizontal cooperation.

### III.5.4 Networking Work

Through technological platforms, the IIHR fosters and facilitates cooperation, the sharing of knowledge, and the exchange of experiences and information in the human rights community, contributing to the observance of these rights and democracy. IIHR networking:

- Strengthens collaboration between regional actors/networks to achieve common goals.
- Disseminate knowledge on current issues or specific actions in human rights.
- It reduces the duplication of efforts, multiplies the impacts and expands the scope of the various actions, optimizes resources, creates alliances, and combines joint efforts to protect and promote human rights.
- It promotes exchanging ideas, visions, experiences, skills, resources, and contacts.

### III.5.5 Information and communication

It is a crucial component of the promotion of human rights because i) projects and institutional activities are disseminated and promoted, ii) access to the institutional bibliographic collection is facilitated, and iii) the two-way relationship between people from the human rights community and the IIHR is fostered. IIHR information and communication:

» It responds to a comprehensive external and internal communication strategy.

» It uses information and communications technology (ICT) in a new and attractive way.

» Promotes the socialization of knowledge.

» It contributes to specialized research and knowledge creation in the human rights field.

» It enhances its means and services for collecting, systematizing, processing, disseminating, and exchanging information and knowledge on human rights.

The IIHR promotes this component through the following products, services, and means:

» **Inter-American Virtual Classroom:** a tool that benefits people and organizations interested in promoting and protecting Human Rights through online courses and information and communication technologies.

» **Editorial production:** preparation, edition, and distribution of books, magazines, and printed, audiovisual and digital teaching materials with human rights and related matters.

» **Documentation Center:** a repository of an interdisciplinary documentary collection that addresses human rights situations in the Americas and the Caribbean.

» **Repository:** It is an automated information system built with state-of-the-art technology by the IIHR through its Documentation Center. Its objectives are to recover, digitize, preserve and classify the editorial production of the IIHR and the Cdoc collection to make them available to the human rights community. In addition to guaranteeing free access to information on the subject, it constitutes a contribution to its promotion, research, and teaching.

» **Inter-American Court – IIHR Joint Library:** a collection of specialized books on legal matters that include different topics related to human rights, accessible by digital means (website, repository, online attention, among others).

>>> **Specialized platforms:** digital and interactive interfaces that provide tools for access to good practices, jurisprudence, and normative instruments in specific matters (For example, electoral jurisprudence and the platform of access to justice and ESCER).

>>> **Thematic email** *(Mailing lists)* to disseminate and receive specific information on particular subjects.

>>> **Institutional website and social networks**.

## III.6 Institutional management

To guarantee the quality and efficiency of the management of its actions and resources, the IIHR has adopted the technical approach of Results-Based Management (hereinafter, "RBM"). RBM ensures that all its processes, products, actions, and organizational model contribute to achieving defined and pre-established results. This methodology offers a coherent framework for strategic planning and management, as it optimizes institutional learning, efficiency, and responsibility. The RBM of the IIHR:

>>> It has a comprehensive planning system that manages to translate the postulates and contents of this Strategic Framework into multi-year strategic programming and specific annual operating plans, identifying effects, products, goals, and compliance indicators.

>>> Seeks to obtain visible and measurable results.

>>> It stimulates the necessary coordination and alliances with key actors.

### III.6.1 Monitoring and evaluation

The IIHR understands that monitoring and evaluation is an accountability mechanism for external actors and, at the same time, an indispensable tool for institutional management because it allows risks to be visualized and corrected, timely intervention, and follow-up on initiatives arising from the results obtained.

In this sense, for effective and efficient management, the IIHR identifies and practices the following guidelines for the monitoring and evaluation of its programs and projects:

>>> Determines the contribution of the institution's work concerning its vision, mission, mandate, and objectives established in the Strategic Framework and action plans.

⟫ It is foreseen from the initial formulation of the programs and projects, planning a chain of results and indicators that will allow the measurement of its contribution to the fulfillment of the proposed strategy.

⟫ It has a specialized team to monitor and evaluate substantive progress and budget execution and provide technical support to the institution's specialists and staff.

⟫ It is part of institutional accountability, sustainability, and self-assessment culture.

### III.6.2 Sustainability

The IIHR defines *sustainability* as the institutional capacity to ensure compliance with its mandate and achieve the strategic objectives in its sphere of action, guaranteeing its operation and future development within a framework of autonomy and self-sufficiency. In this sense, sustainability captures and generates resources, operational efficiency, and functional austerity. To this end, the IIHR implements a strategy that includes the following components:

⟫ Internal structure and functioning: they constitute the form of institutional organization, the attribution of functions by area, and how the areas relate to each other.

⟫ Administrative and financial management: a conjunction of the mechanisms and processes of planning, use, and monitoring of the Institute's resources, particularly the financial ones.

⟫ Strategic alliances: refers to the IIHR's relations with other entities to carry out its institutional mission.

⟫ Mobilization and diversification of resources: it is the process of collecting, obtaining, and generating financial resources to fulfill its institutional mission. It implies the exploration and diversification of alternative financing sources to traditional international cooperation.

### III.6.3 Regionalization

Notwithstanding that the IIHR may be present in other latitudes, its mandate is hemispheric. Throughout its existence, the IIHR has had subregional and local representations, which has allowed it to see that regionalization brings significant advantages by opening up a range of job opportunities, strengthening its presence in the Americas, and increasing the impact and scope of its activities. The subregional approach facilitates the exchange of experiences, horizontal cooperation, and comparative research.

Likewise, following sustainability, regionalization brings with it more effectiveness and efficiency by enabling the execution of projects in countries and locations far from the main headquarters, in San José, Costa Rica, due to the reduction of operational and logistical costs.
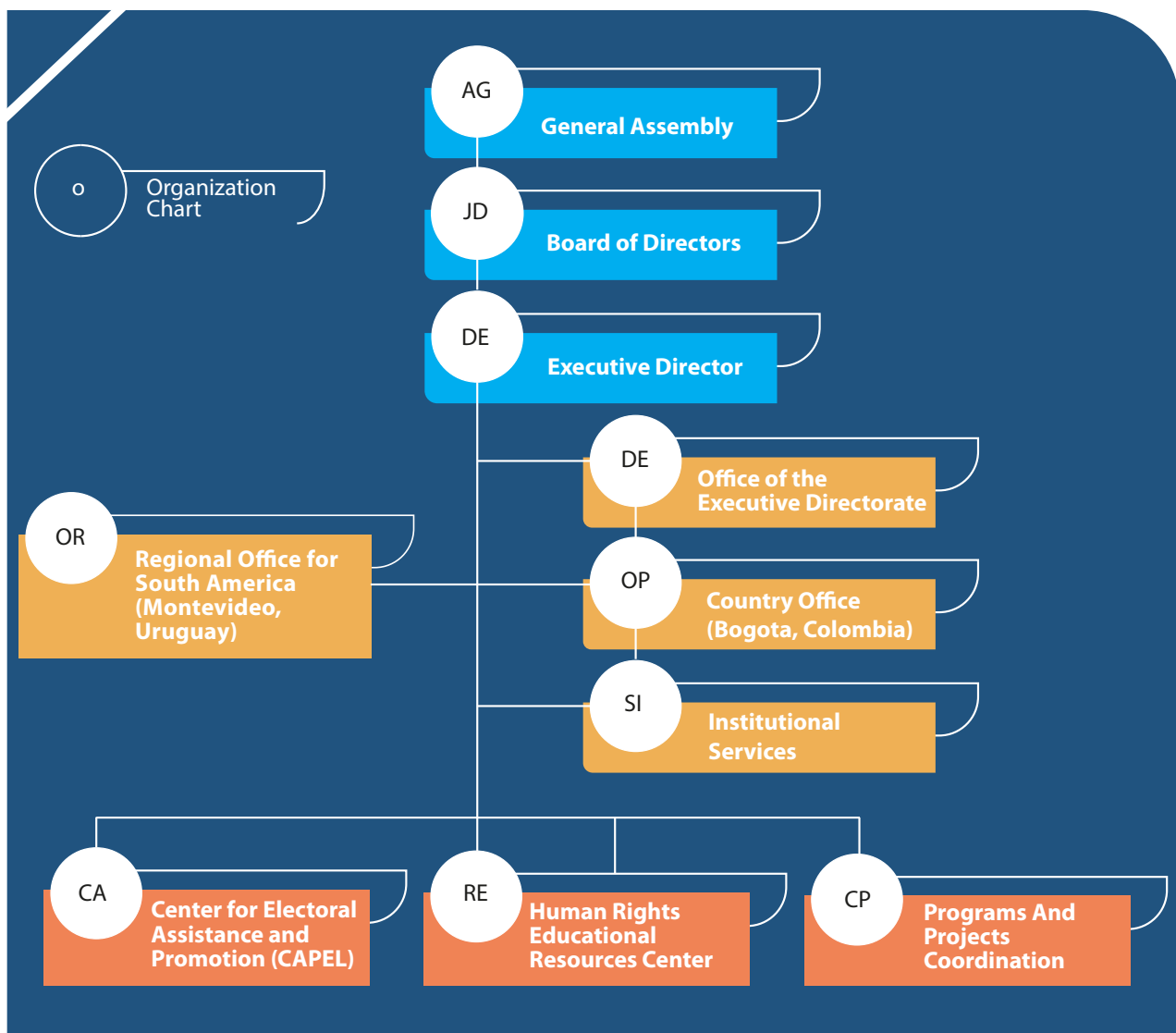
In this regard, to organize the subregional representations with a vision of political, institutional, and financial sustainability above circumstantial aspects, the representations follow the following guidelines:

» Its opening and maintenance depend on its strategic relevance; the national political context conducive to the implementation of the Strategic Framework; favorable prospects for political advocacy and the promotion of human rights; government support for the establishment of the IIHR in the country; the existence of relevant strategic allies; the presence of networks of alums who support and express their interest in establishing representation; be an added value for the IIHR in the political, strategic, financial and administrative fields for the fulfillment of its mission, and the ability to be self-sustaining.

» They officially represent the IIHR institutionally, academically, and administratively.

» Based on knowledge of the context, subregional and local alliances, and the possibilities of realization, opportunities are identified, interventions are designed, and proposals for projects and activities are prepared in close coordination with the main headquarters, whose negotiation, the Executive Directorate of the IIHR must have expressly authorized presentation and formalization.

» They carry out the contextual and political analysis of human rights in the country or subregion in which they are located.

» They establish and maintain relations with government institutions, non-governmental entities, cooperation, and institutions to promote human rights.

» CThey coordinate strategic, administrative, and operational decisions for managing the sub-headquarters with the central headquarter.

Currently, the IIHR has the following locations:

- Headquarters
- Regional Office for South America (Montevideo, Uruguay)
- Representation for Colombia
- Representation for Mexico (depending on specific projects)

## III.6.4 Organization chart

**o** — Organization Chart

- **AG** — General Assembly
- **JD** — Board of Directors
- **DE** — Executive Director
  - **DE** — Office of the Executive Directorate
  - **OR** — Regional Office for South America (Montevideo, Uruguay)
  - **OP** — Country Office (Bogota, Colombia)
  - **SI** — Institutional Services
  - **CA** — Center for Electoral Assistance and Promotion (CAPEL)
  - **RE** — Human Rights Educational Resources Center
  - **CP** — Programs And Projects Coordination

Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026   Inter-American Institute of Human Rights Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026   Inter-American Institute of Human Rights   Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026   Inter-American Institute of Human Rights Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026   Inter-American Institute of Human Rights   Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026   Inter-American Institute of Human Rights   Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026   Inter-American Institute of Human Rights   Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026   Inter-American Institute of Human Rights   Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026   Inter-American Institute of Human Rights   Educating in Human Rights   Strenghtening American Democracies   Strategic Framework 2022-2026

# IV.
# CONCLUSIONS

The IIHR is a continental reference in the actions that constitute its institutional mandate of promotion, research, and education in human rights.

Its prestige and work history allow it to show off a convening capacity unparalleled in the region, both among the high authorities and representatives of the Inter-American Human Rights System, as well as among State actors, the private sector, and civil society. However, they are occasionally antagonistic concerning the contexts and situations of their countries, and the Institute manages to bring them together at the same table for dialogue and negotiations.

In its career, a correct and adequate reading of the regional situation stands out, as well as the development of methodological and investigative innovations and his approach to working with multiplying agents. Recognizing these and other strengths, as well as the human rights challenges present in the region, the IIHR has developed this Strategic Framework "Educating human rights, strengthening American democracies" (2022-2026).

With its new roadmap, the IIHR continues the efforts made through its previous strategy, "Educating in human rights, promoting their validity," emphasizing the focus on strengthening American democracies, recognizing that there are insufficiencies and alarming setbacks that reveal a growing regressive fissure in the, until recently, solid structure of democratic regimes, apparent and irreversible, and the weakening of functioning by the principles and practices of the rule of law.

Therefore, the IIHR once again places human rights education (HRE) not only as a right in itself but as its contribution to each of the actors, processes, and institutions, among other elements, that make up an authentic democracy, functional and inclusive. These elements, configured in strategic priorities, include relevant aspects such as justice, security, transparency, and accountability. However, it also takes others that the COVID-19 pandemic revealed as emerging problems and needs, such as the use of technologies that respect human rights and the generation of opportunities for sustainable human development in conditions of fundamental equality.

In general, the Strategic Framework renews the institutional commitment of the IIHR to continue contributing with significant and pertinent proposals and actions based on an accurate reading and interpretation of the reality of the Americas, with a focus on human rights and democracy, to influence the construction of conditions that ensure the validity of human rights, from its work of promotion, research, and education.

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