BRIDGE WATCH REPORT

Human Rights in Latin America

Jean Monnet Network Policy Debate Bridge Watch Project:
Values and Democracy in the EU and Latin America

2025

Naiara Posenato
Mario Torres Jarrín
Aline Beltrame de Moura
Nuno Cunha Rodrigues

BRIDGE WATCH
JEAN MONNET POLICY DEBATE

LACES
Latin American Center of European Studies

Co-funded by the European Union

BRIDGE WATCH REPORT

Human Rights in Latin America

Jean Monnet Network Policy Debate Bridge Watch
Project: Values and Democracy in the EU and Latin America

Naiara Posenato
Mario Torres Jarrín
Aline Beltrame de Moura
Nuno Cunha Rodrigues

2025

BRIDGE WATCH
JEAN MONNET POLICY DEBATE

LACES
Latin American Center of European Studies

Co-funded by the European Union

This work is published under the responsibility of the Jean Monnet Network Policy Debate – Bridge Watch Project – Values and Democracy in the EU and Latin America (101126807). The opinions expressed and the arguments used in this work do not necessarily reflect the official views of the universities that are members of the Bridge Watch Project.

The support of the European Commission for the production of this publication does not constitute an endorsement of the content, which reflects solely the opinions of the authors, and the Commission cannot be held responsible for any use that may be made of the information contained therein.

Data Sheet:

Title: Bridge Watch Report - Human Rights in Latin America

Subtitle: Jean Monnet Network Policy Debate Bridge Watch Project: Values and Democracy in the EU and Latin America

Edit by: Naiara Posenato, Mario Torres Jarrín, Aline Beltrame de Moura, Nuno Cunha Rodrigues

Publisher: AAFDL Editora, Lisboa

ISBN: 978-989-9312-27-2

Year: 2025

Follow BRIDGE Watch's publications and activities at:

https://eurolatinstudies.com/en/

https://www.facebook.com/eurolatinstudies/

https://www.instagram.com/eurolatinstudies/

https://br.linkedin.com/company/euro-latin-studies

Table of Contents

Pillar V - Relevance in civil society, the education sector, the media, and public opinion

Acknowledgements

Local Coordinators

Martina Lourdes Rojo - Argentina
Juan David Alarcón Morales – Bolivia
Aline Beltrame de Moura - Brasil
Fabíola Wüst Zibetti – Chile
Walter Orlando Arévalo Ramírez – Colombia
Danilo Vicente Garcia Caceres – Ecuador
Manuel Becerra Ramirez – México
Roberto Ruiz Díaz Labrano - Paraguay
Ena Carnero Arroyo - Perú
Pablo Guerra Aragone - Uruguay

Ad Hoc Consultants

Joseph Thompson

Permanent Consultants

Ingrid Bicu

Local Coordinators

Leopoldo Godio - Argentina
Alfredo Lopez Bravo - Argentina
Julio Ielpi Boyero - Argentina
Oscar Andres Largadre Munin - Argentina
Santiago DeLuca - Argentina
Juan Carlos Estivariz - Bolívia
Caetano Dias Corrêa - Brasil
Patricia Grazziotin Noschang - Brasil
Tatiana Rein Venegas - Chile
Javier Pineda Olcay - Chile
Andrea Lucas - Chile
Paz Milet - Chile
Constanza Núñez Donald - Chile
Antonio Urrutia De la Barra - Chile
Gabriel Concha Botero - Colombia
Desiré López Mondavi - Ecuador
Joel Aldair Yaguana Vela - Ecuador
María Elisa Franco Martín del Campo - México
Emilio Andrés Vázquez - Paraguay
María Alejandra Maldonado Adrián - Perú
Camila Susana Pajuelo Revilla - Perú
Marcelo Vigo - Uruguay
Romina Gallardo - Uruguay

Introduction

The BRIDGE Watch Report *"Human Rights in Latin America"* constitutes one of the main outcomes of the Jean Monnet Network Policy Debate Project – BRIDGE Watch – *Values and Democracy in the EU and Latin America* (101126807), co-funded by the Erasmus+ Programme of the European Commission and supported by the Latin American Center of European Studies (LACES). This project brings together a network of 14 universities from Europe and Latin America: *Universidade de Lisboa (*Portugal*), Universidade Federal de Santa Catarina (*Brazil*), Universidad del Salvador (*Argentina*), Universidad Nacional Autónoma de México, Universidad del Rosario (*Colombia*), Universidad de Sevilla (*Spain*), Università degli Studi di Milano (*Italy*), Universidad Mayor de San Andrés (*Bolivia*), Universidad Central del Ecuador, Universidad Nacional de Trujillo (*Peru*), Universidad de Chile, Universidad Nacional de Asunción (*Paraguay*), Universidad de la República (*Uruguay*), and Universidad Pontificia de Salamanca (*Spain*).*

The BRIDGE Watch project aims to deepen mutual understanding between the European Union and Latin America by promoting comparative study of their values, democratic institutions, and systems for protecting fundamental rights. Its objective is to generate critical knowledge and rigorous analyses that strengthen interregional cooperation around the principles of the rule of law, democracy, and human rights, as well as to bring the academic sphere closer to civil society, policymakers, and the media.

Within this framework, the present report offers a comparative synthesis of the human rights situation in ten Latin American countries: *Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, and Uruguay*. The analysis is structured around five thematic pillars:

I. National regulatory framework

1. Normative and jurisprudential expansion of fundamental rights
2. The environment as a human right and its legal recognition
3. Constitutional hierarchy and scope of international human rights treaties
4. Limitations and suspension of rights in states of emergency
5. Special jurisdictions and exclusion of ordinary jurisdiction in cases of rights violations

National human rights institutions

6. National human rights institutions: autonomy, legitimacy, and effectiveness
7. Judicial units with differential approaches and inclusive access to justice
8. Electoral bodies: independence, transparency, and public trust

III. International regulatory framework

9. Adherence to universal human rights treaties
10. National mechanisms for follow-up to the United Nations treaty bodies
11. Compliance with decisions of the inter-American regional human rights system
12. Implementation and monitoring of non-jurisdictional recommendations of the regional system

IV. Functioning of justice and processes in the guarantee of rights

13. Constitutional actions and judicial remedies for the protection of rights
14. Effectiveness, accessibility, and independence in the judicial protection of human rights
15. Protection of access to public information and personal data (*habeas data*)
16. Risks and protection of human and environmental rights defenders

V. Relevance of human rights in civil society, education, and the media

17. Civil society and human rights defender organizations
18. Human rights education in primary and secondary schooling
19. University and postgraduate education in human rights
20. Freedom of the press and the relationship between public power and the media

The methodology adopted reproduces the comparative assessment approach developed by the European Commission in its Rule of Law Mechanism and adapts it to the Latin American context. The study is based on national questionnaires completed by the project's local partners and reviewed through a double-check system that integrates contributions from regional experts and specialized consultants. The information covers normative, institutional, and jurisprudential developments up to July 2025, providing an up-to-date and accurate view of ongoing transformations.

The responses to the questionnaires were based on official information provided by local authorities, as well as on inputs from national and international non-governmental organizations, study groups, and specialized think tanks. To ensure the quality of the analysis, rigorous criteria were applied, including factual accuracy, comprehensiveness, reliability, relevance, and the internal consistency of the collected data.

In this way, the BRIDGE Watch Report provides a methodologically sound and comparatively coherent tool that will enable the European Commission to assess the promotion and protection of human rights in key Latin American countries. Its findings offer a comprehensive analytical framework to guide both political, commercial, and diplomatic relations with the region and the promotion of the European Union's fundamental values.

Likewise, the report seeks to serve as a reference for the competent national authorities in the countries studied, fostering a structured dialogue and the exchange of good practices between the EU and Latin America. This process of collaboration and mutual learning contributes to strengthening democratic governance, protecting human rights, and consolidating more transparent and effective legal and institutional frameworks.

The BRIDGE Watch Report on Human Rights in Latin America ultimately seeks to provide a comprehensive view of the advances, challenges, and emerging trends in the region, with special attention to the interaction between national norms, international obligations, and institutional practices. Its ultimate purpose is to identify good practices, promote interregional dialogue, and formulate concrete recommendations to consolidate a Latin American model of human rights that is dynamic, plural, and committed to human dignity.

Lisbon, December 2025.

Naiara Posenato, Università degli Studi di Milano, Italy
Mario Torres Jarrín, European Institute of International Studies, Sweeden
Aline Beltrame de Moura, Universidade Federal de Santa Catarina, Brazil
Nuno Cunha Rodrigues, Universidade de Lisboa, Portugal

Pillar I

National regulatory framework

Section 1. Normative and jurisprudential expansion of fundamental rights

Are there legal norms at different levels of hierarchy that broaden the range of rights recognized for every person beyond what is provided for by the Constitution? Has case law been relevant in expanding the list or the scope of application of these rights?

Summary

In the ten countries considered (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, and Uruguay), there is a common trend toward recognizing that the Constitution does not fully encompass the catalogue of fundamental rights. Most have introduced open clauses, as in Peru, Bolivia, and Uruguay, or incorporated the so-called *block of constitutionality*, particularly in Colombia, Ecuador, and Bolivia, where ratified international human rights treaties are integrated into domestic law with constitutional or supra-legal status. In this way, judges and legislators are obliged to apply them directly. Likewise, the case law of constitutional and supreme courts has been decisive in expanding the list of rights, with paradigmatic advances in the areas of same-sex marriage (Colombia, Ecuador, Brazil), gender identity (Brazil, Chile, Argentina), the right to water (Colombia, Peru, Chile), and the right to adequate housing (Chile).

Differences among countries, however, are significant and reveal distinct paths of institutional development. In Brazil, a unique system has emerged: international human rights treaties may acquire the status of constitutional amendments if approved by a qualified quorum, while others retain a supra-legal status. Uruguay, which formally lacks a *block of constitutionality*, has granted constitutional status to human rights norms and treaties through an extensive interpretation of its articles 7, 72, and 332. Chile, for its part, has compensated for the limitations of its Constitution through specific laws (such as the Zamudio Law or the laws on Indigenous peoples, migrants, and persons with disabilities) and through the case law of its Supreme Court. Mexico stands out for a very robust federal framework, reinforced by the 2011 constitutional reform and the consolidation of the pro persona principle, which always requires the application of the norm most favorable to the individual.

In conclusion, across the region, there is a process of integrating international human rights law into constitutional law, accompanied by clear judicial activism aimed at expanding and updating the catalogue of fundamental rights. Although differences persist regarding institutional designs and legal traditions, the shared pattern is the construction of a dynamic, progressive, and open system in which case law plays a role as central as that of the Constitution itself.

Recommendations

1. Harmonize national legislation with international human rights standards: move beyond mere formal transposition of international law, and ensure its substantive and effective integration into domestic norms.

2. Adopt comprehensive legislation against all forms of discrimination: give priority protection to the rights of historically vulnerable groups, including children, older persons, people of African descent, Indigenous peoples, persons with disabilities, and LGBTQ+ communities, eliminating structural barriers and persistent inequalities.
3. Strengthen the block of constitutionality in the field of human rights: develop mechanisms that ensure the direct application of international instruments by national judges and courts.
4. Promote continuous training in international human rights standards: systematically train judges, prosecutors, and legal practitioners to ensure interpretations consistent with the principle of the broadest protection of fundamental rights.

Section 2. The environment as a human right and its legal recognition

Are issues related to environmental protection and its implications considered Human Rights, or at least connected to them?

Summary

In recent decades, the Latin American region has undergone an intense process of constitutional entrenchment of environmental protection and humanization of environmental law. Although each country presents its own nuances, the general picture shows a clear trend: a healthy environment is no longer conceived merely as an abstract collective good, but as a fundamental human right, closely linked to life, health, and human dignity.

In several countries — such as Brazil, Chile, Colombia, Ecuador, Mexico, Peru, and Uruguay — constitutions explicitly enshrine the right to a healthy environment free of pollution. This formal recognition grants environmental law a central place within the system of guarantees, reinforced by constitutional jurisprudence. In other contexts, such as Argentina, the Supreme Court has expanded the scope of existing provisions, declaring that the pollution of rivers and ecosystems not only affects the natural environment but also constitutes a direct violation of fundamental human rights. The well-known *Mendoza* case, concerning the Matanza-Riachuelo basin, is a paradigmatic example: there, the court ordered the State not only to prevent harm but also to restore the environment and ensure permanent monitoring mechanisms.

Regional innovation is not limited to the judicial sphere. Countries like Ecuador and Bolivia have gone a step further by recognizing nature as a subject of rights, thereby breaking the classical anthropocentric paradigm of law. This approach has also inspired legal movements beyond the region. In these constitutions, nature (Pachamama or Mother Earth) possesses its own rights: to exist, to regenerate, and to live free from contamination. Any person or community may demand its protection.

In Colombia, the Constitutional Court has developed a pioneering line of case law illustrating this evolution. It has not only consolidated the right to a healthy environment as a fundamental

right under certain circumstances but has even recognized the legal personality of specific ecosystems, such as the Atrato River, which was granted the status of a subject of rights to guarantee its preservation.

The picture becomes even richer when international connections are taken into account. Several States — including Chile, Ecuador, Uruguay, and Mexico — have ratified the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement, 2018), which strengthens access to information, public participation, and justice in environmental issues. Moreover, the jurisprudence of the Inter-American Court of Human Rights, particularly in Advisory Opinion OC-23/17, has consolidated the view that environmental degradation and climate change directly affect the effective enjoyment of fundamental human rights.

Despite these convergences, significant differences remain. In some countries, such as Mexico and Uruguay, the constitutional recognition of the right to a healthy environment coexists with significant implementation challenges, limiting the effectiveness of these guarantees. In others, such as Argentina or Colombia, it has been jurisprudence that has most strongly driven the protection of environmental rights. And in cases like Ecuador and Bolivia, the radical nature of the ecocentric model raises open questions about its practical application and the actual mechanisms of enforcement.

In conclusion, the Latin American experience shows how environmental protection has ceased to be a marginal or merely programmatic issue and has become a central pillar of contemporary constitutionalism. The environment is now understood both as an autonomous human right and as the precondition for the exercise of all other rights. From constitutional reforms to groundbreaking judicial rulings, the region contributes to the global debate a dynamic, creative, and often pioneering vision of the interrelationship between nature, human rights, and democracy.

Recommendations

1. Recognize the right to a healthy environment as a fundamental human right: incorporate its enforceability and justiciability into national legislation, ensuring its effective protection against public or private violations.
2. Harmonize domestic legislation with international environmental standards: ensure normative compatibility with the principles of sustainability and with the right to free, prior, and informed consultation of Indigenous peoples in extractive or large-scale projects.
3. Integrate international commitments into national regulations and public policies: operationally incorporate instruments such as the Escazú Agreement and the United Nations 2030 Agenda, strengthening environmental governance and access to information.
4. Establish effective judicial mechanisms for environmental protection: create or consolidate collective and public actions, as well as procedures that ensure the full enforcement of structural judgments in environmental protection matters.

5. Strengthen environmental public policies with a human rights-based approach: design and implement strategies that include the participation of Indigenous and rural communities and environmental defenders, ensuring their comprehensive protection and their role in the sustainable management of the territory.

Section 3. Constitutional hierarchy and scope of international human rights treaties

Is there any mention in the Constitution concerning international human rights instruments? What status is granted to them? Are they expressly considered complementary? Is there case law expanding the scope or meaning of this relationship?

Summary

In Latin America, the constitutional frameworks of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, and Uruguay show a clear trend toward integrating international human rights instruments into domestic law. Although there are institutional and doctrinal differences, the common denominator is the consolidation of a legal system open to international law, seeking to ensure the maximum protection of human dignity.

A feature shared by most countries is the adoption of open clauses that prevent the constitutional catalogue of rights from being regarded as closed. These clauses allow for the incorporation of rights derived from international treaties and principles of international law, reinforcing the pro persona principle and the principle of progressivity. Argentina, for instance, grants constitutional rank to a list of treaties in Article 75(22) of its Constitution. At the same time, Bolivia, Peru, Ecuador, and Colombia integrate treaties into a block of constitutionality that obliges judges and authorities to apply them directly and preferentially whenever they broaden the protection of rights.

In this regard, constitutional case law has been fundamental. In Argentina, the Supreme Court, in cases such as Simón and Mazzeo, affirmed the primacy of treaties over domestic laws and adopted the doctrine of conventionality control. In Colombia, since 1995, the Constitutional Court has considered treaties as a parameter of constitutional review, developing a robust block of constitutionality. In Ecuador, the Court recognized same-sex marriage by invoking Advisory Opinion 24/17 of the Inter-American Court of Human Rights, demonstrating the direct impact of international sources on national jurisprudence. Peru, in turn, grants constitutional rank to human rights treaties, which are applicable through diffuse control, even in the face of conflicting domestic laws.

Taken together, it can be said that the region has developed a model of constitutional entrenchment of international human rights law, in which treaties are viewed not only as external norms but also as complementary sources—and, in many cases, as equivalent to the Constitution itself. The differences lie in the mechanisms of incorporation (explicit, implicit, or through case law)

and in the rank assigned (constitutional, supra-legal, or quasi-constitutional). Nevertheless, all countries are moving toward the same horizon: the construction of open, multi-layered legal systems in constant dialogue with international law, where jurisprudence plays a central role in expanding and continually updating the catalogue of fundamental rights.

Recommendations

1. Raise international human rights treaties to the highest normative rank: recognize their constitutional or supra-legal status to ensure their preferential application over conflicting domestic norms.
2. Ensure the complementarity of international treaties: interpret international instruments as expanding, rather than restricting, the catalogue of rights recognized by national constitutions.
3. Promote a pro persona jurisprudential interpretation: encourage judicial criteria that reinforce the application of the most favorable norm and consolidate the comprehensive protection of fundamental rights.
4. Develop manuals and protocols for harmonized application, and prepare guidelines for judges and administrative authorities to promote coherent integration of domestic and international human rights norms.

Section 4. Limitations and suspension of rights in states of emergency

Can rights be suspended for exceptional reasons (war, unrest, lack of public order)? Has there been a declaration of rights suspension (state of emergency, state of siege, or exceptional regime), even partially?

Summary

Comparative analysis reveals a common feature in Latin American constitutional systems: the existence of legal mechanisms that allow for the temporary restriction of certain rights in exceptional situations, such as war, severe disturbances of public order, natural disasters, or health emergencies. However, this power is surrounded by material, temporal, and procedural limits, designed to prevent abuses and to ensure the continued validity of the rule of law even in critical contexts. Moreover, even when states of exception are declared, the general trend is to maintain the centrality of the principles of proportionality, temporality, and institutional oversight.

In most countries, constitutions establish catalogues of non-derogable rights that can never be suspended. Among them are the right to life, the prohibition of torture, due process, legal personality, and access to justice. Bolivia, Colombia, and Mexico, for instance, have expressly

incorporated the prohibition of restricting these rights, in accordance with Article 27 of the American Convention on Human Rights.

Recent experiences show a strong link between states of exception and contemporary crises, notably the COVID-19 pandemic. Brazil, Ecuador, Peru, and Chile adopted restrictive measures limiting freedom of movement, assembly, and economic activities, though in different ways. While Ecuador and Peru formally declared nationwide and prolonged states of exception, Brazil opted for ordinary and decentralized regulations, delegating powers to states and municipalities under the supervision of the Federal Supreme Court. In Chile, the pandemic was managed under the State of Constitutional Catastrophe Emergency, a legal framework also widely used to address earthquakes, fires, and other natural disasters.

Another common element is the use of states of exception to address internal security and public order crises. In Colombia, the *state of internal commotion* has been repeatedly invoked in response to threats posed by armed conflict and, more recently, social protests. In Paraguay, though used more restrictively, states of siege have been declared to confront violence from armed groups such as the Paraguayan People's Army, with geographically limited measures. In Chile, states of emergency have been repeatedly applied in the Biobío and La Araucanía regions in connection with the long-standing conflict involving sectors of the Mapuche people, reflecting unresolved tensions in the recognition of indigenous pluralism. Ecuador and Peru stand out for their frequent use of states of exception in recent years—due to security crises, prison emergencies, or environmental problems. In Ecuador, a "domestic armed conflict" was even declared against organized crime in 2024, though later invalidated by the Constitutional Court. In Peru, the state of emergency has become a recurring tool for addressing both natural disasters and public security crises, sparking debates about the normalization of exceptional measures.

It is also observed, however, that, despite the constitutional provision for the state of siege, its use in democratic contexts has been limited and exceptional in other countries of the region—such as Argentina during the 2001 crisis—always under parliamentary and judicial oversight. In contrast, in Uruguay and Brazil, such measures have not been applied since redemocratization, marking a clear break with their authoritarian past. Mexico constitutes a particular case: although the Constitution provides for the suspension of rights, in modern practice, this mechanism has never been used, except during World War II, reflecting a political culture that is restrictive toward the exercise of extraordinary powers.

Recommendations

1. Adopt clear standards of necessity and proportionality: strictly regulate states of exception in constitutions or emergency framework laws, ensuring that restrictions are strictly necessary, proportionate to the threat, and temporary.
2. Strengthen judicial and institutional oversight mechanisms: reinforce the role of supreme courts and constitutional tribunals in supervising exceptional measures and guarantee periodic, transparent reviews.

3. Guarantee the non-derogability of rights: maintain the absolute protection of rights such as life, the prohibition of torture, and due process, expressly forbidding their suspension and preventing expansive interpretations that could justify their indirect restriction.
4. Reinforce democratic and judicial control mechanisms: strengthen oversight of the declaration, implementation, and extension of states of exception, ensuring transparency, accountability, and effective control by public authorities and civil society.
5. Incorporate safeguards for the protection of vulnerable individuals and groups: ensure that children, women, Indigenous peoples, and persons with disabilities enjoy reinforced protection in emergency contexts, preventing exceptional measures from aggravating inequalities or infringing upon fundamental rights.

Section 5. Special jurisdictions and exclusion of ordinary jurisdiction in cases of rights violations

Are there provisions and procedures that remove specific complaints that potentially involve human rights violations from ordinary jurisdiction, for instance, by placing them under a military jurisdiction not subject to review by the regular courts?

Summary

Comparative analysis of the ten countries considered reveals a heterogeneous landscape regarding the existence and scope of special jurisdictions—particularly military ones—that may divert cases involving potential human rights violations away from ordinary justice.

Some countries have made decisive progress in eliminating jurisdictions that historically limited judicial review. Argentina is a paradigmatic example: currently, there are no procedures that remove complaints from ordinary jurisdiction, even in administrative matters—a principle reaffirmed by the Supreme Court of Justice of the Nation in 2022. Ecuador follows the same path: the 2008 Constitution and constitutional jurisprudence have restricted military jurisdiction solely to offenses of a strictly military nature.

Mexico shares this restrictive approach following constitutional reform and the jurisprudence of the Inter-American Court of Human Rights in the Radilla Pacheco case. Although the fuero de guerra (war jurisdiction) still exists, its scope is limited to active-duty military personnel and strictly military offenses, excluding human rights violations, which civilian courts must try. Similarly, in Uruguay, the Constitution limits military justice to strictly military offenses and wartime situations. Colombia, for its part, is characterized by a plurality of special jurisdictions. Military criminal justice retains competence over service-related crimes, but the Constitutional Court has clearly excluded crimes against humanity from its scope. Furthermore, the transitional justice process has created bodies such as the Special Jurisdiction for Peace (JEP), whose

design introduces new dynamics regarding the scope of special jurisdictions in contexts of serious human rights violations.

In contrast, other countries maintain structures where military jurisdiction still plays a significant role. In Bolivia, the Constitution and military codes fully recognize military justice for offenses of a military nature. However, the Plurinational Constitutional Tribunal has limited its jurisdiction by excluding serious human rights violations. Brazil presents a particularly complex case: Law № 13.491/2017 expanded the competence of military justice, allowing even the prosecution of abuses committed against civilians by military police on duty. Although limits exist (for instance, crimes against civilians' lives remain under ordinary jurisdiction), tensions persist regarding impartiality and accountability in cases of human rights violations.

Chile offers an intermediate scenario. Following the 2011 reform, civilians were excluded from military justice in compliance with rulings of the Inter-American Court, such as the *Palamara* case. Nonetheless, gaps remain concerning material competence, as no definitive legislation has yet excluded human rights violations from military jurisdiction. Paraguay and Peru maintain military jurisdictions which, although justified on grounds of institutional discipline, have faced international criticism. In Paraguay, cases such as *Noguera* and *Vargas Areco* before the Inter-American Court have highlighted the risk of impunity when serious violations are removed from ordinary justice. In Peru, the military-police jurisdiction is constitutionally established and has been upheld by the Constitutional Tribunal. Yet, the Inter-American Court has condemned the State on several occasions for allowing military tribunals to judge acts constituting serious human rights violations.

In conclusion, despite notable differences, there is a clear regional trend toward the restriction of military and special jurisdictions, driven by both national jurisprudence and international human rights commitments. The most advanced countries, such as Argentina, Ecuador, Mexico, and Uruguay, have consolidated the principle that ordinary courts must try all human rights violations. In others, the persistence of special jurisdictions poses challenges to compatibility with international obligations. Chile and Colombia display complex transitional processes in which jurisprudence and transitional justice mechanisms seek to balance institutional discipline with the protection of human rights. Ultimately, the common pattern is the pursuit of a rights-based model ensuring effective access to justice and no impunity in cases of serious violations.

Recommendations

1. Strictly limit the jurisdiction of military courts to offenses of a strictly military nature: States must ensure that all human rights violations, including crimes committed by military personnel against civilians, are tried exclusively by ordinary courts.
2. Exclude human rights violations from the scope of military jurisdiction: reform national legal frameworks to expressly remove human rights violations from military jurisdiction.
3. Strengthen judicial oversight and conventionality control in matters of military justice: ordinary judges must exercise constitutional and conventionality review over norms or acts that unduly expand the competence of military courts.

4. Reinforce judicial oversight and ensure effective remedies against military decisions: establish specific remedies that allow independent review of judgments issued by military courts, in accordance with the principle of the natural judge.
5. Guarantee independence, transparency, and accountability in proceedings related to military functions: establish institutional and civilian oversight mechanisms, such as specialized prosecutors' offices or units, to ensure impartial investigation of abuses committed by military personnel.

Pillar II

National human rights institutions

Section 6. National human rights institutions: autonomy, legitimacy, and effectiveness

Is there a national human rights institution (Office of the Ombudsman, Ombudsperson, Human Rights Commission, or other equivalent body)? Do you consider that this entity is recognized as a relevant mechanism both for filing complaints regarding human rights violations and for promoting awareness and respect for people's rights?

Summary

The comparative examination of the ten countries considered (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, and Uruguay) reveals a clear regional trend toward the consolidation of national human rights institutions with broad mandates to promote, defend, and protect rights. However, significant differences persist in terms of autonomy, social legitimacy, and effective operational capacity.

In all cases, there is a formally recognized entity—Ombudsman's Office, Human Rights Commission, or National Council—empowered to receive complaints and issue **recommendations** to the authorities. Most enjoy constitutional or specific legal status guaranteeing administrative and financial autonomy (Peru, Ecuador, Bolivia, Colombia, Uruguay, Chile). However, the actual independence of these institutions varies: while Uruguay, Chile, and Peru display high standards of impartiality and professionalism, other countries face criticism for politicization in appointment processes (Mexico, Bolivia, Ecuador) or for prolonged vacancies in leadership positions, as seen in Argentina.

A common feature is the lack of binding authority in their decisions. Ombuds institutions and Commissions can investigate, recommend, and issue reports, but they lack sanctioning or coercive powers. Consequently, their effectiveness depends on the degree of cooperation from public authorities. Some systems, such as those of Brazil and Colombia, complement these functions by allowing them to act before the Public Prosecutor's Office or to initiate judicial proceedings, thereby strengthening their capacity to exert influence.

The educational and promotional functions of human rights appear in all countries as a structural component of these institutions. Uruguay and Chile stand out for their systematic training programs and thematic observatories, while Bolivia, Paraguay, and Ecuador show more incipient development, constrained by budgetary constraints and limited territorial coverage. Nonetheless, across the region, there is a growing effort to bring a human rights culture closer to citizens through campaigns, annual reports, and online platforms.

Regarding public perception, the social legitimacy of these entities fluctuates depending on their visibility and responsiveness. In countries such as Peru and Uruguay, Ombuds institutions rank among the most trusted public bodies; in contrast, in Mexico, Bolivia, and Ecuador, levels of public awareness and credibility are lower due to political tensions or lack of transparency.

Overall, the regional landscape reveals an expanding institutional architecture aimed at strengthening the rule of law and accountability, yet still dependent on political will and interinstitutional cooperation. The prevailing trend is the pursuit of mechanisms of coordination among Ombuds institutions, Prosecutor's Offices, and civil society, with an increasing emphasis on protecting vulnerable groups, environmental rights, and victims' rights.

Recommendations

1. Strengthen the functional and budgetary independence of national human rights institutions: provide Ombuds institutions and equivalent bodies with financial, administrative, and operational autonomy, ensuring they are not subject to interference from other branches of government, and enhancing their operational capacity.
2. Reinforce transparency and citizen participation in appointment mechanisms: ensure transparent, participatory processes for selecting the institution's head, based on merit criteria and free from partisan interference.
3. Expand the operational mandate and judicial intervention powers: include the possibility of acting as *amicus curiae*, promoting strategic litigation, and referring cases to national, constitutional, or international courts.
4. Promote interinstitutional coordination and follow-up on recommendations: establish formal mechanisms of cooperation among Ombuds institutions, Public Prosecutors' Offices, and civil society, including systems to monitor the implementation of issued recommendations and spaces for dialogue with the judicial and legislative branches.

Section 7. Judicial units with differential approaches and inclusive access to justice

Is there one or several offices within the Judicial Branch, at the national level, that seek to promote the administration of justice and public policies with a differential approach (taking into account the specific characteristics of certain groups or populations, such as gender perspective, ethnic diversity, or populations in conditions of vulnerability, among others)?

Summary

Over the past decade, Latin American judicial systems have shown an increasingly visible trend toward incorporating a differential approach in the administration of justice. This process—driven by the expansion of international human rights standards and by social demands for equality and recognition—has led to the creation of specialized bodies to guarantee access to justice for women, Indigenous peoples, persons with disabilities, and other groups in situations of vulnerability.

In most countries, specialized offices, commissions, or programs can be found to mainstream these approaches into judicial policies. However, the nature and scope of such entities vary considerably. In some cases, such as Brazil, Chile, Colombia, and Peru, the process has been consolidated through normative instruments, strategic plans, and institutional observatories, while in others, such as Argentina, Paraguay, or Uruguay, experiences are more recent or limited in scope, focusing mainly on training and technical assistance.

The Brazilian and Chilean models stand out as the most structured and comprehensive. The National Council of Justice (CNJ) has developed integrated policies on gender and racial equality, the protection of vulnerable groups, and the prevention of violence. The existence of specific judicial protocols with gender and racial perspectives, national forums, and thematic observatories constitutes a regional good practice. Colombia has also made significant progress, particularly within the Special Jurisdiction for Peace (JEP). The Peruvian case is equally paradigmatic in terms of its territorial reach and coordination capacity. The '*Program for Access to Justice for People in Conditions of Vulnerability and Justice in Your Community*' has been internationally recognized for combining judicial training, social awareness, and an effective presence in rural areas. Nonetheless, geographical gaps persist, especially in the Amazon and Andean regions.

Conversely, in countries such as Bolivia, Ecuador, and Mexico, the institutionalization of differential approaches remains more limited or uncertain. In Bolivia, although the **G**ender Committee and the Justice and Gender Observatory have been established, their scope is primarily restricted to gender equality. In Ecuador, progress is limited to the traditional structure of specialized justice, while the coexistence between ordinary and Indigenous jurisdictions generates tensions regarding competence and coordination. In Mexico, the recent reform of the Judiciary introduces significant uncertainty about the future of the General Directorate for Human Rights, Gender Equality, and International Affairs, which threatens to weaken an already consolidated area of protection and training.

Although institutionalization advances at different paces across countries, in almost all cases, there is a clear will to move beyond the traditional judicial model, historically centered on formal neutrality, and to build a system of justice that is more sensitive to structural inequalities. However, alongside these advances, structural, financial, and cultural obstacles persist, limiting the real effectiveness of the policies implemented.

Recommendations

1. Institutionalize and strengthen units with a differential approach within judicial branches: create or consolidate specialized offices, commissions, and programs that promote, in a cross-cutting manner, gender, ethnic diversity, and vulnerability-sensitive perspectives, ensuring their alignment with regional and international human rights policies and regulatory frameworks such as the *Brasilia Rules on Access to Justice for People in Conditions of Vulnerability*.
2. Ensure resources and institutional stability: provide these bodies with their own budgets, technical autonomy, and qualified personnel, preventing their dependence on political or administrative changes.

3. Promote continuous judicial training and awareness: incorporate content on equality, non-discrimination, accessibility, and intercultural justice into initial and ongoing training for judges, prosecutors, and judicial officials, fostering a cultural shift toward inclusive, people-centered justice.
4. Develop evaluation and accountability mechanisms: implement impact indicators and monitoring systems on the application of differential-approach policies, ensuring transparency, citizen participation, and periodic review by judicial governance bodies.
5. Encourage interinstitutional and international coordination: promote networks of cooperation among judicial branches, public defender's offices, public prosecutors' offices, and international organizations to exchange good practices, harmonize methodologies, and ensure the effective implementation of Ibero-American standards on access to justice.

Section 8. Electoral bodies: independence, transparency, and public trust

Is there a relatively autonomous body responsible for the various procedures that culminate in elections (Electoral Body, Electoral Board, Electoral Commission, Electoral Directorate)? Is it a trustworthy entity, characterized by objectivity and professionalism?

Summary

The regional landscape shows that, over the past decade, Latin American countries have made steady progress toward consolidating autonomous electoral bodies that ensure the transparency, objectivity, and legitimacy of electoral processes. This is not a homogeneous phenomenon, but rather a diverse and evolving process in which highly institutionalized models coexist with others that face tensions stemming from politicization or administrative weakness.

In all of the States analyzed (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, and Uruguay), there are formally independent electoral bodies endowed with specific powers to organize, oversee, and certify election results. The judicialization of electoral matters is also a shared trend. In most countries, these bodies are constitutionally recognized, as in Bolivia, Ecuador, Peru, Uruguay, Mexico, and Brazil, which grants them stability and institutional support. In other cases, such as Argentina or Colombia, electoral oversight is carried out by specialized judicial bodies, whose integration into the Judicial Branch reinforces guarantees of functional independence and legal oversight.

In Chile, the Electoral Service (SERVEL) and the Electoral Qualifying Tribunal (TRICEL) maintain an impeccable reputation for transparency, placing them, together with Uruguay's Electoral Court, among the most trusted institutions in Latin America. In Peru, the RENIEC consistently ranks at the top of national institutional trust surveys, reflecting a model that combines technical capacity, inter-agency coordination, and cross-checking mechanisms.

However, gaps in independence and legitimacy persist across different levels of electoral justice. In particular, the appointment mechanisms for authorities—especially in higher bodies—often concentrate considerable discretion and allow political branches to intervene, weakening perceptions of institutional autonomy. In some cases, this is compounded by the accumulation of administrative and judicial functions within the same individuals, as well as by excessive Executive involvement in appointment processes. These structural features can undermine the impartiality and credibility of electoral bodies, limiting their ability to ensure the integrity and transparency of democratic processes.

The degree of technification constitutes another differentiating element. Brazil has been a pioneer in electronic voting since 1996, reaching levels of efficiency admired worldwide; yet challenges remain, particularly regarding new threats related to disinformation and digital manipulation. Increasingly, in the region, persistent challenges do not stem from a lack of institutional infrastructure, but rather from emerging risks linked to disinformation, political polarization, and digital interference.

Recommendations

1. Strengthen the appointment mechanisms and stability of electoral authorities: ensure transparent selection processes based on merit, suitability, and gender parity, limiting political discretion and interference from other branches of government.
2. Clearly delineate administrative and jurisdictional functions: separate the responsibilities of electoral organization and dispute resolution, as well as to avoid concentrating powers in a single body or individual.
3. Strengthen institutional capacities to address disinformation and technological threats: electoral bodies must have policies and specialized units to confront technological threats, protect digital infrastructure, and counter narratives that undermine trust in the electoral process and electoral justice.
4. Consolidate systems of transparency, oversight, and accountability: implement open mechanisms for monitoring and publishing decisions, data, and electoral expenditures, ensuring the traceability of campaign financing.

Pillar III

International regulatory framework

Section 9. Adherence to universal human rights treaties

Has your State signed and ratified international treaties within the United Nations framework on the respect and guarantee of human rights? (See Annex 1 for a list of suggested instruments)

Summary

The region shows a high degree of formal adherence to the main international human rights treaties of the United Nations system. In almost all cases, States have signed and ratified all nine core instruments listed in Annex 1 and, in several cases, their optional protocols as well. This trend reflects a firm regional consensus on the universal value of human rights and on the need to maintain an active presence in international monitoring mechanisms.

However, beyond formal ratification, countries display differing levels of normative integration and effective compliance. In general, constitutional frameworks recognize the superiority or special status of international human rights treaties over domestic legislation, but their practical application depends on institutional, jurisprudential, and political factors.

A common feature across the region is the gap between international commitment and domestic implementation. Ratifying treaties does not always translate into public policies, domestic legislation, or judicial practices consistent with international standards. Regulatory gaps persist in the area of economic, social, and cultural rights, as do shortcomings in monitoring and accountability mechanisms. Furthermore, the lack of specialized training for legal practitioners in the use of treaties as a direct source of law limits their transformative potential.

Recurring concerns include: resistance to incorporating United Nations committee observations into national policies; delays in submitting periodic reports; and limited coordination among foreign ministries, government agencies, and judicial authorities in fulfilling international obligations.

In summary, Latin America is characterized by near-universal adherence to international human rights treaties. Still, their full effectiveness remains conditioned by internal factors: institutional capacity, political will, and the judicial appropriation of international standards.

Recommendations

1. Promote the ratification of pending international instruments and the adoption of their optional protocols: reaffirm the regional commitment to the universal and inter-American human rights protection systems, broadening the reach of monitoring and oversight mechanisms.
2. Ensure the effective incorporation of international human rights treaties: adopt normative and jurisprudential measures that guarantee the incorporation and direct application of treaties and jurisprudence in domestic legislation and judicial practice.

3. Strengthen interinstitutional mechanisms for follow-up and accountability before treaty bodies: consolidate coordination structures among branches of government, ombuds institutions, and justice sector bodies to ensure coherent and timely responses to international committees' observations and compliance with judgments.
4. Promote continuous training for judges, prosecutors, and public defenders in international human rights law: incorporate mandatory training modules on international case law, conventionality control, and regional standards in judicial academies and public prosecutors' offices, fostering a culture of uniform application.

Section 10. National mechanisms for follow-up to the United Nations treaty bodies

Does your State have a mechanism for follow-up and compliance with the resolutions, recommendations, and observations of the United Nations treaty bodies? Is it effective? See Annex 2 for the list of treaty bodies.

Summary

In recent years, Latin American States have made progress in creating mechanisms for follow-up and compliance with the recommendations, resolutions, and observations of United Nations treaty bodies. However, the region continues to show significant institutional diversity: some countries have developed **c**oordinated systems and technological monitoring tools, while others maintain fragmented structures with limited practical effectiveness.

At the more advanced end of the spectrum are Paraguay, Peru, Uruguay, and Bolivia, which have developed interinstitutional registration and monitoring systems such as, respectively, the *SIMORE Plus system, the Intersectoral Protocol for State Participation before International Protection Systems*, Uruguay's formal monitoring system, and Bolivia's *Plurinational System for Follow-up, Monitoring, and Statistics on Human Rights Recommendations (SIPLUS)*. In the intermediate group are Brazil, Chile, Colombia, and Ecuador, which have consolidated structures within their foreign ministries or specialized ministries. Finally, Argentina and Mexico represent cases in which follow-up is carried out in a sectoral and decentralized manner, without a coordinating body.

Taken together, the region presents a paradox: an **a**bundance of international commitments and a scarcity of effective mechanisms to implement them. The weakness of follow-up systems undermines coherence between the international and domestic levels and limits the impact of treaties on the day-to-day reality of human rights.

Recommendations

1. Consolidate centralized and/or coordinated mechanisms for follow-up and compliance: overcome institutional fragmentation by creating or strengthening single national bodies

with binding competencies, or systems capable of coordinating the actions of different ministries and State bodies in the follow-up of international recommendations.

2. Ensure sufficient technical, human, and budgetary resources for follow-up mechanisms: allocate stable budgets and specialized teams that guarantee institutional continuity, avoiding dependence on external or short-term support.
3. Incorporate outcome indicators and qualitative evaluation tools: develop methodologies and indicators that measure the real impact of international recommendations on public policy transformation and the effective protection of rights, moving beyond a merely procedural or declaratory approach.
4. Strengthen transparency and public access to information: update and maintain national monitoring platforms that are open, accessible, and up to date, allowing citizens and international bodies to verify levels of compliance and promote accountability by public authorities.
5. Promote structured cooperation between the State and civil society: institutionalize spaces for dialogue and participation for social, academic, and victims' organizations in the preparation of national reports and in follow-up processes, fostering democratic shared responsibility and reinforcing the legitimacy of State actions.

Section 11. Compliance with decisions of the inter-American regional human rights system

Is your State a ratifying Party to the fundamental instruments of the regional human rights system? Were the Regional Court's decisions (judgments) complied with and implemented?

Summary

In Latin America, adherence to the Inter-American Human Rights System constitutes a structural commitment to the supranational protection of fundamental rights. The ten countries analyzed have ratified the American Convention and recognized the contentious jurisdiction of the Inter-American Court of Human Rights (Corte IDH). However, the degree of compliance with its decisions varies widely depending on institutional capacity, political will, and the coherence between domestic and international law.

Overall, the region shows notable progress in formal acceptance and in the creation of follow-up mechanisms, although a gap persists between legal recognition and practical implementation. The predominant trend is one of partial and gradual compliance, conditioned by political, judicial, and budgetary factors.

Argentina, Brazil, Peru, and Colombia show the highest levels of normative and case-law compliance, supported by constitutional frameworks that integrate human rights treaties into

domestic law and by the existence of specialized judicial or administrative bodies. Nonetheless, difficulties remain, particularly those linked to interinstitutional coordination and to resistance within specific judicial sectors to revisiting final judgments.

In contrast, Bolivia, Ecuador, Chile, and Paraguay show intermediate or low levels of effective compliance, mainly due to the absence of specific legislation and/or clear procedures, budgetary constraints, and limited coordination between the judicial and executive branches. In several of these cases, reparation measures advance slowly, and the Court's decisions remain under supervision for years.

Mexico and Uruguay occupy an intermediate position: both maintain a long-standing commitment to the system but face structural tensions stemming from judicial interpretation of conventionality control and from difficulties in implementing institutional or legislative reforms ordered by the Inter-American Court of Human Rights (Corte IDH).

Taken together, the region faces common challenges: the lack of specific normative frameworks for implementing international judgments, insufficient interinstitutional coordination, limited participation by civil society, and the absence of mechanisms to assess the impact of reparation measures. As a result, compliance remains, in many cases, more formal than substantive, underscoring the need to consolidate a regional culture of genuine and effective compliance.

Recommendations

1. Legislate on the implementation of international judgments: adopt clear normative frameworks that establish procedures, timelines, and authorities responsible for the effective compliance with the decisions of the Inter-American Court of Human Rights (Corte IDH).
2. Create permanent commissions for interinstitutional coordination: strengthen coordination among branches of government to plan and monitor compliance, avoiding the dispersion of competencies and the duplication of efforts.
3. Allocate sufficient technical, financial, and human resources: ensure stable budgets and specialized teams capable of implementing reparations and structural measures sustainably.
4. Train judges and prosecutors in conventionality control: incorporate continuous training in inter-American standards to ensure the direct and coherent application of international decisions.
5. Promote transparency and citizen participation: institutionalize open mechanisms for accountability and social oversight regarding the degree of compliance with international judgments.

Section 12. Implementation and monitoring of non-jurisdictional recommendations of the regional system

Does your State have a mechanism for follow-up and compliance with the resolutions, recommendations, and observations of the regional human rights protection bodies, beyond those that take the form of judgments?

Summary

In recent years, Latin American States have made uneven but steady progress in institutionalizing mechanisms for the follow-up and compliance with the recommendations and decisions of regional human rights bodies, especially the Inter-American Commission on Human Rights (CIDH). Although nearly all countries have created monitoring units or platforms, their effectiveness still depends on interinstitutional coordination, available resources, and political will.

A clear distinction can be observed between countries with consolidated systems, such as Paraguay, Peru, Bolivia, and Brazil—where follow-up has been integrated into State planning and linked to the Sustainable Development Goals—and those with more incipient or fragmented structures, such as Chile, Colombia, and Ecuador, where partial initiatives or projects dependent on international cooperation predominate.

Argentina and Mexico, for their part, still lack centralized mechanisms, maintaining a **s**ectoral and dispersed approach, while Uruguay has a stable structure but with low levels of updating and limited social participation.

Taken together, the region is moving from formal models toward more integrated and transparent systems, although significant gaps remain in institutionalization, sustainability, and participation. The countries with the greatest progress share three essential features: effective interinstitutional coordination, openness to civil society, and political continuity—factors whose absence explains the limitations of less developed models.

Recommendations

1. Consolidate permanent mechanisms with a normative basis and dedicated budgets: adopt legal frameworks that institutionalize follow-up units within ministries of justice or foreign affairs, providing them with technical autonomy, stable resources, and an explicit mandate to coordinate compliance with the recommendations and decisions of the Inter-American Commission on Human Rights (CIDH).
2. Incorporate impact indicators and participatory evaluation methodologies: design national information systems compatible with the Inter-American SIMORE, using verifiable indicators of compliance, timelines, and results. Include qualitative and quantitative evaluation mechanisms that involve civil society, victims, and academia.

3. Strengthen regional and interinstitutional cooperation: promote technical exchanges among States that already have advanced systems (such as Paraguay's SIMORE or Bolivia's MESEG), replicate good practices, and integrate regional coordination networks within the OAS framework to harmonize follow-up methodologies and standards.
4. Increase citizen participation and transparency of information: establish public, accessible platforms to consult the status of compliance, publish periodic reports, and ensure continuous dialogue among institutions, victims, and social organizations.
5. Ensure administrative stability and technical training for responsible personnel: guarantee institutional continuity despite political changes through career-based regulations and transfer protocols. Incorporate continuous training programs in human rights, conventionality control, and monitoring methodologies.

Pillar IV

Functioning of the justice system and procedures for the protection of rights

Section 13. Constitutional actions and judicial remedies for the protection of rights

Is there a specific remedy or action (such as amparo, habeas corpus, tutela, among others) to report human rights violations and seek reparation for their consequences?

Summary

In Latin America, the judicial protection of human rights is firmly embedded in national constitutional frameworks. The ten countries analyzed have specific remedies—such as *amparo* (a constitutional remedy for the protection of fundamental rights), the *recurso de protección* (a Chilean constitutional action for rights protection), *tutela* (Colombia's expedited rights-protection action), *habeas corpus*, and *habeas data* (protection of personal data)—designed to ensure rapid and effective protection against violations of fundamental rights. Although their names and procedures vary, the common objective is to guarantee that every person has direct and expedited access to justice when their rights are threatened or violated.

The region shares a rights-protective tradition and an ongoing process of constitutional entrenchment of rights, influenced by both the Mexican amparo model and the case law of the Inter-American Court of Human Rights (Corte IDH). It is worth noting that, alongside individual remedies, there are also urgent collective protection mechanisms aimed at safeguarding diffuse rights or specific groups in the face of serious or imminent violations, as well as original normative and case-law developments that reflect the expansion of the catalogue of protected rights.

However, these advances coexist with persistent obstacles that limit their practical effectiveness. In several countries, structural delays, the lack of mechanisms for enforcing judgments, and the politicization of the judiciary reduce the effectiveness of these remedies. Added to this are territorial disparities in the application of the mechanisms, limited coordination with international bodies, and insufficient public awareness of the available protection instruments.

Recommendations

1. Simplify and unify amparo and tutela procedures**:** review legislative and procedural frameworks to eliminate excessive formalities, establish mandatory decision deadlines, and ensure expedited and electronic processing of these remedies.
2. Ensure free legal assistance and resources with a territorial focus: create national support funds and expand the network of public defender services in rural, Indigenous, and peripheral areas, guaranteeing interpreters and specialists in human rights.
3. Strengthen judicial independence and human rights training: incorporate continuous training programs on conventionality control and inter-American standards, and adopt normative safeguards against undue political or disciplinary pressures.

4. Create national systems for coordination and monitoring of judicial compliance: institutionalize permanent units within ministries of justice or supreme courts, endowed with a technical mandate and dedicated budgets to monitor the enforcement of judgments and reparation measures.

Section 14. Effectiveness, accessibility, and independence in the judicial protection of human rights

Do you consider that this remedy, if it exists, is easy to file and effective, and that it is generally resolved in an expedited manner? Are the judicial bodies considered "independent" when deciding these remedies?

Summary

The effective functioning of judicial remedies constitutes the operational core of the rule of law and an essential parameter for measuring the real effectiveness of human rights. In Latin America, all the countries analyzed constitutionally recognize protection mechanisms—such as *amparo*, the *recurso de protección*, *tutela*, *habeas corpus*, and *habeas data*—intended to offer rapid and direct protection against serious or imminent violations. However, the comparative analysis shows that formal accessibility does not always translate into substantive effectiveness or expedited resolution.

Although these remedies can, in principle, be filed without excessive formalities and with free legal assistance, their actual functioning is affected by a combination of structural and cultural factors. These include court overload, normative ambiguity that leaves wide margins for judicial discretion, and the persistence of bureaucratic practices that delay decisions. In many countries, territorial disparities—particularly in rural, Amazonian, or hard-to-reach regions—further exacerbate inequality in judicial protection.

These limitations are compounded by the Judiciary's insufficient independence, which, in certain contexts, remains exposed to political, media, or corporate pressures, especially in high-profile cases. This generates public distrust and weakens the legitimacy of the judicial bodies responsible for deciding protection remedies. As a result, although the region's normative framework is formally rights-protective, effective access to justice remains unequal and fragmented.

Taken together, it can be said that these remedies are legally accessible but materially ineffective when institutional guarantees, ensuring judicial autonomy, procedural celerity, and equitable territorial coverage are lacking.

Recommendations

1. Ensure comprehensive and simplified regulation of judicial protection remedies: provide national systems with exhaustive, accessible normative frameworks that are faithful to the constitutional model and aimed at greater legal certainty in their practical application.
2. Guarantee interpretive uniformity and coherence in case law: reduce judicial discretion by issuing binding guidelines or unified criteria from the higher courts, in order to avoid interpretive divergences among judicial bodies and strengthen the predictability of judicial decisions.
3. Expand territorial coverage and free access to legal assistance: strengthen public defender services and establish mobile or virtual offices in rural and Amazonian regions, guaranteeing specialized legal advice and translation into Indigenous languages where appropriate.
4. Create national systems to monitor compliance with judgments and precautionary measures: institutionalize judicial observatories or technical units to evaluate resolution times, compliance rates, and the causes of delays in the enforcement of decisions in human rights cases.
5. Strengthen judicial training in international standards and conventionality control: incorporate mandatory modules in judicial academies on judicial independence, due diligence, and the direct application of the case law of the Inter-American Court of Human Rights (Corte IDH).

Section 15. Protection of access to public information and personal data (*habeas data*)

Are there specific remedies to guarantee access to public or publicly relevant information and to protect the right to privacy or personal data (habeas data)?

Summary

In Latin America, the right of access to public information and the protection of personal data have become consolidated as complementary pillars of State transparency and individual privacy. Most countries have incorporated judicial remedies such as *habeas data* or the right of petition into their constitutions or specific laws, creating a rights-protective framework that combines citizen oversight with the protection of privacy.

At the regional level, a common trend can be observed toward a dual normative structure, distinguishing between access-to-information laws and personal data protection laws, as well as the creation of specialized authorities with supervisory and sanctioning powers. However, relevant differences persist regarding the updating of legal frameworks and the institutional capacity to enforce them effectively.

Brazil and Colombia represent more advanced models due to the modernization of their laws and the existence of technical agencies with oversight powers, while Argentina, Chile, and Uruguay have consolidated frameworks but still face implementation or updating challenges in the context of new digital environments. Peru and Ecuador have strengthened their constitutional guarantees by explicitly recognizing habeas data, though judicial application remains uneven. By contrast, countries such as Bolivia and Paraguay show partial progress, limited by the absence of comprehensive legislation or by the lack of autonomous supervisory bodies.

Taken together, the region has achieved broad normative recognition of these rights, but it still faces a structural challenge: harmonizing privacy protection with technological expansion, the digital economy, and artificial intelligence, while simultaneously ensuring the independence of oversight authorities, the effectiveness of sanctions, and a citizen culture of responsible information use.

Recommendations

1. Update normative frameworks to incorporate standards on artificial intelligence, cybersecurity, and digital protection: modernize access-to-information and personal data protection laws, ensuring their coherence with international instruments and with the challenges arising from automated processing, digital surveillance, and platform-based economies.
2. Strengthen the independence and sanctioning capacity of oversight authorities: guarantee the functional, budgetary, and technical autonomy of national data protection agencies, providing them with specialized human resources and effective powers to supervise, sanction, and guide the actions of data controllers.
3. Promote regional cooperation and normative harmonization: foster intergovernmental coordination mechanisms and regional networks for technical exchange among transparency and data protection authorities, with the aim of unifying interpretive criteria, sharing good practices, and facilitating the cross-border portability of information.
4. Incorporate digital literacy policies and active transparency: develop national programs for citizen education on privacy, digital rights, and responsible information use, fostering a culture of data protection and informed participation. At the same time, strengthen transparency portals that guarantee proactive public access to State-held information.

Section 16. Risks and protection of human and environmental rights defenders

Does carrying out the work of a human rights or environmental defender entail a real and significant risk? Have there been cases of aggression against journalists or defenders when reporting possible human rights violations?

Summary

In Latin America, defending human and environmental rights remains high-risk work. Human rights defenders, journalists, and community leaders face threats, harassment, criminalization, and even killings in a context where impunity and weak institutions remain the norm. The region continues to be among the most dangerous in the world for those who report human rights violations, socio-environmental conflicts, or corruption—particularly in rural areas and Indigenous territories.

The prevailing pattern reflects a structural tension between economic or extractive interests and the defense of human and environmental rights, aggravated by fragile protection mechanisms and the lack of judicial independence. In most countries, existing programs lack sufficient resources, interinstitutional coordination, and the capacity to respond promptly.

Brazil, Colombia, Mexico, and Peru concentrate the highest levels of violence and exemplify the persistent gap between normative commitments and their effective implementation. In other countries, such as Chile, Ecuador, and Bolivia, protection policies have advanced unevenly, with recent instruments still in early stages of implementation. Paraguay lacks a specific legal framework, while Argentina and Uruguay show less violent contexts but face growing risks of stigmatization, judicial harassment, and digital threats.

At the regional level, three converging trends can be observed: the expansion of normative recognition in line with the Escazú Agreement; the creation of national protection mechanisms—generally fragile and with limited territorial coverage; and increased visibility of attacks against environmental defenders and journalists, prompting partial but still insufficient responses. The divergences lie in institutional capacity, political will, and the degree of coordination between criminal justice, environmental policies, and human rights protection.

Recommendations

1. Strengthen institutional protection frameworks: establish permanent national mechanisms with functional autonomy, dedicated budgets, and active participation of civil society, in accordance with the standards of the Inter-American Commission on Human Rights (CIDH) and the United Nations system.
2. Ensure prompt, thorough, and independent investigations: adopt uniform protocols for investigating and prosecuting attacks, threats, and killings of defenders, guaranteeing judicial independence, witness protection, and the effective sanctioning of those responsible.

3. Promote an institutional culture that recognizes and legitimizes the role of defenders: implement public campaigns, educational programs, and training initiatives for public officials, security forces, and companies, to eradicate the stigmatization and criminalization of human rights defense.
4. Consolidate regional cooperation and monitoring mechanisms: strengthen coordination among States, international organizations, and regional protection mechanisms by establishing early-warning systems and joint observatories to monitor attacks and identify good prevention practices.
5. Effectively comply with international obligations: observe commitments arising from the Escazú Agreement and inter-American case law, particularly with respect to the protection of environmental defenders and Indigenous and rural communities affected by development or extractive projects.

Pillar V

Relevance in civil society, the education sector, the media, and public opinion

Section 17. Civil society and human rights defender organizations

Are there civil society organizations in the country expressly dedicated to the defense of individual rights, as well as the rights of specific groups and communities—such as Indigenous peoples, Afro-descendant populations, LGBTIQ+ groups, women, and migrants? ¿Are these organizations well-known and influential?

Summary

Across the ten countries analyzed, a common pattern can be observed: the strengthening of the social fabric of civil society and the thematic diversification of civil society organizations (CSOs), which—since the democratic transitions—have been a driving force behind the defense and expansion of human rights, particularly for Indigenous peoples, Afro-descendant populations, women, LGBTIQ+ communities, migrants, and displaced persons.

Social activism has become institutionalized: most constitutional frameworks recognize the right of association and have enabled a growing political and judicial role for CSOs, which today participate in legislative debates, strategic litigation, and reporting before international bodies. In countries such as Argentina, Brazil, Chile, Colombia, and Peru, their influence has been decisive in reforms related to gender equality, environmental rights, and migration.

The professionalization and regional coordination of CSOs—through networks such as CODEHUPY, APIB, or Peru's *Coordinadora Nacional de Derechos Humanos*—have expanded their capacity to exert influence and increased their visibility, supported by digital media and partnerships with academia. However, significant disparities persist in terms of autonomy, funding, and relations with the State: while Uruguay, Chile, and Argentina offer more favorable environments, Bolivia, Ecuador, and Paraguay continue to face bureaucratic restrictions and political pressures, including legislative attempts to regulate or constrain civic space.

Thematically, distinct agendas stand out: environmental justice and traditional communities in Brazil; Indigenous and Afro-descendant communities in Colombia and Peru; gender rights in Mexico and Argentina; and historical memory in Chile. Nevertheless, criminalization, violence against defenders, the lack of sustainable funding, and territorial inequality continue to limit their effectiveness—challenges further aggravated by disinformation and polarization, which erode public legitimacy and the democratic culture of human rights.

Recommendations

1. Guarantee freedom of association and access to independent funding: review normative and administrative frameworks that restrict the autonomy of civil society organizations (CSOs), eliminating disproportionate controls and ensuring transparency without undermining institutional independence.

2. Strengthen comprehensive protection for human rights defenders, journalists, and community leaders: establish national early-warning mechanisms and permanent monitoring observatories, with civil society participation, to ensure rapid responses, effective protection, and the criminal prosecution of attacks.
3. Promote strategic alliances among civil society, academia, and the State: foster institutionalized spaces for dialogue and cooperation that integrate empirical evidence and social diagnostics into the formulation, implementation, and evaluation of public policies grounded in human rights.
4. Incorporate human rights education and inclusive communication into public policies and educational curricula: develop training programs at all levels of the education system and within public media outlets, prioritizing an intersectional and pluralistic approach that combats disinformation and hate speech.
5. Advance regional cooperation and coordination among Latin American CSO networks: consolidate regional platforms for exchange and monitoring that promote good practices in advocacy, strategic litigation, and collective human rights defense, strengthening the collective voice of civil society in international forums.

Section 18. Human rights education in primary and secondary schooling

Do human rights hold a prominent place in national public-education curricula?

Summary

The comparative analysis of the ten Latin American countries examined reveals a convergent regional framework in recognizing human rights education (HRE) as an essential axis of civic and democratic formation. In all cases, general education laws, constitutions, or national plans incorporate this dimension, although with differing degrees of institutional development, curricular coherence, and practical effectiveness.

At the normative level, a substantive consensus prevails: HRE is understood as a tool for fostering critical citizens and promoting equality, peace, and social justice. In Brazil and Colombia, there is mandatory inclusion at all educational levels through specific national plans, reflecting an advanced level of institutionalization. Chile, Mexico, and Ecuador integrate the rights-based approach into programs on citizenship, gender equality, and interculturality, reinforcing the connection between education and democratic values.

The divergences arise mainly in implementation. In federal systems (Argentina, Brazil, Mexico), curricular decentralization generates territorial inequalities; in the Andean countries (Bolivia, Ecuador, Peru), discourses on decolonization and interculturality coexist with structural shortcomings such as a lack of resources and teacher training. Political continuity and changes in

government directly affect the sustainability of programs, as seen in Uruguay and Chile, where recent reforms have reduced instructional hours or the centrality of HRE.

Among the innovations, the specialized pedagogical materials of Brazil, the methodological guides of Ecuador, and the cross-cutting integration of HRE in Colombia and Peru stand out, including professional training in justice, the armed forces, and the police. However, common challenges persist: insufficient teacher training, territorial inequality, ideological resistance regarding issues of gender or memory, limited impact evaluation, and dependence on political will—factors that hinder the consolidation of a true regional culture of human rights.

Recommendations

1. Consolidate permanent national policies on human rights education: establish long-term action plans with stable funding, verifiable goals, and inter-institutional monitoring mechanisms, articulating ministries of education, justice, and human rights to ensure continuity beyond political cycles.
2. Strengthen teacher training with a critical and intercultural approach: implement continuous training programs that integrate participatory methodologies, education for peace, a gender perspective, and interculturality, ensuring the inclusion of HRE in teacher training institutes and pedagogical universities.
3. Guarantee the real mainstreaming of HRE in educational curricula: incorporate human rights principles across all subjects and levels of the educational system, avoiding their confinement to elective courses or merely theoretical content, and promoting their connection with community practices and active citizenship projects.
4. Promote regional cooperation and the exchange of good practices: create networks among ministries, universities, and international organizations (such as UNESCO, OAS, or IIDH) to develop shared pedagogical materials, comparative evaluation strategies, and regional observatories on human rights education.
5. Ensure the normative and political protection of the rights-based approach: incorporate legal safeguards that preserve HRE content from situational reforms, guaranteeing that educational policies maintain their secular, inclusive, and plural character, in accordance with international standards and the inter-American human rights system.

Section 19. University and postgraduate education in human rights

Are there, in general, human rights courses within university degree programs, such as Law? Are there postgraduate study programs focused on human rights?

Summary

The comparative analysis of the ten Latin American countries reveals a consolidated regional trend toward the progressive incorporation of human rights into higher education, both in undergraduate programs—especially in Law—and in postgraduate studies. This process reflects an expanding legal culture that recognizes education as an essential instrument for strengthening the Rule of Law, democracy, and active citizenship.

In most countries, human rights form part of the mandatory or cross-cutting curriculum of law degrees, being integrated into subjects such as Constitutional Law, Professional Ethics, or International Law. Brazil, Argentina, Colombia, and Uruguay stand out for having institutionalized their teaching through national guidelines or university accreditation rules. At the same time, there is sustained growth in master's programs, diploma courses, and research centers in human rights, constitutional justice, and strategic litigation, both in public and private universities.

However, significant differences persist due to university autonomy and federal or decentralized models. In countries such as Mexico, Argentina, or Brazil, the implementation of the human rights approach varies widely across institutions. In others, such as Bolivia or Paraguay, the presence of the subject depends on academic profiles and available resources, which generate territorial inequalities and limit access.

The most noteworthy innovations include human rights legal clinics, community outreach programs, open online courses, and interdisciplinary experiences that link legal education with other social fields. Nonetheless, common challenges remain: insufficient teacher training, lack of curricular homogeneity, weak articulation between teaching and professional practice, and limited institutional recognition of human rights education as an autonomous field of legal knowledge.

Recommendations

1. Harmonize regional curricular standards in human rights: promote the adoption of common reference frameworks that guarantee the mandatory inclusion of human rights instruction in university degree programs, while respecting national specificities and ensuring coherence between undergraduate and postgraduate levels.
2. Promote international academic cooperation and university mobility: foster joint master's programs, double-degree agreements, and shared virtual platforms in the field of human

rights, with the support of multilateral organizations such as the OAS, UNESCO, or the European Union.

3. Ensure territorial and economic equity in access to higher education in human rights: develop virtual and distance-learning programs, regional scholarships, and support funds for universities located outside major urban centers or with lower budgets, prioritizing the inclusion of historically marginalized groups.
4. Consolidate the practical, community-based, and professional dimension of teaching: integrate legal clinics, supervised practice, outreach projects, and partnerships with social organizations and ombuds institutions, ensuring that human rights education effectively contributes to social transformation and the strengthening of the Rule of Law.

Section 20. Freedom of the press and the relationship between public power and the media

Is there a respectful attitude on the part of the Public Authorities toward an independent press, even when it is critical of governmental actions?

Summary

The contemporary landscape of the countries analyzed shows that, although freedom of the press is formally guaranteed in all constitutions and legal frameworks, its effective exercise remains conditioned by structural and situational factors. The normative recognition of freedom of expression, information, and the press is almost universal, including prohibitions on prior censorship and the State's obligation to protect media pluralism. However, a gap persists between the norm and practice, marked by political polarization, violence against journalists, and the economic concentration of the media.

In most countries, an official rhetoric of respect toward the independent press can be observed, but also a recurrent use of pressure mechanisms, such as the judicialization of critical journalism or restrictions on access to public information, which affect editorial independence. Argentina, Mexico, and Colombia register the highest levels of hostility and risk, while Uruguay and Chile present more stable environments, though both are threatened by media concentration and labor precarization. In Brazil, the recent opening of institutional dialogue coexists with the persistence of disinformation narratives and digital attacks.

Taken together, the ten countries face common challenges: physical and symbolic violence against journalists, impunity for crimes, political use of public media, and the expansion of disinformation in digital environments. These dynamics have led to self-censorship and weakened journalism's role as a guarantor of transparency and democratic accountability.

Recommendations

1. Strengthen the legal frameworks for the protection of journalists and media outlets: adopt specific laws that guarantee editorial independence, establish urgent protection mechanisms, and effectively sanction institutional or private violence against journalists.
2. Reduce media concentration in ownership and promote informational pluralism: implement antitrust policies and support programs for community, university, and independent media, ensuring diversity of voices and economic sustainability.
3. Regulate the institutional use of social media by public authorities: establish protocols that prevent stigmatization, guarantee communicative transparency, and ensure equitable access to information of public interest.
4. Guarantee the autonomy and pluralism of public media: provide them with independent governing bodies, stable funding mechanisms, and public-service obligations oriented toward inclusion and civic education.
5. Promote media and digital literacy from a democratic perspective by including educational programs that strengthen citizens' capacity to distinguish reliable information, combat disinformation, and resist hate speech in digital environments.

Conclusion

The *BRIDGE Watch Report: Human Rights in Latin* America presents a comparative analysis of ten countries in the region—Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, and Uruguay—regarding the current situation of human rights, their advances, challenges, and prospects. The study is organized around five fundamental pillars: (1) national normative framework; (2) human rights institutional framework; (3) international normative framework; (4) functioning of the justice system and procedural guarantees; and (5) social, educational, and media-related promotion of human rights. Based on these axes, the report offers a comprehensive overview of the degree of development, implementation, and sustainability of fundamental rights in the region, highlighting normative convergences, institutional divergences, and opportunities for biregional cooperation.

Most of the countries analyzed have incorporated human rights into their constitutions and domestic legislation, thereby consolidating a robust, rights-protective legal framework. In all cases, the primacy of international treaties and the State's obligation to respect, protect, and promote fundamental rights are recognized. Nevertheless, the hierarchical status of such treaties vis-à-vis national constitutions varies across Latin American legal systems, with some models granting them constitutional rank and others placing them above ordinary law but below the Constitution. However, the effectiveness of this recognition is affected by gaps between the norm and its practice, stemming from institutional fragmentation, legislative dispersion, and the absence of effective enforcement mechanisms. Grey areas persist in normative harmonization, especially in the fields of digital rights, substantive equality, and the environment.

The future of the human rights institutional framework depends on strengthening the autonomy, stability, and professionalization of bodies such as ombuds institutions, national human rights institutions, or specialized prosecutors' offices. These entities play a pivotal role in mediating between citizens and the State, in supervising compliance with international obligations, and in attending to vulnerable groups. In fact, their effectiveness remains constrained by budgetary limitations, political interference, and a shortage of specialized human resources. In some cases, fragmentation among levels of government and the lack of interministerial coordination reduce the coherence of public policies.

At the international level, the ten countries studied are parties to the main instruments of the Inter-American and universal human rights systems. However, effective compliance with international judgments remains uneven. In some countries, execution depends on the political will of the executive branch or on coordination among ministries and courts. There is a lack of clear legal frameworks that define procedures, timeframes, and the authorities responsible for compliance.

The functioning of Latin American judicial systems constitutes one of the most decisive factors for the effectiveness of human rights. In the ten countries analyzed, there are constitutional

remedies such as amparo, tutela, and habeas corpus that provide for rapid protection against violations of fundamental rights. Nevertheless, their practical effectiveness is limited by judicial discretion, independence shortcomings, structural delays, and territorial inequalities that affect access to justice in rural or peripheral areas.

Education, culture, and communication constitute the social engine of human rights. Throughout the region, educational systems have begun to integrate human rights education (HRE) at the school and university levels, and universities are increasingly offering specialized postgraduate programs. Despite these advances, territorial inequalities, insufficient teacher training, and ideological resistance persist, hindering the full mainstreaming of the human rights approach. The incorporation of human rights into professional training and the media remains uneven, and the rise of digital disinformation poses a new threat to democratic culture.

The comparative analysis shows that Latin America has reached a notable normative maturity and social vitality in the field of human rights. Nevertheless, gaps in effectiveness, independence, and institutional sustainability persist, requiring coordinated action at the national and regional levels. The respect for human rights in the region cannot be conceived solely as a legal commitment, but as a shared political and cultural project that demands cooperation, education, and a profound institutional transformation.

The European experience offers a valuable reference for advancing toward a Latin American system of continuous monitoring and evaluation grounded in objective indicators, transparency, and citizen participation. Based on the analysis carried out, three priority areas of biregional cooperation are identified that may contribute to the strengthening of human rights in Latin America and to the consolidation of a transatlantic community of shared values:

1. Institutional strengthening and follow-up mechanisms: promote technical and financial cooperation to reinforce the independence, autonomy, and operational capacity of national human rights institutions and the judicial branch. This includes the creation of systematic follow-up mechanisms for international commitments, supported by performance indicators and the participation of civil society and academia.

2. Comprehensive protection of human rights defenders, journalists, and civil society: develop joint policies to prevent violence and combat impunity in attacks against defenders and communicators, ensuring the free exercise of criticism and democratic oversight. The European Union and Latin America could cooperate on early-warning protocols, transnational protection networks, and training in digital and legal security, in line with the standards of the Escazú Agreement and the European guidelines on human rights defenders.

3. Education, democratic culture, and digital transformation: foster a common agenda on human rights education, media literacy, and ethical digital governance, supported by joint programs among universities, judicial training schools, and multilateral bodies. Bi-regional cooperation could draw inspiration from the Charter of Fundamental Rights of the European Union and from the European legal framework on data protection, artificial intelligence, and cybersecurity, ensuring that digitalization is guided by respect for human dignity and the strengthening of democracy.

Taken together, the BRIDGE Watch Report "Human Rights in Latin America" aims to contribute to political, academic, and social dialogue between the European Union and Latin America, providing empirical evidence and strategic guidance to serve as a basis for sustainable public policies and long-term institutional cooperation. Strengthening human rights is not only a legal obligation but also a concrete expression of the universal values of justice, equality, and solidarity that have historically linked both regions in the construction of a more human, democratic, and plural international order.