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**American University Washington College of Law**

2025 Inter-American Human Rights Moot Court Competition

30<sup>th</sup> Anniversary

Hypothetical Case: Human Trafficking and Human Rights

**A.A. and Nine other Women v. Republic of Aravania**

**I. The Republic of Aravania**

1. The Republic of Aravania covers an area of 208,000 km<sup>2</sup> along the Pacific coast of South America. It is bordered to the south by the Democratic State of Lusaria along the Nimbus River and to the west by the Pacific coast. It comprises 12 departments, plus its capital, Velora. Campo de Santana, on the border between Aravania and Lusaria, is a rural area bustling with travelers and informal trade due to its geographic location.
2. The Republic of Aravania is characterized by open plains and is vulnerable to flooding during periods of heavy rainfall, especially in coastal areas and along ocean-bound rivers. Its economy is based mainly on the fishing and livestock sectors, although it also has a service industry.
3. Aravania has no public education or social security system. Between 2011 and 2014, 17% of its population lived in poverty. Women, especially those living in rural areas, face greater barriers to higher education, and they tend to be paid less than men in the labor market for the same work. Official data show that women in Campo de Santana have higher unpaid care burdens than men; and women heads of household face greater challenges in covering the costs of care, so they take on strenuous workloads to earn more income. The lack of workplace inclusion policies for these women leads many to accept job offers abroad.
4. The Republic of Aravania has experienced extreme weather events over the last 50 years, including prolonged periods of drought lasting over 160 days, which has endangered crops, livestock, and water supplies. At the other extreme, it has also experienced catastrophic flooding, mainly in May and June, during which it rains up to 455% more than the average. These events have led to the displacement of thousands of people in the country and caused losses across all sectors of Aravania's economy.
5. For decades, Aravania was ruled by people who denied scientific evidence and the conclusions of international bodies on climate change, and the situation was exacerbated by deforestation, pollution, and natural habitat loss. This led to social unrest, causing the country's development to lag behind that of neighboring countries and giving rise to new leadership.
6. Carlos Molina, a young businessperson, assumed the presidency following the 2011 elections. Molina was the charismatic and populist chair of the National Innovation Party,



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and had previously not been “involved in politics.” After his election, Molina introduced nationalist measures that many identified as authoritarian. He used official propaganda to boost his popularity by promising a better future. He also implemented constitutional reforms that allowed him to be reelected in 2015, and he changed the composition of the Constitutional Court.

7. As part of his mandate, Molina implemented the “Impulso 4 Veces” Development Plan, which aimed to transform the country in just four years by modernizing infrastructure and fostering a highly competitive environment open to foreign investment. The “Impulso 4 Veces” Plan also includes an innovative strategy for tackling the challenge of heavy rains and floods, with the creation of “sponge cities” in key urban areas.

## II. Regulatory framework of the Republic of Aravania

8. Article 9 of the 1967 Constitution states that the inhabitants of Aravania have the right to life, honor, liberty, security, work, and property. Article 51 states that workers are entitled to fair wages that ensure a decent standard of living, while Article 102 provides that State authorities must respect and ensure human rights in all their actions, including economic, social, cultural, and environmental rights.

9. In criminal matters, the 1943 Criminal Code establishes the following offenses, among others:

### Article 145. Human trafficking

1. Whoever recruits, transports, transfers, harbors, or receives persons, through the use of force, threats, deception, or abuse of power, or taking advantage of a situation of vulnerability for the purpose of exploitation, shall be subject to a term of imprisonment of 5 to 17 years and a fine of up to US\$300,000.

2. The exploitation referred to in this article shall include the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, and the removal of organs.

### Article 237. Forced labor

Whoever subjects a person to perform work or render a service under the threat of any penalty and for which such person does not offer him or herself voluntarily, shall be subject to a term of imprisonment of 6 to 10 years and a fine of up to US\$12,000.

10. The State of Aravania is a member of the Organization of American States (1950), and has ratified the American Convention on Human Rights (1985) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (1996). It is also a founding member of the United Nations and has acceded to the United Nations Convention against Transnational Organized Crime (2005), the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (2006), Convention on the Elimination of All Forms of Discrimination against Women (1981), the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1952), the United Nations Framework Convention on Climate Change (1995), the Paris Agreement (2017), the Vienna Convention on Diplomatic Relations (1970), and the Convention on Special Missions (1993), as well as Conventions No. 29 (1957) and 105 (1960) of the International



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Labor Organization. Lastly, it recognized the contentious jurisdiction of the Inter-American Court of Human Rights in 1986.

### III. The Democratic State of Lusaria

11. The Democratic State of Lusaria, a member of the Organization of American States and the United Nations, is on the Pacific coast of South America. Its territory covers an area of 2,300,000 km<sup>2</sup>. It is bordered to the north by the Republic of Aravania along the Nimbus River, and to the south and west by the Pacific Ocean. Its varied climate makes the country prone to prolonged droughts and seasonal flooding of its rivers and plains. It has 20 provinces and its capital is Canindé.
12. From 1967 to 1980, the country experienced a period of rapid economic growth through intensive natural resource exploitation, after which the effects of climate change became clearer. In 1990, the Sustainability in Motion Party came to power with a proposal to adapt to climate change by building resilient infrastructure, developing sustainable agriculture and integrated water resource management, and promoting research at specialized institutions. It also adopted the Aquamarina Sustainable Development Plan, based on the following pillars: (1) climate change mitigation; (2) climate change adaptation; (3) international cooperation; and (4) modernization and sustainable development. Pillars 2 and 4 of the plan made the case for building more resilient, sustainable, and livable cities and supporting their implementation in neighboring countries. Pillar 3 encouraged strategic partnerships with other countries and international financial institutions to access and provide financing. Thus, Lusaria became a leading example in the global fight against climate change.
13. In 1994, Lusarian researcher James Mann and his team identified a native plant species with pollutant-filtering properties in the country's water bodies. These scientists set out to investigate the structure and composition of *Aerisflora* and optimized its capacity to absorb and purify unwanted nutrients in rainwater, using bioremediation methods compatible with the local ecosystem. In parallel, engineers designed systems to maximize the potential of these plants, creating a sustainable and efficient model for large-scale rainwater treatment. *Aerisflora* thus became the most effective plant for use in "sponge cities." In 2000, James Mann won the internationally prestigious Gaia Award for his work on harnessing the plant's benefits in the fight against climate change.
14. As demand increased, farmers started growing *Aerisflora* in different parts of the country. Civil society organizations publicly condemned the disproportionate effect this has had on women, particularly because the farm labor supply was initially so large that wages fell sharply, and they had to work longer hours to earn a better income. Several employers also began hiring foreign women as farm workers and laying off Lusarian women.
15. Over the years, Lusarian workers began to complain about the health effects of working in the *Aerisflora* production chain. They reported that, because the plant was so delicate, they had to perform repetitive actions that resulted in symptoms of tingling, numbness, and pain in their wrists. They said that they experienced back problems from bending over for long periods of time, and that cases of allergic contact dermatitis had been identified, which,



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coupled with exposure to the sun and the chemicals needed to grow the plants, led to skin cancer. Although Lusarian universities have been researching the relationship between *Aerisflora* and these effects, they have not yet made any conclusive findings.

16. Attorney Elena Solis won the 2010 presidential election in Lusaria. Her foreign policy sought to strengthen ties with neighboring countries in order to export Lusarian know-how. Thus, *Aerisflora* became the country's main export product. Under the new administration, private sector industries in Lusaria were gradually nationalized, including *Aerisflora* production.
17. In 2013, the Global Rights Observatory published a report entitled "Green Money: the subversion of climate change" exposing acts of corruption by Elena Solis, and condemning her use of the climate change agenda to enrich herself and bolster her political influence. According to this source, people close to the president, including publicist Hugo Maldini, saw their wealth increase by 185% with the commercialization of *Aerisflora*. The publication noted that this did not prevent Elena Solis from offering Hugo Maldini a position in her administration, which she justified as "recognition for his great work in promoting *Aerisflora* internationally." The same publication reported widespread corruption at all levels of government and growing impunity in connection with *Aerisflora*.
18. Lusaria's labor laws establish that employment contracts may be freely agreed upon either: (a) per unit of time (per month, fortnight, week, day, or hour); or (b) per unit of work (per piece or piecework). It also guarantees the right to education and health care for workers and their dependents. According to the International Labor Organization, Lusarians work longer hours than anyone else in the Americas; this is also a source of pride for its nationals, who call themselves a "nation of workers."
19. In criminal matters, the 1970 Criminal Code defines, among others, the following offenses:

Article 72. Abuse of authority

Any public servant or private individual exercising public authority who, in the performance of his or her activities, causes harm to an individual or group of people through arbitrary or disproportionate acts, shall be subject to a term of imprisonment of 6 months to 3 years.

Article 139. Human trafficking

Anyone who offers, recruits, transports, receives, or harbors persons for the purpose of sexual exploitation shall be subject to a term of imprisonment of 6 to 19 years and a fine of up to US\$100,000.

#### IV. Relations between the Republic of Aravania and the State of Lusaria

20. In May 2012, the State of Aravania was hit by one of the worst floods in its history. The uninterrupted rainfall for more than 20 days exceeded the usual average precipitation by 500%. Rivers, including the Nimbus River, overflowed, with severe impacts in the capital and surrounding departments. Thousands of homes were destroyed and over 150,000 people were displaced.



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21. In June 2012, in an effort to mitigate the consequences of the floods, an Aravianian delegation of representatives from the Ministries of Foreign Affairs and Environment made an on-site visit to Lusaria to learn about the services provided by the public company EcoUrban Solution and the *Aerisflora* farms that had been sold to that company, including Finca El Dorado. Following its visit, the delegation issued a report recognizing the State of Lusaria's capacity to produce *Aerisflora*, which could help Aravania before the next rainy season. It also noted that, although the working conditions on the farms visited were not as favorable as those guaranteed in Aravania, they were compatible with Lusaria's domestic laws.
22. The same delegation traveled to the State of Elandria, where they visited ClimaViva, a company founded by James Mann after his departure from Lusaria. This company more recently began producing and marketing *Aerisflora*. The delegation's report noted that, although the company could achieve the same results as those offered by EcoUrban Solution, the latter's offer to transplant *Aerisflora* would cost less due to the proximity of the border between the two States. Lusaria also had the technical capacity, proven over several years, to produce this species endemic to its country. Considering all of the above, the delegation recommended negotiating a cooperation agreement with Lusaria.
23. Recognizing the urgency to act, Carlos Molina accelerated negotiations with the State of Lusaria to reach a cooperation agreement to purchase and transplant *Aerisflora* in Aravania.
24. Within weeks, the Ministry of Foreign Affairs of the Republic of Aravania negotiated a Bilateral Cooperation Agreement for the Transplantation of *Aerisflora* ("the cooperation agreement") with the Democratic State of Lusaria, which included "bio-pool" rainwater harvesting and purification systems in the main affected cities. This agreement entailed an investment of more than US\$136 million in the development of the first "sponge cities" in Aravania, financed jointly by Aravania and international financial institutions.
25. On July 2, 2012, Aravania and Lusaria entered into the cooperation agreement, as follows:

(...)

Article 2. Purpose of the Agreement

2.1 Considering the fundamental responsibility of States to develop and implement measures to manage and address climate change-related security risks, and emphasizing the need for the sustained strengthening of international cooperation and capacity building, this Agreement establishes bilateral cooperation between the Democratic State of Lusatia and the Republic of Aravania for the transplantation of *Aerisflora* in the territory of the Republic of Aravania to improve water management, prevent flooding, and promote environmental sustainability.

2.2 The Democratic State of Lusaria agrees to hire, train, and relocate workers from its territory to the Republic of Aravania, where they will transplant the *Aerisflora*.

Article 3. Implementation activities

3.1 The Parties agree that the activities to be carried out under this Agreement include but are not limited to:

a. Zone Identification and Selection: The Republic of Aravania, with the technical assistance of the Democratic State of Lusaria, will identify the urban areas to be transformed into sponge cities.



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b. Staff Recruitment and Relocation: The Democratic State of Lusatia will select and hire workers to carry out the objective of this Agreement. These workers will be relocated to the Republic of Aravania for project implementation under the terms of this Agreement.

c. *Aerisflora* Planting, Cultivation, and Transplanting: Once the plant has been cultivated, the workers hired by the Democratic State of Lusaria will transplant the *Aerisflora* in the areas designated by the Republic of Aravania, ensuring that it is in optimal condition and with prior notice to the State of Aravania of the date of entry into the State.

3.2 The Parties agree that the activities described in this Agreement will be performed by the public company EcoUrban Solution, under the Ministry of Economy and Development of the Democratic State of Lusaria.

3.3 The Democratic State of Lusaria agrees to send monthly status reports to the Republic of Aravania on the activities of this Agreement and the working conditions under which they are carried out. The Republic of Aravania may conduct unannounced on-site activity supervision visits.

#### Article 4. Project Execution Time:

4.1 The project will be executed in stages with a total execution time of three years.

(...)

#### Article 5. Special Mission

5.1 The parties agree that, given the purpose of this Agreement, the activities carried out by the Democratic State of Lusaria in the Republic of Aravania will be considered part of the “Special Mission of the Cooperation Agreement.”

#### Article. Labor Rights and Working Conditions

23.1 The Parties will establish and uphold the following rights in their domestic laws:

- a. the guarantee of working conditions compatible with the dignity of the individual and the observance of human rights;
- b. the effective abolition of child labor and the prohibition of the worst forms of child labor in the implementation of this Agreement;

23.2 Each Party will promote compliance with its respective labor laws through appropriate governmental actions, such as:

- a. appointing and training inspectors;
- b. supervising compliance with the labor laws of their respective jurisdictions and establishing mechanisms to hear complaints of the violation of these laws;
- c. requiring that records and reports be kept in relation to employees working on cooperation and investment projects;

23.3 The Parties recognize the objective of eliminating employment and occupational discrimination and will promote women’s equality in the workplace. Each Party will implement the policies it considers appropriate to protect women workers from employment discrimination based on gender and caregiving responsibilities.

(...)

#### Article 50. Status of personnel

50.1 The Republic of Aravania will provide two individuals designated by the Democratic State of Lusaria with the privileges, exemptions, and immunities granted to the administrative and technical staff of a diplomatic mission under the Vienna Convention on Diplomatic Relations and the Convention on Special Missions.

50.2 The Parties will arrange for nationals of both States to receive special service permits to fulfill the purpose of this Agreement, on a one-time basis for the duration of this Agreement; they will be exempt from work and residence permit requirements for the activities covered by this Agreement. The two individuals referred to in the above paragraph will be responsible for carrying out the transplantation phase in the State of Aravania.



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(...)

Article 71. Dispute resolution

71.1 Any dispute arising from the implementation and interpretation of this Agreement will be settled by arbitration before the Special Arbitration Panel, composed of three arbitrators appointed by mutual agreement of the Parties.

71.2 To interpret and resolve disputes arising under this Agreement, the Special Arbitration Panel will apply the sources of international law recognized and set forth in the Statute of the International Court of Justice to which the Parties are bound.

71.3 Decisions rendered by the Arbitration Panel will be enforced in the territory of the respondent Party, in accordance with its domestic laws and procedures. The respondent Party agrees to take all necessary measures to ensure that the decisions of the Special Arbitration Panel are fully enforced without undue delay and with the same effects as a final judgment of its domestic courts. In the event of noncompliance, the affected Party may avail itself of additional enforcement mechanisms provided for in international law.

26. On July 16, 2012, EcoUrban Solutions selected Finca El Dorado as the first Lusarian farm to produce and transplant *Aerisflora* in Aravania. Due to the increase in production that this selection would entail for the farm, Hugo Maldini was hired by the owners of El Dorado to recruit more workers.
27. During the previous 15 years, Maldini had studied Lusaria's labor market to attract migrants to work in the *Aerisflora* industry and meet the labor needs of farms such as El Dorado; he had been hired previously to help several farms staff their entire *Aerisflora* labor force with women from other countries. Maldini was publicly identified as the face of *Aerisflora*, having become famous for promoting the plant on social media from the time it started to gain commercial relevance on the international market.
28. To meet El Dorado's increased productivity needs, Maldini analyzed the Aravanian context, concluding that he could find people interested in his job offers there. To design his strategy, he traveled to Aravania for a time and studied the interests and behaviors of social media users who were looking for ways to improve their financial situation, which were easily accessible on the social network *ClicTik*. He knew that mothers in Aravania, particularly those with newborns and living in rural areas, were more likely to accept job opportunities that promised to improve their lives, so his first step was to create targeted content for them.
29. Between July 16 and August 31, 2012, while in Lusaria, Maldini posted videos on his *ClicTik* account showing women smiling while planting *Aerisflora* and touting the plant's benefits to the environment. The videos came with hashtags such as #DedicatedMothers, #WorkInTheField, and #SuccessfulWomen. They conveyed a sense of wellbeing, showing peaceful landscapes and testimonials from women who said that, thanks to their work with the plant, they had daycare for their children, health care, and education. Using viral videos about self-improvement, solidarity, and women's empowerment, it reached a wide audience. Once Maldini captured the attention of his target audience, he began to reply personally to comments.
30. On October 24, 2012, Hugo Maldini was appointed as Lusaria's Special Attaché for Public and Commercial Relations for *Aerisflora*. On October 25, the Democratic State of Lusaria sent a diplomatic note to the Republic of Aravania to communicate that Maldini would be



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granted the benefits set forth in Article 50 of the cooperation agreement. Maldini visited the farms sporadically to inspect their productivity in order to meet Lusaria's international commitments.

**V. A.A. and her work on Finca El Dorado**

31. A.A. was born in the Republic of Aravania on March 14, 1989. She lived her entire life in the rural town of Campo de Santana and was raised by her mother, M.A., who worked on a cattle ranch. A.A. completed high school, but did not have the opportunity to attend good schools. When A.A. turned 22, she met a man who promised to take her to Velora where they would have a family and she would continue her education; but he disappeared after learning she was pregnant, and was not listed as the father on their daughter's birth certificate.
32. A.A., with help from her mother, took full responsibility for raising her daughter. Her daughter, F.A., was born on May 2, 2012. One month after F.A.'s birth, M.A. was diagnosed with carpal tunnel syndrome as a result of her work-related activities. Due to the severity of the symptoms, M.A. was unable to continue working, so she retired and began to draw a monthly pension. However, her income could no longer cover her medical treatment as well as her needs and those of A.A. and her granddaughter, F.A.
33. News of F.A.'s birth quickly spread among the residents of Campo de Santana, who labeled A.A. "irresponsible," making it difficult for her to find a job. M.A. constantly told A.A. that, now that she was a mother, she "could only be a '*muchacha*' (maid) for people in the city." A.A. searched for jobs in Campo de Santana, to no avail, and decided to broaden her search on social media. In August 2012, A.A. came across the videos posted on Hugo Maldini's *ClicTik* account and was attracted by the possibility of working in a place that understood the challenges faced by mothers with newborns. The soft filters and pleasant music in the videos gave her a sense of security and calm that made her feel that this was a unique opportunity, especially when she watched one in which a woman said that "growing *Aerisflora* was a new beginning for me and my children, and my contribution to a healthy environment."
34. A.A. was captivated by the videos on Maldini's account. She commented on, shared, and liked them, all the while imagining what her and F.A.'s life would be like if they joined the project. On August 17, 2012, A.A. sent a message expressing interest and requesting information. Hugo Maldini's answers were usually kind, friendly, and attentive. He explained that *Aerisflora* jobs in Lusaria had enabled many dedicated mothers from different countries to achieve their family education goals. He explained that no experience was required—just a lot of enthusiasm for working on the plantations, which was sometimes hard, but worth it for her daughter's future. He finally sent her an information brochure with more details. Maldini also told her that it was a unique opportunity and that a lot of people were interested, so she had to make a decision soon.
35. On August 21, 2012, A.A. sent an email to the account provided by Maldini, expressing her interest in working on the farms. In response, she was contacted by Isabel Torres, who introduced herself as the person who would be in charge of her hiring process at El Dorado.





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In keeping with the labor laws in force in Lusaria, Isabel Torres presented her with an employment offer that included: (i) a policy focused on hiring more Aravian women because of their aptitude for painstaking, delicate, and patient work such as *Aerisflora* cultivation; (ii) the job description, which consisted of the planting and cultivation of *Aerisflora* and required a 48-hour work week, with one day of rest per week; (iii) the requirement to work regardless of weather conditions; (iv) the wage offered, which was US\$1.00 per square meter (m<sup>2</sup>) of *Aerisflora*; (v) access to social security programs, which covered health insurance, day care, and education for her dependents; and (vi) paid travel to Lusaria for her and her dependents, as well as a special work permit. A.A. accepted the proposal, sent the required documentation, and enrolled F.A., M.A., and herself in the special social security benefits that would come with her employment. She also received, by mail, the documentation that would allow her to enter Lusaria.

36. On November 24, 2012, a group of 60 women and their Aravian citizen dependents, including A.A., F.A., and M.A., traveled to the Republic of Lusaria. Once in Lusaria they were met by Isabel Torres, whom A.A. identified as one of the women in the videos. She put them on a bus with tinted windows and took them to a nearby station, where she was in charge of the entire process with the immigration authorities. She asked them for their identity documents and told them she would keep them in order to process all the residence and work permits.
37. Once in Lusaria, A.A. started working at El Dorado. In her first weeks, she learned that both men and women worked on the farm and that they lived nearby. The women were generally responsible for cultivating the plant, while the men were responsible for administrative and security tasks. They reported for duty at 7:00 a.m. and did not break until lunch; a 45-minute break started at 12:00 p.m.; and then the workday ended at 3:00 p.m. Although the farm provided food for lunch preparations, the kitchen was understaffed, so the women who worked on the plantations were also responsible for this activity. A.A. learned from the experience of other workers that people who did not help in the kitchen were scolded by the others, so she helped with this work from the beginning.
38. The activities that A.A. performed under her contract consisted of preparing the land for cultivation by clearing debris and leveling the soil, avoiding damage or disturbances to the structure of the land that could affect water absorption; planting the *Aerisflora*, placing the seeds at the correct depth and spacing; ensuring appropriate irrigation of the plant, with special attention to the amount of water needed for proper absorption; pruning the *Aerisflora* and making sure each plant has enough space to grow; and applying fertilizers and pesticides to help maintain soil health and promote plant growth. The activities outlined in the contracts meant that the workers were exposed to the sun and rain. During the planting season, they would sleep in makeshift bunkhouses at El Dorado. A.A. knew that, although the work was hard and the conditions were not the best, she was the family breadwinner and it allowed her to send F.A. to day care and to ensure her mother's medical treatment.
39. In September 2013, as the date of the first transplanting approached, the workers were also asked to help prepare *Aerisflora* for the trip to Aravia. The work intensified and all the workers were required to live and sleep at the farm. The property was modified to



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accommodate them and their dependents. It was surrounded by 2.5-meter-high metal mesh fence and, inside, a security system was installed with 24-hour video surveillance of the grounds and staff tasked with monitoring the entry and exit of all persons. The 60 women were to work in the center of the grounds, preparing the *Aerisflora* for the trip in a designated area set aside for this purpose. The workers' cafeteria and some bathrooms were in an area away from the construction site, while the residences were at the far end of the site.

40. The residences were houses made of sheet metal measuring 35 m<sup>2</sup>, with no room divisions and a shared bathroom. Three "families" were to live in each one, consisting of the worker and his or her dependents. A.A., M.A., and F.A. stayed in A.A.'s house, as did two other workers and three children and teenagers. During this time, the farm would provide them with personal care supplies and food for three meals a day.
41. A.A. moved to live at the farm on September 21, 2013. She reported to work at 6 a.m. every day. In the morning, she would prepare the land to extract the *Aerisflora*. She was exposed to the scorching sun and pouring rain, as well as to the chemicals used to preserve the plants for shipping to Aravania. At noon she took her only break of the day and went to the cafeteria where she and other women collected the food delivered by Isabel Torres and prepared meals for all the people who worked at El Dorado. They were also responsible for cleaning up. With the workers staying at the farm, A.A. and the other women needed more time to prepare the food; so, in order for them to have lunch and meet the targets that had been set, they had to extend their working hours into the evening.
42. A.A. would resume work at 1:00 p.m. Joaquín Díaz, one of the supervisors who lived on the farm to inspect operations, demanded that the women perform their work with pinpoint accuracy, whereas the men were praised if something went well. According to the official schedule, the women had to finish their work with the *Aerisflora* by 3:00 p.m. However, it was common, especially for women with less experience, to have to work longer hours because once a plant was extracted it had to be prepared for transplanting the same day or it would die. At the end of the day, the women would organize dinner for all the workers and clean the facilities. A.A. usually got home at 11:00 p.m., where she would continue to perform tasks related to the care of her daughter and her mother. On weekends the women were responsible for cleaning the residences—including Joaquin Diaz's residence—and washing the men's clothes, while the men left the farm.
43. After three weeks, A.A. told M.A. that she felt exhausted; however, the money she had received was not enough for her to pay for her own return trip. She also feared losing her legal status in Lusaria. M.A. told her that "it was crazy to leave El Dorado" because she had found a place where her "work was useful and she should feel grateful for the opportunity." She did not pay for housing, F.A. was going to school, and M.A. was receiving medical treatment. She added that "meal preparation and cleaning was something she would do for the rest of her life, on or off the farm." A.A. did not tell her mother that she feared for their safety because she heard from workers that one woman had been a victim of violence, and that another worker had been "severely repressed" by Joaquín Díaz after complaining about working conditions.



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44. As the weeks went by, the workload increased as the workers aimed to meet the targets for transplanting the first batch of *Aerisflora* in Aravania, leading to discontent among some workers. A group of three women complained to Joaquín Díaz and Isabel Torres, telling them that, to meet the targets that had been set, they needed to hire more people to work with the *Aerisflora* or to take on cooking and cleaning duties. A.A. heard from her coworkers that when two of these women asked for their identity documents back, Isabel told them that they had been submitted to the labor authorities for certain permits to be processed; the third woman was no longer seen at the residence, and her daughter, who was F.A.'s classmate at the day care center, stopped attending.

**VI. A.A. and nine other women's trip to Aravania**

45. On January 3, 2014, 10 women from the farm, including A.A., were told that they had been chosen to travel to Aravania for a week to transplant the *Aerisflora*, and that Hugo Maldini would go along with them. All 10 women had children who benefited from access to day care and education in Lusaria. They were also told that they had to work quickly to make sure the plant acclimated to the new environment since the plants could die after transplanting. The day before the trip, A.A. heard of a new incident, this time involving sexual violence perpetrated by a male guard against one of the women in the fields. This worried her even more as she would be leaving M.A. and F.A. alone while she worked on the transplanting. A.A. felt she could not continue under these conditions and told M.A. to leave El Dorado with F.A. while she was in Aravania.

46. On January 5, 2014, the 10 women arrived in Aravania in buses with tinted windows, accompanied by Hugo Maldini. They were taken to Primelia, in Velora, where they were to transplant the *Aerisflora*. The premises were coordinated exclusively by Lusarian staff, who monitored the entry and exit of all persons. Working conditions were similar to those at El Dorado. The 10 women shared a single 50m<sup>2</sup> residence with two bedrooms, a kitchen, and a shared bathroom for one week. Meals were provided by EcoUrban Solution.

47. The *Aerisflora* transplanting did not go as planned. Some of the plants died because the soil conditions were different. This upset Hugo Maldini, who told the women that they would have to stay an extra week in Aravania to meet the goal set under the cooperation agreement. At that point, A.A. approached Maldini, demanding to be paid what she was owed. She told him that the work was done and that she wanted to stay in Aravania at the end of the agreed week. Hugo Maldini looked at her with indifference, saying that he was not in charge of payments. He said that, in any case, he knew that EcoUrban Solution would not receive payment under the agreement until it had been fully implemented, so the farm would most likely pay her upon her return, and it was therefore in her best interest that the *Aerisflora* be properly planted. He also reminded her that "she should thank him for the opportunities he gave her," saying that if she stayed in Aravania she would go back to being the "same desperate, single woman" who had once contacted him, that "her foolishness" would condemn her daughter to the same fate, and that her mother would be left without the medical care she was receiving thanks to them.

**VII. Investigations and proceedings pursued by A.A.**



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48. On January 14, 2014, A.A., exhausted and afraid of the consequences of her argument with Maldini, left Primelia and went to the Velora Police in Aravania to file a complaint about what was happening. A.A. explained in detail everything she had faced since her first contact with Hugo Maldini, including the working conditions and incidents of violence she knew about. When asked how many others were in the same circumstances, she said she was sure that there were at least 59 other women in Lusaria, but that only she and nine other women had been taken to Aravania. Although she did not know all their names and did not know their surnames, she stated that she first met them on the trip from Aravania to Lusaria and that they had all worked together on the farm. She also reported that M.A. and F.A. were still in Lusaria, and that she feared something might happen to them.
49. That afternoon, the Velora Police checked Hugo Maldini's social media accounts, confirming the truthfulness of A.A.'s story, and then went to Primelia to investigate the situation. In Primelia, they found the structure described by A.A., pieces of *Aerisflora*, and Hugo Maldini, who was arrested after a warrant was issued by the Second Criminal Court Judge of Velora. Although they failed to locate any of the nine women that A.A. mentioned, they saw the residence she had described, with unmade beds and women's clothing, as if someone had left the place quickly. Hugo Maldini was brought before the Second Criminal Court Judge 24 hours later. He told the judge that he had immunity under the cooperation agreement.
50. On January 15, 2014, the Second Criminal Court Judge contacted the Ministry of Foreign Affairs of Aravania—which corroborated the reported information with the Ministry of Foreign Affairs of Lusaria on January 16, 2014—formally requesting that Hugo Maldini's immunity be waived in order for him to be investigated, prosecuted and, if appropriate, punished for the acts complained of by A.A. The Democratic State of Lusaria refused to waive Hugo Maldini's immunity, arguing that it is a fundamental principle of international law meant to protect diplomats and relations between States. It also noted that the State of Lusaria had complied with sending periodic reports to the State of Aravania under the bilateral agreement, which showed that the working conditions on the farms were in compliance with the agreement. It further asserted that since the events had occurred in Lusarian territory, any criminal responsibility would have to be determined by its authorities, as stated in the agreement.
51. On January 31, 2014, the Second Criminal Court Judge dismissed the case on the grounds that the defendant enjoyed immunity based on the cooperation agreement, in line with the position of the Ministry of Foreign Affairs of Aravania, and ordered the case closed without prejudice. A.A. approached the Trafficking Victims Support and Reintegration Clinic in Aravania, which appealed the decision of the Second Criminal Court of Velora on February 5, 2014, on behalf of the 10 women; the Velora Court of Appeals affirmed the decision on April 17, 2014.
52. This situation was reported in the Aravanian and Lusarian media, who interviewed Claudia Pinzón and Diego Martin, professors of international law at the Aravanian Institute of Advanced Studies. The professors said that the State has a comprehensive policy for the prevention and punishment of human trafficking and an international obligation to punish such acts. However, due to the immunity invoked on behalf of Hugo Maldini, the State had



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not investigated whether this crime had in fact occurred; and, in the absence of evidence, it was unclear whether it could also be a labor-related matter. A.A.'s lack of access to justice was widely reported and caused a media stir in both countries.

53. On February 1, 2014, the Federal Prosecutor's Office of Lusaria opened an investigation against Hugo Maldini for the crimes of abuse of authority and human trafficking under the Criminal Code of Lusaria. Following regular investigation and criminal proceedings, on March 19, 2015, the Federal Court of Canindé, in Lusaria, sentenced Maldini to nine months in prison for the crime of abuse of authority and barred him from holding public office for five years. However, it did not find sufficient evidence to convict him of the crime of trafficking in persons. The judgment became final on March 31, 2015. This was duly communicated to the Ministry of Foreign Affairs of Aravania, which considered it a testament to the strength of the bilateral relationship between the two countries.

### VIII. Other proceedings

54. In October 2012, the Office of the Prosecutor General of Aravania received an anonymous complaint on its emergency hotline, alleging that several women from Campo de Santana were receiving offers through *ClicTik* videos to work in Lusaria, where women were known to be taken as victims of forced labor. On October 25, 2013, the Prosecutor's Office also met with a woman who reported that, while working at Finca El Dorado, she had not been paid and had lived under "extreme conditions," and that the promises made to her, particularly those shown in Hugo Maldini's videos, had not been kept. With respect to both the first and second complaints, the Prosecutor's Office considered that no crime had been committed in Aravania, that the alleged facts referred to possible violations of labor regulations outside its jurisdiction, and that the videos did not give rise to any unlawful action.
55. On March 8, 2014, the Republic of Aravania initiated dispute resolution proceedings against the Democratic State of Lusatia under Article 71 of the cooperation agreement for the alleged violation of Article 23 of that agreement. On September 17, 2014, the Special Arbitration Panel ruled unanimously in favor of the Republic of Aravania and ordered the State of Lusaria to pay US\$250,000. As a result of the arbitration proceedings, Aravania found that A.A. should receive US\$5,000 for Lusaria's failure to ensure adequate working conditions in its territory. Although the *Aerisfloras* planted in Aravania retained their absorption capacity in the first few years, over time most of them died. Flooding has continued.

### IX. Proceedings in the inter-American human rights system

56. On October 1, 2014, the Trafficking Victims Support and Reintegration Clinic filed a petition with the Inter-American Commission on Human Rights ("the Commission" or "the IACHR"), alleging the international responsibility of the Republic of Aravania for violations of the rights enshrined in Articles 3, 5, 6, 7, 8, 25, and 26 of the American Convention on Human Rights, in relation to Article 1.1 thereof and to Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), to the detriment of A.A. and nine other women.



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In particular, it alleged that they had been victims of human trafficking and that the Republic of Aravania failed to prevent the activities carried out under the cooperation agreement. It asserted that the domestic remedies had been exhausted with the decision of April 17, 2014, in accordance with Article 46 of the American Convention, and that the filing deadline had therefore been met.

57. The petition was duly registered by the Executive Secretariat of the Inter-American Commission, and was then submitted for an initial review. Following the decision to initiate proceedings, on May 20, 2016, the State was given notice to submit its communication on the case. On December 15, 2016, the State filed its response, alleging lack of competence *ratione personae*, on the grounds that, with the exception of A.A., the other alleged victims had not been identified. It also filed a preliminary exception alleging the violation of the principle of subsidiarity, noting that A.A. had received full reparation for the alleged harm. Finally, it contended that the Commission lacked competence *ratione loci*, considering that the facts related to the alleged human trafficking occurred outside its jurisdiction.
58. On July 17, 2018, the Commission adopted Admissibility Report No. 103/2018. The parties subsequently submitted their observations within the deadlines established in the Rules of Procedure of the IACHR. Given the nature of the case, and based on IACHR Resolution No. 4/2023, the IACHR Plenary decided to prioritize its decision. On February 12, 2024, the IACHR approved Merits Report No. 47/24 and concluded that the Republic of Aravania was responsible for the violation of the rights established in Articles 3, 5, 6, 7, 8, 25, and 26 of the American Convention, in relation to Articles 1.1 and 2 thereof and to Article 7 of the Convention of Belém do Pará, to the detriment of A.A. and nine other women. It also found that the State was internationally responsible for the violation of Article 5 in relation to the victims' next of kin.
59. The Commission transmitted the merits report to the State on March 11, 2024. The State denied international responsibility and argued that it could not comply with the report's recommendations because it did not know the identity of the victims. The Commission brought the case before the Inter-American Court on June 10, 2024, given the need to obtain justice for the victims.
60. After the case was filed, the Presidency of the Court, pursuant to the powers established in the Rules of Procedure, asked the Commission to confirm the designation of A.A.'s and the other alleged victims' legal representation, and to confirm whether they wished to have a case before the Court. In response to this request, the IACHR indicated that it did not have such powers; however, it emphasized that the Trafficking Victims Support and Reintegration Clinic had been involved as the petitioner throughout the processing of the case. On December 10, 2024, the Presidency of the Court began processing the case, noting that the issue of representation and the will of the victims would be considered by the Court. The victims' representatives submitted their brief containing pleadings, motions, and evidence, and the State submitted its brief containing the answer, both within the statutory deadlines. The State reiterated its preliminary exceptions and denial of international responsibility for the alleged violations. Once the observations on the State's preliminary exceptions had been presented by the representatives and the IACHR, the Inter-American Court of Human Rights scheduled a public hearing in the *Case of A.A. and Nine other*



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*Women v. Republic of Aravania* for May 19 to 23, 2025, during its Special Session in Washington, D.C.

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