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**REPORT No. 59/20**  
**PETITION 261-10**  
REPORT ON ADMISSIBILITY

SANTOS CAMACHO BERNAL  
COLOMBIA

Approved electronically by the Commission on April 24, 2020.

**Cite as:** IACHR, Report No. 59/20, Petition 261-10. Admissibility. Santos Camacho Bernal.  
Colombia. April 24, 2020.

## I. INFORMATION ABOUT THE PETITION

<b>Petitioner:</b>	Santos Camacho Bernal
<b>Presunta víctima:</b>	Santos Camacho Bernal et al <sup>1</sup>
<b>Respondent State:</b>	Colombia
<b>Rights invoked:</b>	Articles 16 (freedom of association) and 25 (judicial protection) of the American Convention on Human Rights <sup>2</sup>

## II. PROCEEDINGS BEFORE THE IACHR<sup>3</sup>

<b>Filing of the petition:</b>	February 19, 2010
<b>Additional information received at the stage of the initial review:</b>	March 1, 2010; April 20, 2010; May 11, 2010; May 13, 2010; June 14, 2010; July 1, 2010; October 5, 2010, and June 26, 2016
<b>Notification of the petition to the State:</b>	October 9, 2018
<b>State's first response:</b>	February 27, 2019

## III. COMPETENCE

<b>Competence <i>Ratione personae</i>:</b>	Yes
<b>Competence <i>Ratione loci</i>:</b>	Yes
<b>Competence <i>Ratione temporis</i>:</b>	Yes
<b>Competence <i>Ratione materiae</i>:</b>	Yes, American Convention (instrument of ratification deposited on July 31, 1973) and Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights – Protocol of San Salvador <sup>4</sup> (instrument of accession deposited on December 23, 1997)

## IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

<b>Duplication of procedures and International <i>res judicata</i>:</b>	No
<b>Rights declared admissible:</b>	Articles 8 (fair trial), 16 (freedom of association), 24 (equal protection), 25 (judicial protection) and 26 (economic, social and cultural rights) of the American Convention, in connection with Article 1.1 thereof; and Article 8 of the Protocol of San Salvador
<b>Exhaustion of domestic remedies or applicability of an exception to the rule:</b>	Yes, in the terms of Section VI
<b>Timeliness of the petition:</b>	Yes, in the terms of Section VI

<sup>1</sup> The petition lists by name the following persons, members of the union SINTRAOMNITEMPUS, as victims: (1) Santos Camacho Bernal; (2) Víctor Manuel Beltrán Beltrán; (3) Marco Antonio García Martínez; (4) Luis Eduardo Echeverry Aguilar; (5) Carlos García Rodríguez; (6) José Sabaraín Jiménez Reyes; (7) Rito Antonio Parra Prada; (8) Vidal Pulido Ramírez; (9) Jhon Jairo Quiñones Ponce; (10) Andrés Fabián Castelblanco; (11) Esteban Viuche Carrillo; (12) William Guzmán García; (13) Julio Norberto Fernández; and (14) Pedro Santos Arenas.

<sup>2</sup> Hereinafter “the American Convention” or “the Convention.”

<sup>3</sup> Each party’s observations were appropriately forwarded to the opposing party.

<sup>4</sup> Hereinafter, “the Protocol of San Salvador.”

## V. FACTS ALLEGED

1. The petitioner, Mr. Santos Camacho Bernal, describes an alleged pattern of anti-trade union persecution perpetrated by the private security company he was working for at the time of the filing of the petition. According to his contention, the pattern of persecution has an individual and an organizational/collective dimension to it; it has a component of actions and omissions by administrative, judicial and oversight authorities, which incurs State responsibility; and several judicial rulings on these matters have allegedly not been abided by.

2. The petitioner claims that he worked for the private security and surveillance company Omnitempus Ltda. (hereinafter, "Omnitempus" or "the company") until May 2010, as a security officer assigned to guard duty at different institutions and entities. On December 7, 2003, some employees of the company formed a union, that they named SINTRAOMNITEMPUS. The petitioner contends that, from the time the union was created, the Omnitempus company allegedly began to take a number of actions aimed at disregarding its existence, hampering its proper chartering and functioning, and harassing its leaders and members. Mr. Camacho, along with other members of the union, allegedly endured individual repercussions from this pattern of persecution, including the dismissal of several members in 2005 following the completion of a process of collective bargaining –though the company was later ordered by a court to reinstate the workers–; successive and systematic cuts in salary, benefits, work posts and work hours; treatment perceived as discriminatory in contrast with non-unionized employees; and other actions and omissions that the alleged victims consider detrimental, overall, to their freedom of association. At the same time, the competent administrative authorities issued decisions intended to harm SINTRAOMNITEMPUS as an organization, in particular, a decision that vacated the final administrative act of registration of the union with the Ministry of Social Protection; and the authorities allegedly refrained from intervening to enforce several judicial decisions protecting the union and its members.

3. Mr. Camacho lists the following actions and omissions, as part of the alleged pattern of union persecution, which had an individual impact on him, and in response to which he sought protection from the different administrative and judicial authorities:

(i) On June 2, 2005, he was dismissed from Omnitempus, along with several other members of the union. This dismissal arose in a context of the newly formed union SINTRAOMNITEMPUS submitting a list of grievances to the company, followed by a period of bargaining, which failed to yield a direct agreement and, consequently, the matter was referred to an arbitration tribunal, which issued its award on April 25, 2005, recognizing a number of extra-legal rights of the unionized workers. After the collective bargaining dispute, the company management interpreted that the right to secure employment from union membership (*fuero sindical*) of the unionized workers had terminated and on June 2 of that year several of those workers were dismissed. Mr. Camacho contested this dismissal by means of both an ordinary labor judicial proceeding to protect the right to employment security from union membership, as well as a petition for special constitutional relief through *tutela*. The *tutela* suit, filed by Mr. Camacho and other members of SINTRAOMNITEMPUS,<sup>5</sup> was decided on July 11, 2005 by the 8<sup>th</sup> Municipal Criminal Court of Bogotá, which ordered the reinstatement of the plaintiffs and payment of lost wages, on the grounds that their constitutional right to secure employment from union membership (*fuero sindical*) had been violated. The *tutela* protection was granted on a provisional basis, while the merits of the ordinary labor judicial proceedings against the same dismissal were in the process of being resolved. The trial court ruling on the petition for constitutional relief via *tutela* was upheld by the 45<sup>th</sup> Criminal Court of Bogotá. Mr. Camacho reports that this ruling was complied with as for his and the other petitioners' reinstatement in their positions; but proper working conditions were never reestablished, such as those described hereunder. As for the ordinary labor judicial proceeding on the right to employment security from union membership, on August 5, 2008, the Judge of the 5<sup>th</sup> Labor Circuit of Bogota handed down a judgment in favor of Mr. Camacho's claims, on the grounds that that Judge understood his dismissal to be contrary to law, inasmuch as it violated the right to secure employment protecting him; and ordered the company to reinstate

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<sup>5</sup> Arlinthon Mora Jordán, Marco Antonio García Martínez, Andrés Fabián Castelblanco, Esteban Viuche Carrillo, Luis Antonio Rocha Sánchez, Milton Antonio Oliveros Páez and Víctor Manuel Beltrán Beltrán.

him, pay his lost wages and benefits, as well as payment of court costs and legal fees. This ruling was appealed by the company and was upheld at the appellate level by the Superior Court of the Judicial District of Bogota in a judgment of March 13, 2009.

Other members of the union, who had also been dismissed on June 2, 2005, were also successful in similar rulings issued by the court. By way of example, the petitioner provided a copy of the judgment issued on July 11, 2008 by the High Court of the Judicial District of Bogota in the special proceeding on employment security (reinstatement action) brought by Marco Antonio García, Víctor Manuel Beltrán, Viuche Carrillo Esteban and Andrés Fabián Castelblanco against Omnitempus Ltda. Said judgment upheld the trial court ruling issued by the Judge of the Second Labor Circuit of Bogotá on March 20, 2007, ordering the reinstatement and payment of lost wages for the plaintiffs.

(ii) Mr. Camacho claims that as of the time of his reinstatement in his position, in compliance with the order of judge who issued the *tutela* relief, he began to be the target of labor mistreatment. He alleges that, as of that time, he was subjected to reductions in shifts and work hours, with the consequential salary cut to minimum wage at the time of the filing of the petition; as well as other mistreatment, such as being assigned to a guard post adjacent to a dumpster, posting him to a door where security was unnecessary, and failing to pay him certain benefits or non-contractual bonuses, that were granted to the non-unionized workers. The petitioner contends that this constituted non-compliance with the *tutela* judge's order, which provided that he be reinstated to his work position in equal or better conditions than those at the time of his dismissal; however, the conditions of salary, benefits and general working conditions that he has received have significantly declined. Mr. Camacho filed successive formal complaints with the company management about the aforementioned treatment, on his own behalf and on behalf of the other members of the union, including ones on March 31, 2008 (with the Manager of Omnitempus), September 3, 2008 (with the Director of Human Resources of Omnitempus) and on June 1, 2009 (with the Director of Operations of Omnitempus). As is set forth in his petition, Mr. Camacho has perceived this mistreatment as a strategy to get him to resign and to violate the court orders protecting him, all as a tactic of anti-union persecution and suppression by the company.

(iii) The petitioner perceived that, as part of the anti-union persecution by Omnitempus, its non-unionized workers were receiving benefits and perks that the unionized employees were not being granted, under a collective bargaining agreement entered into by the company with its non-unionized employees. As a way of countering this perceived union membership-based discrimination through legal action, Mr. Camacho filed an ordinary judicial labor grievance against the company shortly after being reinstated in his job under the *tutela* ruling. He sought thereby to be granted a number of benefits that were provided for in the collective bargaining agreement and had been denied to him and the other members of the union, such as salary raises, non-contractual bonuses, and other ones. This suit was decided in Mr. Camacho's favor by the 9<sup>th</sup> Labor Circuit Court of Bogota, in a ruling of April 18, 2008, and was upheld on appeal by the High Court of the Judicial District of Bogota – Chamber for Labor Case Backlog Clearing in a ruling of September 30, 2009.

(iv) As the poor working conditions lingered, on February 17, 2009, Mr. Camacho filed a motion to find in contempt with the same 8<sup>th</sup> Municipal Criminal Court of Bogota, citing as grounds the fact that the same or better conditions prior to his dismissal were not restored to him and, therefore, the *tutela* judgment handed down in 2005 was not being abided by. The motion to find in contempt was found inadmissible by the Court, on the grounds that the *tutela* ruling had lost its validity because constitutional relief had been granted to him therein on a provisional basis while the trial court labor judge was examining the merits of the matter, and said trial court judge had previously issued his final ruling: the judgment of the High Court of the Judicial District of Bogota of March 13, 2009. The decision denying the motion to find in contempt of the *tutela* decision was handed down on November 13, 2009.

Other workers who were members of SINTRAOMNITEMPUS pursued judicial remedies similar to the motion of finding in contempt. The petitioner submitted a copy of a motion to open a proceeding for execution of judgment (order to comply with judgment), filed with the 2<sup>nd</sup> Labor Circuit Court of Bogota on December 5, 2008, by the representative of Marco Antonio García, Víctor Manuel Beltrán, Esteban Viuche Carrillo and Andrés Fabián Castelblanco, alleging that the judgment issued by that court on March 20, 2007 had not been

complied with, under their right to employment security from union membership. As of the present date the Commission has no information about the outcome of this petition.

(v) Mr. Camacho's contract was terminated by the company on May 31, 2010, on the grounds of a restructuring that allegedly entailed the elimination of many security guard positions. Mr. Camacho contends that this dismissal was contrary to law and to the working conditions agreed upon after the process of collective bargaining with the union and set forth in the respective arbitration decision, inasmuch as it was not preceded by an internal disciplinary case nor was there a prior judicial assessment.

4. Additionally, Mr. Camacho has described to the Commission what he regards as State encouragement of anti-union persecution by Omnitempus, specifically citing the decision of the Ministry of Social Protection to vacate the resolutions ordering the registration of the Union on the official registers. Indeed, on December 21, 2006, the Ministry of Social Protection passed Resolution No. 4183, voiding the resolutions ordering registration of SINTRAOMNITEMPUS on the official registry of unions. According to information from the petitioner, as a consequence of the adoption of this resolution, nearly 90% of the members of SINTRAOMNITEMPUS were dismissed; some, but not all, were subsequently reinstated in their positions by court order. The petitioner submitted a copy of the ruling of the 9<sup>th</sup> Labor Circuit Court of Bogota of August 6, 2009, ordering the reinstatement of Víctor Manuel Beltrán, Álvaro Quiñónez and José Sabrián Jiménez Reyes, finding that their dismissal was illegal because it violated the right to employment security from union membership protecting them. Mr. Camacho notes that by July 2010, only two members of SINTRAOMNITEMPUS were still employed by Omnitempus Ltda, in contrast with the peak membership of 44 that this union reached in December 2006, the date of Resolution 4183.

5. As a member of SINTRAOMNITEMPUS, Mr. Vidal Pulido Ramírez filed a petition for constitutional relief via *tutela* against this resolution of the Ministry of Social Protection, which vacated the approvals of the union's registration. The *tutela* was granted at the trial level and was then upheld on appeal in a ruling of the High Judicial Council (*Consejo Superior de la Judicatura*) – Disciplinary Jurisdictional Chamber, June 12, 2007. In the *tutela* rulings, which provided provisional protection for the rights of unionization and to due process, the effects of the challenged resolution were suspended, provisional protection was ordered to prevent irreparable harm, that is, the dissolution of the union due to low membership, while the merits were being decided in an administrative claim to void the statutory and constitutional validity of the aforementioned resolution.

6. In connection with this course of procedural action, the petitioners filed a judicial motion to vacate and restore rights (*acción de nulidad y restablecimiento del derecho*) against Resolution 4183 of 2006. The petitioner provided documentary support that the motion to vacate was filed on March 28, 2007, and as of the date of his last communication with the IACHR, June 2016, this case was pending a decision from the Council of State – First Section, with which the representative of the petitioners filed several procedural motions.

7. The petitioner also claims that the Territorial Director of the Ministry of Social Protection in Bogota filed a criminal complaint against Marco Antonio García and Jhon Mikey Téllez for alleged crimes of procedural fraud and document forgery, which are charges relating to the process of chartering and registering the union SINTRAOMNITEMPUS –allegedly, for securing the signatures of some members by deceit. The petitioners note that it was the same public official who issued resolution 4183 of 2006, vacating the registration of the union before the Ministry. Messrs. García and Téllez were acquitted of the crimes of which she was accusing them in the complaint both at the trial level and on appeal. Their acquittal was finalized with the final ruling of the High Court of the Judicial District of Bogota – Criminal Chamber on May 20, 2008.

8. The petitioner alleges, additionally, that the State has also incurred in several omissions of protection in relation to his case. He claims that the many court decisions that protected him and the other members of the union have not been properly complied with, despite their efforts to have them enforced and implemented, which causes irreparable harm to them because it threatens the very existence of the union organization SINTRAOMNITEMPUS, as well as undermining their labor rights. He also contends that the Office of the Chief Oversight Officer of the Nation (*Procuraduría General de la Nación*) has failed to fulfill its duty to

protect freedom of unionization, even though the case was brought to its attention and it has expressly been asked, in communications of November 3 and 30, 2009, to take measures of protection. As of the present date, the requests have gone unheeded.

9. In its response, the State provides a synopsis of some of the facts described in the petition, in order to limit the scope of the object of the petition to those particular ones. Indeed, under the section titled “A. Facts presented in the Petition,” the State describes the dismissal of Mr. Camacho from Omnitempus Ltda. on June 2, 2005, and the *tutela* suit and subsequent labor proceedings, ordering his reinstatement and payment of lost wages. Later on, it sums up the object of the petition in this way: “*The petitioner claims that the Colombian State is allegedly responsible internationally for the violation of his right to freedom of association (Article 16 of the ACHR) as a result of the fact that he was dismissed on July 2, 2005 without regard to the right of employment security he enjoyed from union membership.*” Once the State has narrowed the scope to what it considers the factual sphere of the petition, it proceeds to present the State’s position on admissibility of the case based on that limited set of facts.

10. Thus, it first argues that the facts described by the petitioner do not tend to establish a violation of the American Convention, because the matter was previously settled at the domestic level in the *tutela* and ordinary labor proceedings, which ordered Mr. Camacho’s reinstatement. Accordingly, it requests the IACHR to declare the petition before it inadmissible under Article 47(b) of the American Convention.

11. In addition, it argues that the six month deadline to file the petition as established in Article 46.1.b of the Convention was not met, because the ruling that settled the matter for good and was issued on appeal by the High Court of Bogota in the labor case before the trial court, reinstating him in his position based on his right to employment security from union membership, was adopted on March 13, 2009, and the petition was filed on February 19, 2010.

12. Lastly, Colombia alleges that the petitioner has resorted to the IACHR as a court of fourth instance to review claims previously resolved by judges of domestic courts, which do not tend to establish potential human right violations, particularly, because these ruling were favorable to the petitioners and ordered their reinstatement and payment of lost wages, with full compliance with the rulings by the respondent company as well. The State claims that in this regard, “*the petitioner does not present any reasons to consider that these decisions are arbitrary or constitute a denial of justice. Furthermore, the petitioner does not present any criticism against these decisions,*” and because of this absence of allegations, it renders the Commission incompetent to hear the instant matter.

## VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

13. According to the rule of prior exhaustion of domestic remedies set forth in Article 46.1(a) of the American Convention, petitioners must first pursue the judicial remedies that are normally available in the domestic legal system, that are suitable to resolve the human rights violation they are alleging. As it has systematically done in the past, the IACHR must decide in the instant case which suitable remedy must have been exhausted, “that is, the one that is deemed capable of settling the legal situation that has been violated.”<sup>6</sup> In the specific case under its consideration, the fact is that the two major components of the pattern of anti-union labor persecution alleged by the petitioner were, for the most part, carried out by a private company, and in that regard fall outside the scope of the competence of subject matter of the Inter-American Commission. However, the petitioner contends that this pattern of persecution has some key components to it of actions and omissions by the State, specifically: the action of the Ministry of Social Protection of vacating the resolutions of registration of SINTRAOMNITEMPUS; and the omission of the judicial authorities in enforcing their own rulings that provided protection to Mr. Santos Camacho and other unionized worker victims of the aforementioned persecution by the company. We must, therefore, ascertain whether the requirement of exhaustion of domestic

<sup>6</sup> IACHR, Report No. 22/09, Petition 908-04, Admissibility, Igmair Alexander Landaeta Mejías, Venezuela, March 20, 2009, para. 69; IA Court of HR, *Case of Velásquez Rodríguez*. Judgment of July 29, 1988. Series C No. 4. para. 63; IACHR, Report No. 154/10, Petition 1462-07, Admissibility, Linda Loaiza López Soto and Family, Venezuela, November 1, 2010, para. 49.

remedies enshrined in Article 46.1 of the American Convention has been met in terms of these State actions and omissions.

14. In this regard, it is noted that both Mr. Santos Camacho and other unionized workers, who were individually impacted by the dismissals and other alleged labor mistreatment, have resorted to Colombian courts to assert their rights and have secured favorable rulings. Notwithstanding, it is argued that these rulings have not been adequately abided by, inasmuch as the company has not fully restored the working conditions they had prior to the judicially disputed dismissals; even though a number of judicial and administrative instruments have been utilized to try to achieve proper compliance with these judicial orders.

15. The petitioner and lead victim in this case, Santos Camacho, resorted to, among other instruments, a motion to find in contempt (*incidente de desacato*), a procedural instrument specifically designed to enforce judicial *tutela* orders, in this case, the order issued by the 8<sup>th</sup> Municipal Criminal Court of Bogota directing that he be reinstated in his position. In the original motion to find in contempt, Mr. Camacho apprised the judge about the alleged pattern of anti-union persecution, which is part of the non-compliance with the *tutela* ruling that was issued by that judge, thus bringing his and the other members' situation to the attention, once again, of the Colombian judicial authorities. But, as was proven in the written submissions of Mr. Camacho, this motion to find in contempt was dismissed by the Court, on the grounds that the *tutela* ruling for constitutional relief had lost its validity because the protection granted therein was provisional, while the trial court labor judge ruled on the merits of the matter, and said trial court judge had already issued a final ruling. The decision denying the motion to open the proceedings to find in contempt of the *tutela* judgment was issued on November 13, 2009, and notified on November 17, 2009.

16. In the view of the Commission, when this decision to deny the motion to open proceedings to find in contempt was issued, the domestic remedies available in this case to enforce the court orders protecting Santos were exhausted. Through these remedies, the judicial authorities were again made aware in a timely fashion of the alleged pattern of anti-union persecution to which the members of the union were subjected as a group. Additionally, in view of the fact that the petition was received at the IACHR on February 19, 2010, we draw the conclusion that, with regard to this item, the petition fulfills the requirement of exhaustion of domestic remedies and timeliness of the petition, as established in Articles 46.1 and 46.1.b of the American Convention.

17. As for Resolution 4187 of 2006, whereby the Ministry of Social Protection vacated the resolutions of registration of SINTRAOMNITEMPUS, the fact is that this Resolution was contested in court via a *tutela* suit filed by Vidal Pulido, whereby the Sectional Judicial Council of Cundinamarca ordered the temporary suspension of the resolution; as well as through a motion to vacate judgment and restore rights, which is currently pending a ruling from the Council of State. In this way, two suitable judicial remedies were pursued to assert the claim that was lodged before the IACHR, that is, to reverse the harmful effects of Resolution 4187 on the very existence of the union and on the rights of its members. According to the latest information received from the petitioner on this score, given that the Council of State has still not issued a ruling on this proceeding to vacate, even though the appeal was filed in March 2007, with relation to this item of the petition, in the view of the Commission, the requirements are met for applicability of the exception for unwarranted delay in handing down the decision on domestic remedies, as established in Article 46.2.c of the American Convention. Bearing in mind that the effects of this lack of a ruling have dragged on until the present date, the IACHR understands the petition to have been lodged within a reasonable time, thus meeting the requirements provided for in Article 32.2 of the Rules of Procedure.

## VII. COLORABLE CLAIM

18. In the submissions made by the petitioner before the IACHR, a possible pattern of anti-union persecution by the private company Omnitempus Ltda against the members of the union SINTRAOMNITEMPUS is described. This pattern allegedly consists of actions by the company against several unionized individuals, such as dismissals and ongoing treatment perceived as persecution and discrimination, that is also sponsored or encouraged by a number of actions and omissions of the State, specifically by means of the Ministry of Social Protection's resolution, which vacated the legal registration of the union, and the omission of authorities in

enforcing the judicial rulings protecting the union members from the dismissals and mistreatment by the company. This scope of facts is much broader than the scope of facts narrowly laid out by the State in its response, restricting the material facts to the dismissal of one single worker and the two judicial proceedings stemming from that dismissal; while the different pleadings and documentary evidence submitted by Mr. Santos Camacho to the Commission describe a more extensive and complex set of acts, which allegedly violate the freedom of association to unionize.

19. With respect to the State's allegations relating to the fourth instance formula, the Commission reiterates that, under the scope of its mandate, it is indeed competent to declare admissible a petition when it involves domestic proceedings that could be violations of rights ensured by the American Convention. In any case, in the instant matter, we will examine the State's omission in enforcing judicial decisions protecting the rights of the potential victims, and not the content of said decisions.

20. In this regard, for purposes of the admissibility of a petition, the IACHR must decide whether the alleged facts could tend to establish a violation of rights, as provided for in Article 47(b) of the American Convention, or whether the petition is "manifestly groundless" or "obviously out of order," pursuant to subparagraph (c) of that article. The assessment criteria for admissibility are different from those used for the assessment of the merits of a petition. Additionally, the IACHR is competent to declare a petition admissible within the scope of its mandate, when it involves domestic cases, proceedings and omissions by the State, that could be violative of rights guaranteed by the American Convention. That means that under the aforementioned provisions of the Convention, in accordance with Article 34 of its Rules of Procedure, admissibility analysis is focused on ascertaining these requirements, which pertain to the existence of elements that, if proven, could constitute *prima facie* violations of the American Convention.<sup>7</sup>

21. Based on the foregoing considerations, and after examining the elements of fact and law submitted by the parties, the Commission finds that the petitioner's allegations are not manifestly groundless and warrant examination of the merits, inasmuch as, if proven the facts alleged could tend to establish *prima facie* violations of Articles 8 (fair trial rights), 16 (freedom of association), 24 (equal protection), 25 (judicial protection) and 26 (economic, social and cultural rights) of the American Convention, in connection with Article 1.1 (obligation to respect rights), as well as Article 8 of the Protocol of San Salvador (trade union rights), as laid out in the instant report, to the detriment of the alleged victims, who are individually identified therein.

## VIII. DECISION

1. To declare admissible this petition in relation to Articles 8, 16, 24, 25 and 26 of the American Convention, in connection with Article 1.1 thereof, and to Article 8 of the Protocol of Sand Salvador; and

2. To notify the parties of this decision; to continue with the analysis on the merits; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 24<sup>th</sup> day of the month of April, 2020. (Signed): Joel Hernández, President; Antonia Urrejola, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay, Esmeralda E. Arosemena Bernal de Troitiño, Julissa Mantilla Falcón, and Stuardo Ralón Orellana, Commissioners.

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<sup>7</sup> IACHR, Report No. 143/18, Petition 940-08. Admissibility. Luis Américo Ayala Gonzales. Peru. December 4, 2018, para. 12.