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**REPORT No. 166/20**  
**PETITION 2090-12**  
REPORT ON ADMISSIBILITY

YASHÍN CASTRILLO FERNÁNDEZ AND E.N.L.  
COSTA RICA

Approved by the Commission electronically on June 17, 2020.

**Cite as:** IACHR, Report No. 166/20, Petition 2090-12. Admissibility. Yashín Castrillo Fernández and E.N.L. Costa Rica. June 17, 2020.

**I. INFORMATION ABOUT THE PETITION**

<b>Petitioner:</b>	Yashín Castrillo Fernández
<b>Alleged victim:</b>	Yashín Castrillo Fernández and E.N.L. <sup>1</sup>
<b>Respondent State:</b>	Costa Rica
<b>Rights invoked:</b>	Article 8 (right to a fair trial), 11 (right to privacy), 17 (right of the family), 24 (right to equal protection), and 25 (judicial protection) of the American Convention on Human Rights <sup>2</sup> in relation to Articles 1(1) and 2 of the same instrument; and Articles 9 (right to social security) and 10 (right to health) of the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights <sup>3</sup>

**II. PROCEEDINGS BEFORE THE IACHR<sup>4</sup>**

<b>Filing of the petition:</b>	November 15, 2012
<b>Additional information received at the stage of initial review:</b>	March 15 and May 3, 2013
<b>Notification of the petition to the State:</b>	July 25, 2013
<b>State's first response:</b>	October 22, 2013
<b>Additional observations from the petitioner:</b>	April 29 and September 15, 2015
<b>Additional observations from the State:</b>	February 3, May 26 and 30, and November 26, 2014; March 23, 2016; and November 19, 2018

**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 (deposit of the instrument of ratification April 8, 1970)

**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 (right to a fair trial), 11 (right to privacy), 17 (right of the family), 24 (right to equal protection), 25 (judicial protection), and 26 (economic, social and cultural rights) of the American Convention in relation to Articles 1(1) and 2 of the same instrument
<b>Exhaustion of domestic remedies or applicability of an exception to the rule:</b>	Yes, in the terms of section IV
<b>Timeliness of the petition:</b>	Yes, in the terms of section IV

<sup>1</sup> At the petitioner's request, the Commission is keeping under seal the identity of the alleged victim E.N.L.

<sup>2</sup> Hereinafter "the American Convention" or "the Convention."

<sup>3</sup> Hereinafter "the Protocol of San Salvador" or "the Protocol."

<sup>4</sup> The observations submitted by each party were duly transmitted to the opposing party.

## V. FACTS ALLEGED

1. The petitioner and alleged victim, Yashín Castrillo Fernández, alleges the international responsibility of the Costa Rican State for arbitrary interference in his private and family life and discriminatory treatment due to his sexual orientation as a result of various judicial proceedings. In the processing of the petition the alleged victim argues that he was denied legal recognition of his union with his partner, the right of access to social security, and the right to a widower's pension on the basis of discriminatory prejudices<sup>5</sup> specifically in two judgments, No. 5590-2012 and No. 11933-2012, handed down by the highest judicial authority in Costa Rica, the Constitutional Chamber of the Supreme Court, which are firm and unappealable.

### *On the right of access to social security and the right to a widower's pension*

2. The petitioner describes that on March 9, 2010, he went to the Clínica Carlos Durán Cartín, a medical center that belongs to the Costa Rican Social Security Fund (hereinafter "CCSS") in his capacity as a person insured directly as an independent worker, to request the inclusion of his partner E.N.L. in his insurance coverage. In this respect, he states that after completing a form and an interview, his application was rejected the same day by resolution No. 003-229-10, issued by the Department of Medical Records of the Clínica Carlos Durán Cartín, based on Article 10 of the Health Regulations of the Costa Rican Social Security Fund (hereinafter "Health Insurance Regulation").<sup>6</sup> In response he filed an *amparo* motion before the Constitutional Chamber against that resolution, alleging discriminatory treatment on grounds of his sexual orientation. In this regard, he specifies that the Chamber ruled by resolution of March 10, 2010 that the matter should have been pursued and resolved by means of a constitutional action (*acción de inconstitucionalidad*), which is why on March 19, 2010, the alleged victim filed a constitutional motion before the same Chamber against Article 10 of the Health Insurance Regulation and against resolution No. 003-229-10 of March 9, 2010. The alleged victim reports that in the framework of the aforementioned action, he sought the annulment of both provisions and alleged that he was denied the right to insure his partner, as well as a violation of the rights to equality and non-discrimination, to health and to family and domestic life. However, the Chamber declared the action without merit by judgment No. 05590- 2012 of May 2, 2012.

3. In this regard, he argues that the Constitutional Chamber, in the abovementioned ruling, cited and ratified Judgment No. 7262-06 handed down by the same Chamber on May 23, 2006<sup>7</sup>, in which the Chamber considered marriage as an exclusive institution for relationships between a man and a woman, and that with regard to the effects of cohabitation between persons of the same sex, there was a flaw in the law that must be remedied by the legislature inasmuch as there is a lack of appropriate legal regulation of the personal and property effects of unions between persons of the same-sex. He notes that the court, in that line, ruled out that there is any impediment to the existence of homosexual unions and considered that it was not unaware that two people of the same sex may maintain a sentimental relationship; nonetheless, the term "marriage" ("*matrimonio*") as a legal, anthropological, and religious concept is reserved exclusively to describe a monogamous heterosexual union. The alleged victim maintains that, in the grounds for the judgement, the Constitutional Chamber denies that the *de facto* union of two persons of the same sex constitutes a family and indicated that the pronouncement of the Inter-American Court in the *Atala Riffo* case was not related to the issue posed in the case, and was not binding or of mandatory application.

4. In addition, the alleged victim argues that he was not notified of this decision in timely fashion, due to the lack of signature of the judges, as informed by the Office of the Clerk of the Chamber on October 3,

<sup>5</sup> The alleged victim argues that marriage and *de facto* union are regulated in Costa Rica by Articles 14 and 242 of the Family Code, which prohibit persons of the same sex from having access to these institutions; while the right to be insured as a couple or "partner" of the directly insured person is regulated in various articles of the Health Insurance Regulation of the Costa Rican Social Security Fund, in particular Articles 2, 10, 11, 12, and 75.

<sup>6</sup> He notes that this article establishes "partner: person, man or woman, who lives together in free union, on a stable basis, and under the same roof with another person of a different sex" ("*compañero: persona, hombre o mujer, que convive en unión libre, en forma estable y bajo un mismo techo con otro de distinto sexo*").

<sup>7</sup> He notes that the constitutional action pursued in relation to Article 14(6) of the Family Code was aimed at annulling the phrases "between a man and a woman" and "that possess legal aptitude to contract marriage" so as to give civil effects to *de facto* unions between persons of the same sex. Nonetheless, he argues that the Constitutional Chamber bases its decision No. 7262-06 on presumptions of risk based on mistaken prejudices and stereotypes regarding the characteristics and behaviors of homosexual persons.

2012, and he indicates that despite the fact that the text of this judgment was cited as the basis of the Chamber's Judgment No. 11933-2012 of August 29, 2012 (*infra para. 11*), the notice was formally served on October 16, 2012.

5. The petitioner notes that on May 6, 2014, he reiterated his request to the Board of Directors of the CCSS, to include same-sex partners who live together in health coverage by means of an amendment to Articles 10 and 12 of the Health Insurance Regulation, and asked that the right to a widower's pension be recognized for same-sex couples in the same circumstances as for heterosexual couples. He notes that on May 22, 2014 the Board of Directors of the CCSS approved his application and published the modification to Articles 10 and 12 of the Health Insurance Regulation on November 10, 2014 in the official gazette Diario Oficial La Gaceta No. 216. Nonetheless, the alleged victim notes that the Board of Directors of the CCSS did not issue any pronouncement on the right to a widower's pension; and he argues that said amendment imposed a new requirement for seeking an extension to health insurance coverage, that partners had to register in a list of cohabiting couples. He argues that even though this list of cohabiting couples appears to be a formally neutral measure, it lacks any reasonable and legitimate objective or justification, thus he considers it a clear case of indirect discrimination in its results, and a serious threat and unjustified meddling in persons' private lives. He also alleges that the historical persecution and repression to the detriment of LGBTI persons make it such that there is a reasonable and justified fear that they will be publicly exposed through these lists, and, given the stereotype and stigmas in Costa Rican society, could lose their jobs, families, and friends.

#### *On legal recognition of same-sex marriage*

6. At the same time the alleged victim indicates that on June 2, 2009, he initiated a judicial process for legal recognition of the *de facto* union of persons of the same sex before the Family Court, Second Circuit of San José, which was dismissed on June 19, 2009 by the court based on Judgment No. 7262-06 of the Constitutional Chamber. He notes that as a result he filed a motion for reconsideration with the same court; however, before the appeal was resolved, he filed an action of unconstitutionality before the Constitutional Chamber in relation to his request for legal recognition of the *de facto* union, alleging violation of the principle of non-discrimination on grounds of sexual orientation. He further explains that this action was dismissed *ab initio* by the Constitutional Chamber in Judgment No. 641-2010 of January 13, 2010, which transcribed Judgment No. 7262-06 of the same Chamber.

7. The alleged victim argues that mindful of the ruling of the Constitutional Chamber in its Judgment No. 641-2010 and its *erga omnes* effect, the Family Court denied the motion for reconsideration on March 23, 2012. Subsequently he filed a motion of appeal before the Family Court, First Judicial Circuit of San José, on April 2, 2012. He describes how in that motion he once again noted the binding nature of the judgments and opinions of the Inter-American Court.

8. He also specifies that on May 11, 2012, he filed an action of unconstitutionality before the Constitutional Chamber against Article 242 of the Family Code in relation to the process for recognizing a *de facto* union, alleging a violation of the principle of equality of non-discrimination, of the binding nature of treaty obligations, of the rights to privacy, family life, and to form a family, and of the right to self-determination free from arbitrary meddling by the State and individuals. He adds that in the context of this proceeding he argued the need to review the criterion developed by the Constitutional Chamber in Judgment 7262-06 and he cited national, Inter-American, and European case-law along with the documents of the OAS and the United Nations regarding human rights. Nonetheless, he reports that the Constitutional Chamber, by Judgment No. 11933-2012 of August 29, 2012, notified on September 28, 2012, dismissed the action, reproducing in part what the Chamber had stated in Judgment No. 05590-2012 regarding the constitutionality of Article 10 of the Health Insurance Regulation on considering that the arguments put forth were of the same nature as those argued previously, so that the criterion held did not merit being varied.

9. The alleged victim argues that the Constitutional Chamber acted arbitrarily to the detriment of effective judicial protection and his right to a fair trial. He points out, among other considerations, the unjustified and disproportionate delay in notifying the minority vote and the refusal to allow him to personally address the court in the context of the oral and public hearing before the Chamber sitting *en banc*. He further

alleges that the Constitutional Chamber that, since homosexuality is not criminalized under domestic law, there is no discrimination against same-sex couples; yet it refuses to bring the legal situation of homosexual couples up to par with that of heterosexual couples. He adds that even though the objective of the Chamber was to protect the institution of the family, there is no logical relationship of causality or of means to an end between that aim and refusing to legally recognize his *de facto* union or to provide coverage for his partner under his health insurance plan.

10. The alleged victim further notes that on May 12, 2011, he filed an “application for civil marriage” before the Family Court of the Underprivileged (Juzgado de Familia de Desamparados), Third Judicial Circuit of San José, with the objective of having that authority authorize the civil marriage between him and his partner E.N.L. He says that in this respect, the Family Court made a constitutionality consultation by resolution of May 30, 2011 before the Constitutional Chamber as it considered Article 14(6) of the Family Code unconstitutional. The matter was ruled on by the Chamber in Resolution No. 2011-9765 of July 27, 2011. In that matter, he says that despite the extensive case-law and criteria that he presented in the context of this consultation, the Chamber held that the prohibition did not violate the principle of equality and non-discrimination in light of the reasoning set out in Judgment No. 7262-06.<sup>8</sup>

11. He explains that, once notice was given of the foregoing resolution, the Family Court proceeded to reject the application by Judgment No. 245-2012 of May 18, 2012, which is why he then proceeded to file a motion for appeal on May 25, 2012, alleging violation of the principle of equality and non-discrimination, and noting that keeping intact the case-law produced by the Constitutional Court in 2006 means violating the binding effect of international legal commitments. In this respect he reports that the Family Court, First Judicial Circuit of San José upheld the judgment appealed by Resolution No. 552-2012 of June 26, 2012, noting that the constitutional case-law trumps the case-law of the Inter-American Court of Human Rights on the same subject matter. He argues that he filed a motion for cassation before the Second Chamber of the Supreme Court, arguing the violation of the principle of conventionality insofar as the judges are competent to find a provision of domestic law to be at odds with international treaty commitments. He argues that the Chamber rejected the motion *ab initio* by Resolution No. 2012-869 on September 21, 2012, on understanding that the ruling by the Family Court was not appealable by cassation, since the decision is administrative, not judicial, in nature, as it is an act by the judicial authority to perform civil marriages in keeping with its administrative competence attributed to it by law.

12. Accordingly, the alleged victim argues that he has been subjected to a difference in treatment as a result of his sexual orientation, which has had serious and harmful effects on his private and family life, determined by the denial of all the rights that derive, directly or indirectly, from civil marriage such as the right to insurance his partner, the right to the pension, and to inherit, among other benefits that the State offers persons under the institution of marriage. He argues that the interference of the State in his private life has been arbitrary and has been based on discriminatory prejudices, taking into consideration his sexual orientation as an essential element, and not an objective analysis of his right to construct a family.

13. He further states that he filed a constitutional action in mid-December 2013 against Article 242 of the Family Code and Article 4(m) of the Reform to the Law on Young Persons, which despite having been found admissible on January 29, 2014, is still pending a decision by the Constitutional Chamber. In this regard, the alleged victim states that in the first week of June 2015 the judge entrusted with drafting the judgment delivered the draft judgment to the other judges, so as to then proceed to the respective vote, but from that moment a lobby effort began on the part of Catholic bishops, Christian pastors, and legislators belonging to Christian political groupings to pressure for a decision to dismiss the constitutional action. In this regard he argues that the silence of the high court compared to the time in which other appeals are processed is a discriminatory act.

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<sup>8</sup> The alleged victim indicates that he argued expressly that the Chamber had to pass the strict test of constitutionality so as to find discrimination based on sexual orientation.

### *The State's arguments*

14. The State, for its part, argues that the facts described do not constitute a violation of the American Convention and that, to the contrary, the petitioner seeks to have the Commission act as a court of fourth instance with respect to issues of law and fact that correspond to the domestic legal system. In addition, it argues that when this petition was filed domestic remedies had not been exhausted as required by the Convention and the IACHR's Rules of Procedure, and it asks for an indication as to whether the instant petition has been the subject of *per saltum* treatment.

15. It argues that the decisions of the Constitutional Chamber noted have been grounded in the thesis that the provisions challenged – Article 242 of the Family Code and Article 10 of the Health Insurance Regulation – have a legitimate aim without prejudice to the possibility of persons of the same sex being able to maintain a relationship and, in that regard, the judgments questioned have an essential precedent in Judgment No. 7262-06 of May 23, 2006. Specifically, the State explains that Judgment No. 5590-2012 of May 2, 2012, is grounded in the fact that the provision stipulated in the Health Insurance Regulation answers to objective legal criteria on the effects of persons living together in marriage, in keeping with the rest of the constitutional and statutory framework. It considers that review for compliance with international treaty obligations is not entirely foreign to the legal and judicial system, for in one way or another it has been implemented gradually over years of exercise of the constitutional jurisdiction, thus it is of immediate relevance for the national protection of human rights. It clarifies that in the judgment challenged the Chamber considered that although the State cannot repudiate rights granted by the legal system based on a criterion of sexual orientation, the Constitutional Chamber cannot create a legal regime that grants a particular status for same-sex unions and the right of access to social security for persons living in consensual union nor apply the *Atala Riffo* case to constitutional actions, insofar as that decision made no reference whatsoever to the issue of same-sex marriage. It further argues that insofar as the Constitutional Chamber found admissible the constitutional action filed by the petitioner against Article 242 of the Family Code and Article 4(m) of the Law on Young Persons, it considers that the dispute is still ongoing domestically, and therefore domestic remedies have not been exhausted, and the domestic forum subsists to take cognizance of it.

16. The State reports that the Board of Directors of the CCSS adopted a reform of the health insurance regulation to recognize the right of the insured person to apply for protection through the family benefit of those who meet the general requirements, to make visits in case of hospitalization with no restrictions on the schedule, and to make fundamental decisions if vital surgery is required.<sup>9</sup> It specifies that the requirements are the same, guaranteeing the formality of the union by its entry in its “Registry of Couples Living in Consensual Union” and that since it has come into force the authorities held a series of trainings and activities to raise awareness among its personnel so as to ensure a transparent process without discrimination.<sup>10</sup> In addition, it notes that on June 30, 2016, the Board of Directors of the CCSS, by decision No. 59,994 approved extending the death pension benefit to same-sex couples, and charged the pension administration with amending the respective regulation, which was done on June 29, 2017.

17. Furthermore, the State reiterates that the Constitutional Chamber, in relation to the recognition of *de facto* union or marriage, considered, with justification, that the articles challenged seek a legitimate aim, but did not in any way impede recognizing unions between persons of the same sex.<sup>11</sup> Nonetheless, the State argues that marriage is not the only way to recognize same-sex unions, accordingly it is the legislator who, within his or her legislative discretion, is authorized to develop a rule to regulate them.<sup>12</sup> In this context, the State affirms the imperious need to regulate the personal and property-related effects given

<sup>9</sup> The State reports that this reform was published in the official gazette Diario Oficial la Gaceta No. 216 on November 10, 2014. It also reports that on November 20, 2014, the CCSS recorded its first same-sex couple in health insurance family benefit.

<sup>10</sup> It reiterates that the person interested must show the link of affinity by showing a stable relationship, under the same roof, public, notorious, and exclusive, as well as documenting economic dependence on the person directly insured.

<sup>11</sup> It also indicates that Article 51 of the Constitution establishes a constitutional obligation to guarantee protection of the family and that by reading it together with Article 52 one can deduce that the concept of family adopted in the text is highly influenced by the concept of marriage referring to monogamous heterosexual unions.

<sup>12</sup> In this respect, it indicates that at present the proposed “Law on Marital Communities” (“Ley de Sociedades de Convivencia”) is currently under consideration.

the lack of an appropriate provision, and recognizes that the process has been gradual, and that the social dialogue is open and ongoing, and therefore unfinished.

18. In particular, it rejects any insinuation or argument that seeks to expose alleged discriminatory treatment of a certain sector of the population by reason of sexual orientation and emphasizes that several actions and statements by high-level government authorities, represent a clear example of the national gains on this issue and the various measures which have gradually contributed to the effective protection of the rights of LGBTI persons.

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

19. For the purposes of the admissibility of the instant petition the Commission observes that with respect to access to social security and the right to a widower's pension, the alleged victim filed judicial remedies to call into question the legality and application of Article 10 of the Health Insurance Regulation, insofar as it had a direct effect of the alleged victims' rights. The Commission observes that latest decision was Judgment No. 05590-2012, handed down by the Constitutional Chamber on May 2, 2012, notice of which was given on October 16, 2012. Therefore, the Commission notes that the alleged victim has exhausted domestic remedies on this point and that, therefore, the instant petition satisfies the requirement established at Article 46(1)(a) of the Convention.

20. With respect to legal recognition for same-sex couples, the Commission observes that the alleged victim, prior to filed the instant petition, pursued a series of judicial remedies related to different statutory provisions and the direct effect thereof on the exercise of the human rights of Mr. Castrillo and his partner E.N.L. From the information provided by the parties, it is observed that the constitutional motion pursued in December 2013 by the petitioner against Article 242 of the Family and Article 4(m) of the Law on Young Persons is still pending. In this regard, the Commission reiterates its doctrine according to which the analysis of the requirements set out at Articles 46 and 47 of the Convention must be done in light of the situation prevailing at the time it rules on the admissibility or inadmissibility of the claim.<sup>13</sup> While the Commission highlights the information submitted by the State on Judgment No. 2018-12782 of the Constitutional Chamber of August 8, 2018, by which it resolved the constitutional action against Article 14(6) of the Family Code, it does not have information on a judgment on the action filed in December 2013. Therefore, in light of the characteristics of the instant case the Commission considers that the exception to the prior exhaustion of domestic remedies set out at Article 46(2)(c) of the American Convention applies, and, therefore, that the petition was filed within a reasonable time.

## **VII. ANALYSIS OF COLORABLE CLAIM**

21. The Commission observes that this petition includes allegations with respect to discriminatory treatment and lack of judicial protection to the detriment of Mr. Castrillo and E.N.L. due to their sexual orientation. Mindful of these considerations, and after examining the elements of fact and law set forth by the parties, the Commission considers that the petitioner's allegations are not manifestly groundless and require a study on the merits for the facts alleged, if found to be true, tend to establish violations of Articles 8 (right to a fair trial), 11 (right to privacy), 17 (right of the family)<sup>14</sup>, 24 (right to equal protection), 25 (judicial protection), and 26 (economic, social and cultural rights) of the American Convention in relation to its Articles 1(1) and 2, to the detriment of the alleged victims.

<sup>13</sup> IACHR, Report No. 15/15, Petition 374-05. Admissibility. Members of the Trade Union of Workers of the National Federation of Coffee Growers of Colombia. March 24, 2015, para. 39.

<sup>14</sup> I/A Court HR. Gender identity, and equality and non-discrimination with regard to same-sex couples. State obligations in relation to change of name, gender identity, and rights deriving from a relationship between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24, paras. 82, 196-199; and I/A Court HR. Case of Atala Riffo and daughters v. Chile. Merits, Reparations and Costs. Judgment of February 24, 2012. Series C No. 239, paras. 133, 135-139.

22. As for the alleged violations of Articles 9 (right to social security) and 10 (right to health) of the Protocol of San Salvador, the IACHR notes that the competence set forth in the terms of Article 19(6) of that treaty to establish violations in the context of an individual case is limited to Articles 8(1)(a) and 13. With respect to the other articles, in keeping with Article 29 of the American Convention, the Commission may take them into account for interpreting and applying the American Convention and other applicable instruments.

23. With respect to the State's allegations regarding the so-called "fourth instance" formula, the Commission reiterates that, for the purposes of admissibility, it must decide whether the alleged facts may characterize a violation of rights, as stipulated in article 47 (b) of the American Convention, or if the petition is "manifestly unfounded" or "its total inadmissibility is evident", pursuant to subsection (c) of said article. The criteria for evaluating these requirements differs from that used to rule on the merits of a petition. Likewise, within the framework of its mandate, it is competent to declare a petition admissible when it refers to internal processes that could violate rights guaranteed by the American Convention. In other words, in light of the aforementioned conventional standards, in accordance with article 34 of its Rules of Procedure, the admissibility analysis focuses on the verification of such requirements, which refer to the existence of elements that, if true, could constitute *prima facie* violation of the American Convention.<sup>[1]</sup>

### VIII. DECISION

1. To find the instant petition admissible in relation to Articles 8, 11, 17, 24, 25, and 26 of the American Convention in relation to its Articles 1(1) and 2 of the same instrument; and

2. To notify the parties of this decision; to proceed 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 17<sup>th</sup> day of the month of June, 2020. (Signed): Joel Hernández, President; Antonia Urrejola, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay, Esmeralda E. Arosemena Bernal de Troitiño, and Julissa Mantilla Falcón, Commissioners.

<sup>[1]</sup> IACHR, Report No. 143/18, Petition 940-08. Admissibility. Luis Américo Ayala Gonzales. Peru. December 4, 2018, para. 12.