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PRESENTATION

Over its 37 years of operation, the Inter-American Court has accompanied the peoples of the Americas in the transformation of their social, political and institutional realities. During this time, it has decided more than 200 cases, delivered almost 300 judgments, issued over 20 advisory opinions, and provided prompt protection to individuals and groups of individuals by means of its preventive function.

Nevertheless, we are aware that the work of the Inter-American Court does not end when an order, a judgment, or an advisory opinion has been emitted. The effective protection of human rights is only achieved by a dynamic dialogue with national institutions, particularly those of a jurisdictional nature. In this context, it is the national actors who, through jurisprudential dialogue and a satisfactory control of conventionality – all within the framework of their competences – ensure that the decisions of the Inter-American Court are truly effective. In this way, a dynamic and complementary control of the treaty-based obligation to respect and ensure human rights is being exercised in an increasingly vigorous manner in conjunction with the domestic authorities.

In this spirit and with this type of encouragement, the Inter-American Court has been fostering jurisprudential dialogue decisively in order to ensure that inter-American justice is really and truly accessible. Every individual in the Americas should be aware of, take ownership of, and demand the human rights recognized in the American Convention or in the interpretations that the Inter-American Court makes of this instrument from time to time, above all, to allow more people to get to know the work and the decisions of the Inter-American Court. Thus, these bulletins, which will be published every six months in Spanish, English and Portuguese, should become a useful tool for researchers, students, human rights defenders, and all those who would like to find out about the impact of the Court's work, and about the innovative human rights standards that the Court is constantly developing.

This sixth edition covers the rulings made by the Court between May and August 2016. During this period, the Court delivered two judgments on preliminary objections, merits and reparations, and one interpretation judgment. In addition, it issued nine orders on monitoring compliance with judgment and two orders on provisional measures, and also received a request for an advisory opinion from Costa Rica.

The significance of the matters dealt with by the Court in its decisions over this period stems from the fact that such matters are extremely relevant in the actual circumstances of our continent, and also relate to current problems common to the different States. Among other issues, the most important related to the recognition of judicial guarantees in administrative sanctioning proceedings, because the Court recognized that even though the expression “judicial guarantees” included the word “judicial,” such guarantees were also applicable to administrative proceedings. The Court also ruled on the standards

applicable to presumed enforced disappearance, reiterating that this presumption constitutes a violation of the right to life, among other rights, because it is an act that usually culminates in the clandestine execution of the individuals who were detained together with the elimination of all traces and evidence in order to ensure the impunity of those responsible.

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We trust that this sixth bulletin will help disseminate the Court's case law throughout the region.

Roberto F. Caldas
President of the Inter-American Court

* This document has been prepared jointly by Elizabeth Salmón, Director of IDEHPUCP, Cristina Blanco Coordinator of the Academic and Research Area, and Renata Bregaglio, Senior Researcher of the Institute.

NUMBER OF CASES HEARD BY THE COURT, BY STATE

State	Cases
Argentina	17
Barbados	2
Bolivia	4
Brazil	5
Chile	8
Colombia	16
Costa Rica	2
Dominican Republic	4
Ecuador	18
El Salvador	6
Guatemala	22
Haiti	2
Honduras	12
Mexico	8
Nicaragua	3
Panama	5
Paraguay	7
Peru	38
Suriname	6
Trinidad and Tobago	4
Uruguay	2
Venezuela	19

I. CONTENTIOUS CASES

Case of Maldonado Ordoñez v. Guatemala (Recognition of judicial guarantees in administrative sanctioning proceedings)

On May 3, 2016, the Court delivered judgment in the case of Maldonado Ordoñez v. Guatemala, and declared that the State of Guatemala was internationally responsible for dismissing Olga Maldonado from the position she occupied in the Office of the Guatemalan Ombudsman without respecting the judicial guarantees that were applicable in light of the American Convention on Human Rights, and the principle of legality recognized in that instrument.

The State filed a preliminary objection, alleging that the presumed victim had failed to exhaust domestic remedies in order to defend her claims. However, the Court rejected this objection, considering that, during the proceedings before the inter-American system, the State of Guatemala had modified its arguments concerning the appropriate channels that the presumed victim should have used to protect her rights. According to the Court, this meant that it was not possible to know which domestic remedies Mrs. Maldonado should have exhausted before having recourse to the international sphere. Furthermore, as regards the arguments relating to the exhaustion of the remedies established in the ordinary labor jurisdiction – which were presented by the State for the first time in the proceedings before the Court – it was determined that these were subject to the statute of limitations. Consequently, the Court rejected the objection of failure to exhaust domestic remedies.

Regarding the arguments on the merits of the case, the Court began its findings by recalling that, even though the expression “judicial guarantees” included the word “judicial,” such guarantees were also applicable to administrative proceedings, so that their applicability was not limited to judicial remedies alone, but also to all the requirements that must be complied with by procedural instances in order to ensure that the individual is able to defend his or her rights adequately when confronted by any act of the State that could harm them.

On this basis, the Court indicated, first, that, under Article 8(2) of the Convention, Mrs. Maldonado had the right to prior notification detailing the charges against her, a right that should be understood as the real possibility of anyone subject to disciplinary proceedings knowing the punishable conduct of which he or she is accused. However, in this specific case, the State of Guatemala notified the presumed victim that a sanctioning proceeding had been opened against her by means of a communication that contained no information regarding a possible transgression, but merely transcribed several articles of the Staff Rules and Regulations of the Ombudsman’s Office that had supposedly been infringed, and this prevented Mrs.

Maldonado from knowing the reason why she was being dismissed.

In addition, the Court found that the State of Guatemala was responsible for failing to comply with its obligation to provide the reasoning behind its decisions and for violating the principle of legality. Regarding the first finding, the Court indicated that Mrs. Maldonado's dismissal had not been based on a justified and systematic reasoning, because it had never been clearly indicated how the presumed victim's conduct corresponded to the content of the provisions cited as the basis for her dismissal, and no analysis of the said provisions was provided. With regard to the second finding, the Court, after reiterating the validity of the principle of legality (Article 9 of the Convention) in the area of administrative sanctioning, concluded that the provisions of the Rules and Regulations that presumably justified the dismissal of Mrs. Maldonado did not define the conduct considered to have infringed them as an offense.

Lastly, the Court considered that the State had not complied with its obligation to provide the presumed victim with an effective judicial remedy (Article 25 of the Convention), understood as the State's obligation not only to devise and enact an effective remedy, but also to ensure its due application by the judicial authorities. However, in this case, none of the five remedies that Mrs. Maldonado filed in the domestic jurisdiction were effective to obtain a review of her dismissal, because the laws of Guatemala are contradictory as regards the appropriate remedy to achieve this.

Regarding reparations, the Court established that its judgment constituted, *per se*, a form of reparation and also ordered the State to: (i) eliminate from the employment record or any other record of the victim the dismissal proceedings against her; (ii) define or regulate clearly the channels to obtain a review of administrative sanctions; (iii) pay the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, and to reimburse costs and expenses, and (iv) publish the judgment and its summary.

Case of Tenorio Roca et al v. Peru (Enforced disappearance)

On June 22, 2016, the Court delivered judgment in the case of Tenorio Roca et al. v. Peru, declaring that the Peruvian State was internationally responsible for the enforced disappearance of Rigoberto Tenorio Roca, as of July 7, 1984. Consequently, the Court found that the State had violated Mr. Tenorio Roca's rights to personal liberty, personal integrity, life and recognition of juridical personality established in the American Convention on Human Rights, as well as violating the rights to judicial guarantees, to judicial protection, to know the truth, and to personal integrity of the members of his family.

The State filed two preliminary objections: (i) failure to exhaust domestic remedies, and (ii) the Inter-American Court's lack of temporal jurisdiction to rule on violations of the Inter-American Convention on Forced Disappearance of Persons. The first objection was rejected because the Court considered that it

was time-barred owing to the moment at which the Peruvian State had filed the objection; namely, after the admissibility stage before the Inter-American Commission on Human Rights. The Court also rejected the second preliminary objection considering that, under Article XIII of the Inter-American Convention on Forced Disappearance of Persons, and Article 62 of the American Convention, as well as the *pacta sunt servanda* principle, the former article was applicable to the facts classified as violations of a continuing or permanent nature, such as the enforced disappearance of persons.

Regarding the arguments on the merits, the Court began its findings by affirming the international responsibility of the Peruvian State for the violation of Article 7 of the American Convention, which establishes the right to liberty, because Mr. Tenorio was arrested and presumably taken to a military base, without being brought before the competent authority and with no record of his entry into this base, which revealed an abuse of power in direct contradiction to the content of the right to liberty.

The Court also established that Peru had violated Article 5 of the Convention – right to personal integrity – of both Mr. Tenorio and his family members. The violation of Mr. Tenorio’s right occurred because, from the time of his arrest, he was subjected to physical ill-treatment and then taken to a military base that, it has been proved, operated as a center of detention in which detainees were tortured. Meanwhile, as regards Mr. Tenorio’s family members, the Court indicated that their right to mental and moral integrity had been violated owing to the suffering caused by the abrupt disappearance of their loved one and the prolonged uncertainty about his whereabouts.

Similarly, the Court found the State responsible for violating Mr. Tenorio’s right to life (Article 4 of the Convention), a violation arising from his aggravated situation of vulnerability owing to the very nature of enforced disappearance. According to the Court, this type of action usually culminates in the clandestine execution of those detained and the elimination of any traces or evidence, in order to ensure the impunity of those responsible, which signifies a violation of the right to life.

With regard to the right to recognition of juridical personality (Article 3 of the Convention), the Court indicated that the State was responsible for violating this right to the detriment of Mr. Tenorio, because it had placed him in a situation of legal uncertainty which effectively prevented him from holding or exercising any of his rights. In addition, the Court emphasized that this violation would persist until the victim’s whereabouts, or if applicable his remains, were discovered.

In addition, the Court identified several violations of the rights to judicial guarantees and to judicial protection of Rigoberto Tenorio and of his family members. In this regard, the Court found violations of these rights as a result of: (i) the lack of the necessary diligence and meticulousness in the investigations undertaken in the domestic sphere; (ii) the lack of competence of the military jurisdiction to investigate, prosecute and punish those presumably responsible for Mr. Tenorio’s disappearance and, consequently, the violation of the right to an ordinary judge, because alleged enforced disappearances are acts that

bear no relationship to the military discipline and mandate; (iii) the absence of a reasonable time in the ordinary proceedings to investigate the facts relating to the disappearance of Mr. Tenorio Roca, and (iv) the impossibility for Mr. Tenorio's next of kin to know the truth, a right understood as an element of the right of access to justice.

Lastly, also in relation to judicial guarantees and judicial protection, the Court established that the Peruvian State was internationally responsible for failing to adapt its domestic laws to the provisions of the American Convention on Human Rights and the Inter-American Convention on the Forced Disappearance of Persons, because the State had applied amnesty laws in favor of those presumably responsible for Mr. Tenorio's disappearance. Moreover, the definition of enforced disappearance as a crime contained in its laws – under which the disappearance of Rigoberto Tenorio was investigated – was incompatible with the said conventions.

Regarding reparations, the Court established that its judgment constituted, *per se*, a form of reparation and, in addition, ordered the State to: (i) organize a public act to acknowledge its international responsibility; (ii) continue the criminal proceedings that were underway and open any investigations required to identify those responsible for the enforced disappearance of Rigoberto Tenorio; (iii) make every effort to determine Mr. Tenorio's whereabouts; (iv) provide free medical and psychological or psychiatric treatment to the victims who requested this; (v) grant a scholarship in an agreed public establishment to each of Mr. Tenorio's children so that they could study or receive vocational training; (vi) adapt its laws to international standards on enforced disappearance of persons; (vii) pay the amounts established in the judgment for pecuniary and non-pecuniary damage and to reimburse costs and expenses; (viii) reimburse the Victims' Legal Assistance Fund of the Inter-American Court the amount disbursed during the processing of the case, and (ix) publish the judgment and its official summary.

Case of Chinchilla Sandoval v. Guatemala (Failure to respect the position of guarantor)

On February 29, 2016, the Court delivered judgment in the Case of Chinchilla Sandoval v. Guatemala², declaring that the State of Guatemala was internationally responsible for failing to comply with the obligation to ensure the rights to personal integrity, life, judicial guarantees and judicial protection of María Inés Chinchilla Sandoval, who suffered from various health problems and a resulting physical disability that culminated in her death while she was deprived of liberty serving a criminal sentence.

² This judgment was notified on October 28, 2016.

The State filed a preliminary objection arguing the failure to exhaust domestic remedies. In this regard, the Court rejected this objection considering that the State's argument concerning the summary trial for civil responsibility was subject to the statute of limitations and, with regard to the ordinary civil trial that was not attempted by Ms. Chinchilla Sandoval or her next of kin, the Court indicated that, owing to the possible responsibilities arising from the alleged facts, it was for the State to clarify, *ex officio*, the circumstances in which they occurred.

Regarding the arguments on the merits, the Court began its findings by affirming that the State of Guatemala was internationally responsible for failing to ensure the rights to personal integrity and life of Ms. Chinchilla while she was in detention.

Owing to the inaccessibility of the detention center, the Court considered that Ms. Chinchilla was placed in a situation of discrimination and in detention conditions that were incompatible with the right of every person with a disability to have their right to physical and mental integrity respected in equal conditions to every other person, in accordance with Articles 5(1) and 1(1) of the Convention.

Based on her health situation and the type of ailments she suffered, the Court concluded that the State had not ensured, with due diligence, that Ms. Chinchilla received the appropriate emergency medical care and, therefore, had not guaranteed her right to life.

Also, in relation to judicial guarantees and judicial protection, the Court considered that the judge who supervised execution of her sentence had not complied with the State's obligation to ensure adequate access to justice.

Regarding reparations, the Court established that its judgment constituted, *per se*, a form of reparation and, in addition, ordered the State to: (i) publish the judgment and its official summary; (ii) take measures to train officials working with persons deprived of liberty, and (iii) pay the amounts established in the judgment for pecuniary and non-pecuniary damage and to reimburse costs and expenses.

II. INTERPRETATION OF JUDGMENT

Case of Wong Ho Wing v. Peru

On June 30, 2015, the Court delivered judgment on the preliminary objection, merits, reparations and costs in the Case of Wong Ho Wing v. Peru. In paragraph 205 of this judgment, the Court indicated that the Executive's discretionary decisions could be subject to control by the Judiciary and, consequently, that Mr. Wong Ho Wing should be able to obtain a judicial review of the decision on his extradition proceeding if he did not agree with it.

In this regard, on December 14, 2015, the State submitted to the Court's jurisdiction, a request for interpretation with regard to the judicial review to which the Executive's decision declaring the extradition admissible was subject, and asked the Court to clarify whether this constitutional control corresponded only to the final decision taken by the Executive or extended to any decision related to the procedure of executing the extradition that Wong Ho Wing considered harmed his rights.

Having declared that the State's request for interpretation was admissible, the Court examined the arguments submitted by the parties and concluded that, based on paragraphs 203, 204 and 205 of the judgment, it could be seen that the Peruvian State was obliged to provide Wong Ho Wing with a remedy that permitted a judicial review of the Executive's final decision concerning the admissibility of his extradition.

III. ORDERS ON MONITORING COMPLIANCE

Case	Date and number of monitoring order	Measures fully complied with to date	Measures partially complied with to date	Measures pending compliance at this time
Case of Chaparro Álvarez and Lapo Íñiguez v. Ecuador	June 23, 2016 Fifth monitoring order	<p>Broadcast the judgment by radio and television</p> <p>Eliminate the names of Messrs. Chaparro Álvarez and Lapo Íñiguez from any public records where they appear with a criminal record</p> <p>Advise private institutions that they must eliminate from their records any reference to these individuals as perpetrators or suspects of the wrongful act</p>		Take legislative or other measures to ensure the elimination of the criminal records of persons acquitted and persons whose cases are dismissed

		<p>they were accused of in this case</p> <p>Adapt domestic law to the parameters established in the American Convention so that it is the judicial authorities who decide on the remedies that detainees should file, and amend the Law on Narcotic Drugs and Psychotropic Substances and the pertinent regulatory decisions, as indicated in the judgment</p> <p>Pay Messrs. Chaparro Álvarez and Lapo Íñiguez the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage and to reimburse costs and expenses</p>		
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		<p>Submit the State and Mr. Chaparro to an arbitral proceeding to establish the compensation for the pecuniary damage suffered by Mr. Chaparro Álvarez including the interest on arrears in the payment of the compensation</p>		
<p>Case of the 19 Tradesmen v. Colombia</p>	<p>June 23, 2016 Fifth monitoring order</p>	<p>Erect a monument to commemorate the victims and unveil a plaque with the names of the 19 traders during a public ceremony</p> <p>Pay the compensation and reimburse the costs and expenses as ordered in the judgment</p> <p>Hold a public ceremony to acknowledge international responsibility</p>		<p>Investigate, within a reasonable time, the facts of this case in order to prosecute and punish all those responsible</p> <p>Carry out, within a reasonable time, an exhaustive search to determine what happened and, if possible, return the remains of the victims to their family members</p> <p>Provide free medical and psychological treatment to the victims' family members</p>

		<p>Make every effort to ensure the life, integrity and safety of those who provided statements to the Court and also their families, and provide them with protection</p>		<p>Establish the necessary conditions for the next of kin in exile of the victim Antonio Flórez Contreras to be able to return to Colombia, covering the resulting transport expenses, if they so wish</p> <p>Pay the compensation established in the judgment</p>
<p>Case of the Constitutional Tribunal (Camba Campos et al.) v. Ecuador</p>	<p>June 23, 2016</p> <p>First monitoring order</p>	<p>Publish the judgment and its official summary</p> <p>Pay the victims the compensation established in the judgment</p> <p>Pay the victims compensation for pecuniary and non-pecuniary damage and to reimburse costs and expenses as established in the judgment</p>		

<p>Case of Baldeón García v. Peru</p>	<p>June 22, 2016 Third monitoring order</p>	<p>Hold a public ceremony to acknowledge international responsibility and to apologize to the family members</p>	<p>Pay compensation for pecuniary and non-pecuniary damage and reimburse costs and expenses Provide medical, psychological or psychiatric treatment, as appropriate, to the members of the victim's family</p>	<p>Undertake, within a reasonable time, all the actions required to identify prosecute and punish all those responsible for the violations perpetrated against the victim</p>
<p>Case of the Kichwa Indigenous People of Sarayaku v. Ecuador</p>	<p>June 22, 2016 First monitoring order</p>	<p>Hold a public ceremony to acknowledge international responsibility for the facts and violations identified in this case Publish and broadcast the judgment and its official summary</p>	<p>Implement programs or course that include modules on national and international standards concerning the rights of indigenous peoples and communities for members of the military, the police and the judiciary, as well as others</p>	

		Pay compensation for pecuniary and non-pecuniary damage and reimburse costs and expenses	whose functions involve relations with indigenous peoples	
Case of Wong Ho Wing v. Peru	June 22, 2016 First monitoring order	Take a final decision in the extradition proceedings against Wong Ho Wing		Review the deprivation of liberty of Wong Ho Wing Publish the judgment and its official summary in the official gazette, in a newspaper with widespread circulation and on an official website. Pay the victim the compensation for pecuniary and non-pecuniary damage, and reimburse costs and expenses as established in the judgment
Case of Salvador Chiriboga v. Ecuador	May 3, 2016 Fifth monitoring order	Pay the victim fair compensation for the pecuniary damage to her interests		
			Publish the judgment in the media indicated	Open the corresponding criminal proceedings and, if applicable, any others that are relevant in order to identify, prosecute and punish, as appropriate, those responsible for the violations perpetrated against the victim

<p>Case of Véliz Franco et al. v. Guatemala</p>	<p>May 3, 2016</p> <p>First monitoring order</p>	<p>Pay the victims the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage</p>	<p>Hold a ceremony to make a public apology</p> <p>Draw up, within a reasonable time, a plan to strengthen the INACIF that includes a timetable</p> <p>Implement programs and courses for public officials from the Judiciary, the Public Prosecution Service, and the National Civil Police who are involved in the investigation of femicide on standards concerning the prevention, punishment and eventual eradication of femicide; and train them in the correct application of the pertinent norms, within a reasonable time</p> <p>Provide free medical or psychological treatment in specialized public health institutions to Rosa Elvira Franco Sandoval, if she so wishes</p>
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<p>Case of the Massacres of El Mozote and nearby places v. El Salvador</p>	<p>May 3, 2016 First monitoring order</p>	<p>Publish the judgment and its official summary</p>	<p>Continue to work towards full implementation of the “Consolidated Register of victims and next of kin of victims of grave human rights violations during the Massacre of El Mozote”</p> <p>Carry out, with the greatest possible diligence, the investigation into all the events that resulted in the violations declared in the judgment in order to identify, prosecute and punish, as appropriate, those responsible</p> <p>Ensure that the Law of General Amnesty for the Consolidation of Peace never again represents an obstacle to the investigation of the facts of this case</p> <p>Investigate, within a reasonable time, the conduct of the officials who obstructed the investigation and allowed impunity to persist</p> <p>Collate the information available on possible burial sites, which should be protected in order to preserve them</p>
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				<p>Implement a development program for the communities of the village of El Mozote, the canton of La Joya, the villages of Ranchería, Los Toriles and Jocote Amarillo, and the canton of Cerro Pando</p> <p>Ensure appropriate conditions for the displaced victims to be able to return to their original communities on a permanent basis, if they wish</p> <p>Implement a housing program in the areas affected by the massacres in this case</p> <p>Implement a permanent program for the comprehensive care and treatment of physical, mental and psychosocial health</p> <p>Make an audiovisual documentary about the egregious acts committed during the massacres of El Mozote and nearby places</p>
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				<p>Implement a permanent compulsory program or course on human rights, that includes a gender perspective and children, for all ranks of the Armed Forces of the Republic of El Salvador</p> <p>Reimburse the Victims' Legal Assistance Fund of the Inter-American Court of Human Rights the sum disbursed during the processing of this case</p> <p>Pay the victims the compensation for pecuniary and non-pecuniary damage, as well as to reimburse costs and expenses, as established in the judgment</p>
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Case of Chaparro Álvarez and Lapo Íñiguez v. Ecuador

On June 23, 2016, the Inter-American Court issued its fifth order on monitoring compliance with the judgment handed down in the case of Chaparro Álvarez and Lapo Íñiguez v. Ecuador. This case relates to the unlawful detention of Juan Carlos Chaparro and Freddy Hernán Lapo Íñiguez in Ecuador on November 14, 1997, based on the presumed perpetration of the offense of international drug-trafficking. The case also involves the failure to justify the detention, as well as the continuation of the pre-trial detention to which the presumed victims were subject for more than 18 months.

On this basis, the Court determined that the State of Ecuador was internationally responsible for violating the victims' rights to personal liberty, judicial guarantees, personal integrity, and property. Consequently, the Court ordered a series of measures that it has monitored on five occasions (April 29, 2010, May 19, 2010, February 22, 2011, January 27, 2015, and June 23, 2016). This has led the Court to conclude that the State of Ecuador has complied with six of the seven measures of reparation ordered, such as eliminating the names of Messrs. Chaparro Álvarez and Lapo Íñiguez from the public records in which they appeared with a criminal record. The measure of reparation relating to the elimination, *ex officio*, of criminal records remains pending.

In its order of June 23, 2016, the Court focused on examining the extent to which the State of Ecuador had complied with the measure of reparation relating to the payment of compensation. In this regard, it found that the only pending element was the payment to Mr. Chaparro of the interest generated over the period between the issue of the arbitration award and the date on which the respective amount was paid. In this regard, upon verifying that Mr. Chaparro had confirmed payment of the sum of US\$72,235.32 (seventy-two thousand two hundred and thirty-five United States dollars and thirty-two cents), the Court indicated that the State of Ecuador had complied fully with this measure of reparation, ordered in the thirteenth operative paragraph of the judgment. However, it decided to keep the procedure of monitoring compliance open with regard to the State's obligation to take, immediately, all the legislative, administrative or other measures required to eliminate, *ex officio*, the criminal record of persons who are acquitted and those whose cases are dismissed.

Case of the 19 Tradesmen v. Colombia

On June 23, 2016, the Court issued its fifth order on monitoring compliance with the judgment handed down in the Case of the 19 Tradesmen v. Colombia, in which it had declared that the State of Colombia was internationally responsible for the enforced disappearance of 19 persons perpetrated by a paramilitary group operating in the municipality of Puerto Boyacá, as well as for the impunity in relation to the participation of members of the security forces, the investigation of the events by the military criminal jurisdiction, the disregard of the principle of a reasonable time in the criminal proceedings, and for failing

to carry out an exhaustive search for the victims' remains.

Following delivery of the judgment in this case on July 5, 2004, the Court has been executing its jurisdictional function of monitoring compliance with its decisions. In this regard, it has issued five monitoring orders (February 2, 2006, July 10, 2007, July 8, 2009, June 26, 2012, and June 23, 2016), leading to the conclusion that the State of Colombia has complied fully with five measures of reparation, and that eight measures remain pending.

In the most recent monitoring order of June 26, 2012, the Court ruled on the measure of reparation ordered to commemorate the victims, which included a series of elements, namely: (i) erect a monument commemorating the victims in a place agreed on by the State and the victims' next of kin; (ii) place a plaque with the names of the 19 traders that indicates the relationship between the violations and the reparations ordered in the judgment, and (iii) unveil the plaque during a public ceremony held in the presence of the victims' next of kin. Regarding this measure of reparation, the Court verified that the monument created to comply with the measure had been erected at a military facility. In this regard, the Court concluded that this revictimized the family members and that the monument should be moved to a civil facility.

According to the current monitoring order, following a judgment of the Colombian Constitutional Court, the State had been obliged to hold a public ceremony to unveil the plaque with the names of the 19 traders in the Bucaramanga Children's Park where the monument commemorating the victims had also been installed, by mutual agreement between the parties. In view of this measure, the next of kin of the victims indicated that they were "satisfied" that the said measure of reparation had been accomplished, even though this had taken so many years.

Consequently, the Court decided that the Colombian State had complied with the reparation relating to the erection of a monument to commemorate the victims and, during a public ceremony held in the presence of the next of kin of the victims, the unveiling of a plaque with the names of the traders. However, the Court decided to keep the procedure of monitoring compliance open with regard to the other measures of reparation ordered in the judgment.

Case of the Constitutional Tribunal (Camba Campos et al.) v. Ecuador

On June 23, 2016, the Court issued its first order on monitoring compliance with the judgment handed down in the Case of the Constitutional Tribunal (Camba Campos et al.) v. Ecuador in which the Court, taking into account the partial acknowledgement of responsibility made by Ecuador, had declared that the State

was internationally responsible for having violated the right to judicial guarantees, judicial independence, the guarantee of impartiality, and judicial protection of certain members of the Constitutional Tribunal of Ecuador, who had been arbitrarily removed in November 2004 based on a decision of the National Congress, and subjected to politically-motivated trials in December that year.

According to Article 68(1) of the American Convention, States are obliged to inform the Court of the steps taken to comply with each of the measures ordered in the judgments handed down against them. This allows the Court to monitor the status of the State's compliance with its decisions.

In this monitoring order, the Court examined the four measures of reparation it had required the State of Ecuador to adopt in its judgment of August 28, 2013. Thus, regarding the first of these measures, according to which Ecuador must publish the judgment and its official summary in a national newspaper with widespread coverage, and on an official website of the Judiciary, the Court concluded that the State had complied fully with this measure. The Court also found that Ecuador had complied with the payment of the compensation ordered to each of the eight victims in view of the fact that it was impossible for them to resume their functions as judges. Lastly, the Court concluded that, within the allocated time frame, the State had complied with payment to the victims of all the amounts established in the judgment as compensation for pecuniary and non-pecuniary damage, and payment to the victims' representatives of the sum to reimburse costs and expenses.

On this basis, the Court decided in this order to declare that the State of Ecuador had complied fully with all the measures of reparation ordered in the judgment and that the case should therefore be closed and the file archived.

Case of Baldeón García v. Peru

On June 22, 2016, the Court issued its third order on monitoring compliance with the judgment handed down in the Case of Baldeón García v. Peru in which the Court, taking into account the partial acknowledgement of responsibility made by Peru, had declared that the State was internationally responsible for having violated the rights to life and to personal integrity of Bernabé Baldeón García, as well as the rights to personal integrity, judicial guarantees and judicial protection of the members of his family. The Court reached this conclusion in its judgment of April 6, 2006, which related to acts perpetrated in Ayacucho, on April 6, 2006, by soldiers from the Accomarca Military Base, who had raided homes, stolen money and food, and detained certain persons, including Bernabé Baldeón García, in order to interrogate and torture them, and had subsequently murdered them.

Following delivery of the judgment in this case, the Court has been executing its jurisdictional function of monitoring compliance with its decisions. In this regard, it has issued two monitoring orders, one in 2008 and another in 2009. In the first order, the Court indicated that Peru had failed to comply with

the obligation to inform the Court about the steps taken to comply with the measures ordered in the judgment. In the second one, the Court indicated that the State had complied fully with the reparations relating to publication of the judgment and commemoration of the victim, and had complied partially with the measure relating to providing medical and psychological treatment to the members of Mr. Baldeón's family. It also noted that six measures of reparation remained pending.

In the most recent order of June 22, 2016, the Court ruled on compliance with the measures of reparation concerning: (i) holding a public ceremony to acknowledge international responsibility and to apologize to the next of kin of Bernabé Baldeón; (ii) payment of compensation to the family members for pecuniary and non-pecuniary damage, and (iii) payment to Mr. Baldeón's son to reimburse costs and expenses.

Regarding the first measure, the Court concluded that the State had held the public ceremony to acknowledge its responsibility and to apologize to the next of kin of the victim in Lima, on July 23, 2013. Nevertheless, the Court emphasized that the ceremony had been held more than six years after the expiry of the six-month time frame granted to the State to comply with this measure in the judgment. The Court also indicated that the State had complied with the payments ordered in the second and third measures of reparation, because it found it proved that the payment of the compensation ordered in the judgment had been made, and that Crispín Baldeón Yllaconza had been reimbursed for the costs and expenses.

Based on the above, the Court concluded that the State had complied fully with the reparation of holding a public ceremony to acknowledge international responsibility and to apologize to the victim's next of kin, and that it had complied partially with the payment of compensation and the reimbursement of costs and expenses, because interest on the arrears arising from the delay in paying the compensation still had to be paid. In addition, the Court decided to keep the procedure of monitoring compliance open with regard to the other measures of reparation ordered in the judgment that remained pending.

Case of the Kichwa Indigenous People of Sarayaku v. Ecuador

On June 22, 2016, the Court issued its first order on monitoring compliance with the judgment handed down in the case of the Kichwa Indigenous People of Sarayaku v. Ecuador in which the Court had declared the international responsibility of the State of Ecuador after it had been proved that the State had violated the rights to consultation, to indigenous communal ownership, and to cultural identity of the Kichwa indigenous people of Sarayaku by allowing a private petroleum company to carry out exploitation activities in their territory, starting at the end of the 1990s, without having consulted them previously, and had failed to ensure that the Sarayaku people could participate in decision-making on matters and policies that had an impact on their territory, life and integrity.

Similarly, the Court had declared that the Ecuadorian State was responsible for having jeopardized the rights to life and to personal integrity of the members of the Sarayaku people based on actions taken

during the petroleum exploration stages, including the introduction of high-powered explosives into Sarayaku territory.

In its order of June 22, 2016, the Court ruled on compliance with the measures of reparation concerning: (i) implementation of obligatory programs or courses for military, police and judicial officials and others whose functions involved relations with indigenous peoples; (ii) realization of a public ceremony to acknowledge responsibility in both the Spanish and the Kichwa languages, to be widely disseminated by the media; (iii) publication and broadcasting of the judgment and its official summary, and (iv) payment of compensation for pecuniary and non-pecuniary damage and reimbursement of costs and expenses.

Regarding the first measure of reparation, the Court concluded that, even though the State of Ecuador had been complying with this measure by organizing training activities, it had not provided information that would allow the Court to conclude that these activities were an obligatory and permanent part of the general and on-going training for the officials of the respective institutions at all hierarchical levels. In the case of the second measure mentioned above, the Court indicated that it had been proved that, on October 1, 2014, the State had held a public ceremony to acknowledge international responsibility in the territory of the Sarayaku indigenous people. The Court reached a similar conclusion when examining the degree of compliance with the measure of reparation requiring that both the judgment and its official summary be disseminated by different broadcasting media and considered that this measure had been complied with fully. Lastly, regarding the fourth measure, the Court found that, within the time frame established in the judgment, the State of Ecuador had complied with the payment of the compensation for pecuniary and non-pecuniary damage and the reimbursement of costs and expenses.

Based on the above, the Court decided to declare that the Ecuadorian State had been complying with, and should continue to execute, the measure of reparation relating to the implementation of obligatory programs and courses that included modules on national and international standards concerning the rights of indigenous peoples and communities for members of the Military, Police and Judiciary, and other agents whose functions involved direct contact with indigenous peoples.

Case of Wong Ho Wing v. Peru

On June 22, 2016, the Court issued its first order on monitoring compliance with the judgment handed down in the Case of Wong Ho Wing v. Peru in which it had declared that the Peruvian State was not responsible for a presumed violation of the rights to life and to personal integrity – established in Articles 4 and 5 of the American Convention – of Wong Ho Wing, owing to a supposed real, foreseeable and personal risk to these rights if the victim were to be extradited to the People’s Republic of China. However, the Court reached the conclusion that Peru was internationally responsible for violating the judicial guarantees of Wong Ho Wing, because the processing of his extradition had exceeded a reasonable time, and this had also resulted in a violation of the presumed victim’s liberty.

In this monitoring order, the Court ruled on compliance with the measure of reparation relating to the State's obligation to take a final decision in Wong Ho Wing's extradition proceeding. The Court indicated that it had received information from the parties regarding a decision ending the proceeding; however, execution of the decision had been suspended until the Inter-American Court issued an order concerning compliance with the said measure.

Between the time the Court handed down the judgment in this case and the publication of this order, the Court has decided two requests for provisional measures filed in order to delay execution of Wong Ho Wing's extradition. The Court declared the first one inadmissible; however, it admitted the second request on May 28, 2016, and ordered the Peruvian State to postpone the extradition of Wong Ho Wing and to present information that would allow the Court to assess compliance with the measure of reparation in the context of monitoring compliance with its decisions, based on the criteria established in the judgment in this case.

After examining the information provided concerning the extradition proceeding in the domestic sphere, the Court concluded that the State had allowed the victim to access adequate judicial appeals against the extradition decision taken by the Executive, and that these appeals had been decided at all levels within approximately nine months. The Court also verified, as regards the substantive aspect, that the Peruvian Constitutional Court had taken a decision with the characteristics required in the judgment. Consequently, the Court decided to declare that the Peruvian State had complied fully with this measure of reparation.

Lastly, the Court recalled that, at the stage of monitoring compliance with judgment, it was not required to make a new assessment of the risk that the victim could face if he was extradited to China and also that, in this specific case, the People's Republic of China had granted additional diplomatic assurances in favor of Wong Ho Wing to those verified by the Court.

Case of Salvador Chiriboga v. Ecuador

On May 3, 2016, the Court issued its fifth order on monitoring compliance with the judgment handed down in the Case of Salvador Chiriboga v. Ecuador in which the Court had declared that the State of Ecuador was internationally responsible for violating the rights to property, judicial guarantees and judicial protection established in Articles 21(2), 8(1) and 25(1) of the American Convention. In the judgment, the Court found that the remedies filed by María Salvador Chiriboga and her brother to contest the legality of the declaration of public utility of the land that was going to be expropriated from them, as well as the proceedings on the expropriation and fair compensation, had exceeded a reasonable time and had been ineffective. This has presumably left Mrs. Salvador Chiriboga in a situation of grave legal uncertainty and made the expropriation that the State sought to execute arbitrary.

Following delivery of the judgment in this case on May 6, 2008, the Court has been executing its jurisdictional function of monitoring compliance with its decisions, specifically the judgment on reparations delivered on March 3, 2011. Thus, the Court has issued five monitoring orders in this case (October 24, 2012, August 22, 2013, November 20, 2014, June 23, 2015, and May 3, 2016), and has now reached the conclusion that the State of Ecuador has complied with all the measures of reparation.

In the most recent order, the Court examined the degree of compliance with the measure of reparation based on which Ecuador was obliged to pay fair compensation to María Salvador Chiriboga, taking into account that the payment of this compensation for pecuniary damage was divided into five tranches and that the State had paid three of these to the victim. Therefore, the Court monitored the payment of the two tranches that were pending, as well as the interest generated in favor of Mrs. Salvador Chiriboga.

In this regard, based on the information provided by the parties, the Court decided that the Ecuadorian State had complied with the payment of the two items mentioned in the preceding paragraph and, therefore, it was appropriate to close the case of Salvador Chiriboga, having verified that Ecuador had complied fully with each measure of reparation ordered in the judgment on reparations of March 3, 2011.

Case of Véliz Franco et al. v. Guatemala

On May 3, 2016, the Court issued its first order on monitoring compliance with the judgment handed down in the Case of Véliz Franco et al. v. Guatemala in which the Court had declared that the State of Guatemala was internationally responsible for non-compliance with its obligation to prevent violence against women owing to its failure to take steps to determine the whereabouts of the minor María Véliz Franco when her mother reported her disappearance on December 17, 2001. Furthermore, the Court found that the State of Guatemala was internationally responsible because the criminal investigation carried out following the discovery of the corpse of María Véliz had not included a gender perspective. This meant that it was not possible to determine the real reasons for her murder, and also contributed to the fact that several state officials in charge of the investigation had engaged in gender stereotyping, and had even held the victim herself responsible for the lethal acts that occurred. Lastly, in the Court's opinion, the State's actions also resulted in a violation of the right of access to justice of the victim's siblings, grandparents and mother, as well as a violation of their personal integrity.

In this first monitoring order, the Court assessed the degree of compliance with its judgment of May 19, 2014, specifically as regards two measures of reparation that the State of Guatemala had been ordered to implement, and found that both of them had been completed. These measures were: (i) publication of the judgment and its official summary in the official gazette and in a newspaper with widespread circulation, as well as on the website of the National Civil Police, and (ii) payment to the victims of the compensation for pecuniary and non-pecuniary damage.

Regarding the first measure of reparation, the Court decided to continue monitoring to ensure that publication of the judgment on the website of the National Civil Police was maintained until March 28, 2017, because it was not possible to determine when either the judgment or its official summary had been published. As for the second measure, the Court indicated that it had received information that, on November 25, 2015, the State had delivered cheques to the victims for the amounts ordered in the judgment.

Based on the above, the Court decided to keep the procedure of monitoring compliance open with regard to publication of the judgment on the website of the National Civil Police.

Case of the Massacres of El Mozote and nearby places v. El Salvador

On May 3, 2016, the Court issued its first order on monitoring compliance with the judgment handed down in the Case of the Massacres of El Mozote and nearby places v. El Salvador in which it had declared that the State of El Salvador was internationally responsible for egregious violations of the rights to life, personal integrity, property and personal liberty perpetrated by the Salvadoran Armed Forces against the victims executed in the village of El Mozote and in nearby places during the Salvadoran armed conflict. In addition, the Court found that the Salvadoran State was responsible for violating the prohibition of torture and other cruel, inhuman or degrading treatment, as well as the right to privacy of the women who were victims of rape in the village of El Mozote, and also for the violation of diverse procedural guarantees and human rights of the victims who survived the massacre, of those who were obliged to displace within El Salvador and to the Republic of Honduras, and of the next of kin of the victims who were executed.

The Court issued this order in order to provide guidance to the State on how to comply with the payment of costs and expenses ordered in its judgment of October 25, 2012; also, in order to monitor compliance with the measures corresponding to publication of this judgment.

With regard to the first measure of reparation, since there was some uncertainty as to which organization should receive the reimbursement of costs and expenses established in the judgment on merits, reparations and costs, the Court proposed guidelines to determine the way in which the State could comply with this measure of reparation. Thus, it indicated that, in order to comply with the judgment, the State should reimburse the costs and expenses to the Archbishopric of the Catholic Church of San Salvador.

Regarding the second measure, the Court noted that the State had complied with the publication of the official summary of the judgment in the official gazette of El Salvador and in a national newspaper with widespread circulation, as well as that of the entire judgment on the website of the Ministry of Foreign Affairs for the period ordered in the judgment. Consequently, the Court found that the Salvadoran State had complied fully with this measure of reparation.

IV. PROVISIONAL MEASURES

Matter	State	Precedent before the IACHR	Status of the measure	Rights protected	Beneficiaries of the measure
Case of Wong Ho Wing	Peru	-	Granted	Judicial guarantees and personal liberty	Wong Ho Wing
Case of Bámaca Velásquez	Guatemala		Lifted with regard to Alberta Velásquez, Luis Federico López Godínez, Oscar Rolando López Velásquez, Egidia Gebia Bámaca Velásquez, Josefina Bámaca Velásquez, Rudy López, Amín	Life and physical integrity	Santiago Cabrera López and his family members, and Aron Álvarez and his family members

			López and his family members, Blanca Noelia Meléndez, José Pioquinto Álvarez Nájera, Alex Javier Álvarez Nájera, Germán Aníbal de la Roca Mendoza, Kevin Otoniel de la Roca Mendoza, Linda Álvarez Nájera, Jacobo Álvarez Nájera, Óscar Álvarez Nájera, Aracely Álvarez Nájera, Wendy Pérez Álvarez, Sulni Madeli Pérez Álvarez, José Oswaldo Pérez Álvarez and Otoniel de la Roca.		
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			<p>Null with regard to José León Bámaca Hernández, José Ernesto Álvarez Paz and Emérita Mendoza.</p> <p>Granted for Santiago Cabrera López and his family members and Aron Álvarez and his family members</p>		
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Case of Wong Ho Wing v. Peru

In an order of May 28, 2016, the Court referred to the request for provisional measures. The order was based on the request filed by Wong Ho Wing's representative when he was advised that the Peruvian State had decided to extradite the victim to the People's Republic of China. According to the representative, this revealed the Peruvian State's bad faith as regards complying with the measures ordered by the Court in its 2015 judgment in this case. He also stressed the gravity of the situation, because of the danger that the Court's judgment could not be complied with, which would result in an irreparable violation of Wong Ho Wing's right to judicial protection. Consequently, the victim's representative asked that the Court to admit the request for provisional measures and, therefore, order the Peruvian State not to extradite Wong Ho Wing until all available remedies had been decided.

The Court admitted this request for provisional measures and required the Peruvian State to postpone the extradition of Wong Ho Wing until it had ruled on the State's compliance with the order to adopt a final decision in the victim's extradition proceeding.

Among the considerations indicated to reach this conclusion, the Court noted that, in its judgment, it had required that, prior to extraditing Wong Ho Wing, the State should allow him to file the appropriate appeal against the Executive's decision on whether the extradition was admissible - with suspensive effects - and for this to be decided at all levels. In addition, it indicated that the situation had become urgent, because the State had decided to carry out the extradition - with the irreparable harm that this could cause - without having previously informed the Court concerning compliance with the substantive and procedural guarantees in order to take this step.

Case of Bámaca Velásquez v. Guatemala

On August 31, 2016, the Court issued the eleventh order on provisional measures with regard to the case of Bámaca Velásquez. In this order, the Court decided to: (i) lift the provisional measures ordered in favor of Alberta Velásquez, Luis Federico López Godínez, Oscar Rolando López Velásquez, Egidia Gebia Bámaca Velásquez, Josefina Bámaca Velásquez, Rudy López, Amín López and his family members; and also Blanca Noelia Meléndez, José Pioquinto Álvarez Nájera, Alex Javier Álvarez Nájera, Germán Aníbal de la Roca Mendoza, Kevin Otoniel de la Roca Mendoza, Linda Álvarez Nájera, Jacobo Álvarez Nájera, Óscar Álvarez Nájera, Aracely Álvarez Nájera, Wendy Pérez Álvarez, Sulni Madeli Pérez Álvarez, José Oswaldo Pérez Álvarez and Otoniel de la Roca; (ii) declare that the provisional measures granted in favor of José León Bámaca Hernández, José Ernesto Álvarez Paz and Emérita Mendoza were no longer in effect, and (iii) maintain the provisional measures in favor of Santiago Cabrera López and his family members and Aron Álvarez and his family members.

V. REQUEST FOR AN ADVISORY OPINION

Request for an advisory opinion submitted by the State of Costa Rica

On May 18, 2016, the State of Costa Rica submitted a request for an advisory opinion to the Court, asking the Court to rule on the protection provided by Articles 11(2), 18 and 24 in relation to Article 1 of the American Convention on Human Rights, to recognition of a change in a person's name based on his or her gender identity. It also asked the Court to provide an opinion on the compatibility of the practice consisting in applying article 54 of the Costa Rican Civil Code to those persons who wished to change their name based on their gender identity, with the same articles of the Convention. Lastly, it asked the Court to rule on the protection provided by Articles 11(2) and 24 in relation to Article 1 of the Convention, to the recognition of patrimonial rights derived from a relationship between persons of the same sex.

In this regard, the State indicated that although the Court had already established in the judgments in the cases of *Atala Riffo and daughters v. Chile* and *Duque v. Colombia*, that acts which denigrate individuals owing to their gender identity constitute a category of discrimination protected by the Convention, the State had doubts concerning the content of the prohibition of discrimination based on sexual orientation and gender identity, stressing the challenge represented when trying to determine whether certain actions are covered by this category of discrimination. In addition, the State of Costa Rica indicated that it would be important to have the Court's interpretation of its standards concerning this matter and, also, that the Court should rule on the conformity with the Convention of the practice of requiring those who wished to change their name based on their gender identity to use the proceeding established in the Costa Rican Civil Code, which required them to obtain the authorization of a domestic court.

Specifically, Costa Rica asked the Court to answer the following questions:

1. Taking into account that gender identity is a category protected by Articles 1 and 24 of the American Convention, and also the provisions of Articles 11(2) and 18 of the Convention: does this protection and the American Convention signify that the State must recognize and facilitate an individual's change of name in keeping with his or her gender identity?

1.1. If the answer to this question is affirmative, could it be considered contrary to the American Convention that the person wishing to change his or her Christian name can only use a jurisdictional proceeding, and that no relevant administrative proceeding exists?

1.2. Could it be understood that, pursuant to the American Convention, article 54 of the Civil Code of Costa Rica should be interpreted in the sense that those who wish to change their Christian name based on their gender identity are not obliged to submit to the jurisdictional proceeding established therein, but rather that the State must provide them with a free, rapid and accessible administrative procedure to exercise that human right?

2. Taking into account that discrimination based on sexual orientation is a category protected by Articles 1 and 24 of the American Convention, as well as the provisions of Article 11(2) of the Convention: does this protection and the American Convention signify that the State must recognize all the patrimonial rights derived from a relationship between persons of the same sex?

2.1. If the answer to this question is affirmative, is a law that regulates relationships between persons of the same sex required in order for the State to recognize all the patrimonial rights that derive from this relationship?