

**ORDER OF THE PRESIDENT OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
OF MARCH 31, 2017**

**REQUEST FOR ADVISORY OPINION OC-24**

**HAVING SEEN:**

1. The request for an advisory opinion submitted to the Inter-American Court of Human Rights (hereinafter "the Inter-American Court of Human Rights", "the Court", or "the Tribunal") by the Republic of Costa Rica (hereinafter "the requesting State", or "Costa Rica") on May 18, 2016, was submitted to the Tribunal for interpretation of the following obligations: a) "the protection granted by articles 11(2), 18 and 24, in relation to article 1 of the American Convention on Human Rights (hereinafter "the Convention" or "ACHR"), to the recognition of the name change of an individual, according to the gender identity of each individual"; b) the compatibility of the process consisting in applying article 54 of the Civil Code of the Republic of Costa Rica, Law N°63 of 28 September 1887, to individuals wishing to undertake a name change in connection with his/her gender identity, with articles 11(2), 18 and 24, in relation to article 1 of the ACHR", and c) "the protection granted by articles 11(2) and 24 in connection with article 1 of the ACHR, to the recognition of patrimonial rights flowing from ties between same-sex individuals. The State appointed as representatives Mrs. Ana Helena Chacón, Vice President of the Republic, Mr. Marvin Carvajal, Legal Director of the Presidency of the Republic, and Mrs. Eugenia Gutiérrez Ruiz, Deputy Legal Director of the Ministry of Foreign Relations and Worship.

2. The notes by the Secretariat of the Court (hereinafter "the Secretariat") dated August 12, 2016, whereby and pursuant to articles 73(1) and 73(2) of the Rules of Procedure of the Court (hereinafter "the Rules"), it was communicated to all Member States of the Organization of American States (henceforth, "the OAS"), to the Secretary General of the OAS, to the Permanent Council of the OAS, and to the Inter-American Commission on Human Rights, that the President of the Court (henceforth, "the President") in consultation with the Court, had established December 9, 2016, as deadline for submitting written observations relating to this request. Also, the notes by the Secretariat of December 5, 2016, extended the deadline until February 14, 2017, which was notified to all those parties previously mentioned.

3. The notes by the Secretariat of August 16, 2016 and the publication on the website of the Court, whereby, and pursuant to articles 73(2) and 73(3) of the Rules of the Court, the President invited all those who were interested in submitting their written observations about the issues covered by the request and the deadline of December 9, 2016 was informed. Also, the notes by the Secretariat of December 6, 2016 and the publication in the website of the Court, whereby an extension until 14 February 2017 was given.

4. The briefs whereby the following States submitted their written observations :

- 1) Argentina
- 2) Bolivia
- 3) Brazil

- 4) Colombia
- 5) Guatemala
- 6) Honduras
- 7) Mexico
- 8) Panama
- 9) Uruguay

5. The communication whereby the Inter-American Commission on Human Rights submitted its written observations and appointed as its commissioners José de Jesús Orozco and Francisco Eguiguren, and as legal advisers Elizabeth Abi-Mershed, Deputy Executive Secretary, Selene Soto Rodríguez, Mariel Ortega De los Santos and Silvia Serrano Guzmán.

6. The briefs whereby the following international organizations and state bodies, associations, non-governmental organizations, academic institutions, and private individuals submitted their written observations:

**I. WRITTEN OBSERVATIONS BY INTERNATIONAL ORGANIZATIONS:**

- 1) Office of the United Nations High Commissioner for Refugees

**II. WRITTEN OBSERVATIONS BY STATE BODIES:**

- 1) Comisión de Derechos Humanos del Distrito Federal de México
- 2) Defensoría de los Habitantes de la República de Costa Rica
- 3) Defensoria Pública da União (DPU) de Brasil y otras Instituciones
- 4) Defensoría General de la Nación Argentina
- 5) Defensoría Pública del Estado de Río de Janeiro
- 6) Ministerio Público de la Defensa de la Ciudad Autónoma de Buenos Aires
- 7) Procuración General de la Nación Argentina

**III. WRITTEN OBSERVATIONS BY ASSOCIATIONS, NON-GOVERNMENTAL ORGANIZATIONS OR ACADEMIC INSTITUTIONS:**

- 1) ADF International
- 2) Amicus DH, A.C.
- 3) Asociación Civil 100% Diversidad y Derechos
- 4) Asociación OTD Chile
- 5) Asociación de Travestis, Transexuales y Transgéneros de Argentina and the Red de Personas Trans de Latinoamérica y Del Caribe
- 6) Asociación Frente por los Derechos Igualitarios, Asociación Ciudadana ACCEDER, Asociación Movimiento Diversidad pro Derechos Humanos y Salud, Asociación Transvida and Asociación Centro de Investigación y Promoción para América Central (CIPAC).
- 7) Asociación para la Promoción y Protección de los Derechos Humanos "Xumek"
- 8) Australian Human Rights Centre, UNSW Faculty of Law

- 9) Avocats Sans Frontières Canada and the Clinique internationale de défense des droits humains de l'UQAM
- 10) Center for Family and Human Rights (C-Fam)
- 11) Centro de Derechos Humanos de la Pontificia Universidad Católica del Ecuador
- 12) Centro de Direito Internacional
- 13) Centro de Estudios en Derechos Humanos (CEDH) y Carrera de Especialización en Protección de Derechos de Niños, Niñas y Adolescentes, from the Facultad de Derecho de la Universidad Nacional del Centro de la Provincia de Buenos Aires (UNICEN)
- 14) Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos – PROMSEX
- 15) Centro Guadalupe Vida y Familia de Puerto Rico
- 16) Centro por la Justicia y el Derecho Internacional (CEJIL), Asociación LGTB Arcoíris de Honduras, Asociación REDTRANS-Nicaragua, Centro de Investigación y Promoción de los Derechos Humanos, Centro de Investigación y Promoción para América Central de Derechos Humanos, Coalición contra la Impunidad, Comité de Familiares de Detenidos Desaparecidos en Honduras, Comunicando y Capacitando a Mujeres Trans, Fundación de Estudios para la Aplicación del Derecho, Mulabi / Espacio Latinoamericano de Sexualidades y Derechos, and Unidad de Atención Sicológica, Sexológica y Educativa para el Crecimiento Personal, A.C.
- 17) César Norberto Bissutti, Juliana Carbó, Gisela Vanesa Hill, Antonela Sabrina Rivero, Estefanía Watson and Leandro Anibal Ardoy, members of the Clínica Jurídica de DDHH de la Facultad de Ciencias Jurídicas y Sociales de la Universidad Nacional del Litoral Santa Fe, Argentina
- 18) Clínica de Derechos Humanos and Semillero de Derecho Internacional from the Pontificia Universidad Javeriana Cali
- 19) Clínica de Direitos Humanos da Universidade Federal de Minas Gerais
- 20) Clinica de Direitos Humanos do Programa de Pós-Graduação em Direito da Pontificia Universidade Católica do Paraná
- 21) Clínica de Direitos Humanos e Direito Ambiental da Universidade do Estado do Amazonas (Clínica DHDA/UEA)
- 22) Clínica de Interés Público contra la Trata de Personas del Instituto Tecnológico Autónomo de México y el Grupo de Acción por los Derechos Humanos y la Justicia Social A.C.
- 23) Clínica Jurídica de Interés Público "Grupo de Acciones Públicas" from the Facultad de Jurisprudencia of the Universidad del Rosario de Colombia
- 24) Clínica Jurídica de la Universidad de San Andrés, Argentina
- 25) Comisión Colombiana de Juristas
- 26) DeJusticia
- 27) Sixteen human rights organizations that are parties to the Coalition of Organizations LGBTTTI before the OAS: Colombia Diversa; Akahatá; Asociación Alfil; Asociación Panambi; Centro de Promoción y Defensa de

los Derechos Sexuales y Reproductivos (Promsex); Colectiva Mujer y Salud; Fundación Diversencia; Heartland Alliance – Global Initiatives for Human Rights (GIHR); Liga Brasileira de Lésbicas; Letra S, Sida, Cultura y Vida Cotidiana, A.C.; Otrans – Reinas de la Noche; Ovejas Negras; Red Mexicana de Mujeres Trans; Red Latinoamericana y del Caribe de Personas Trans (Redlactrans); Taller Comunicación Mujer; and UNIBAM.

- 28) Facultad de Derecho de la Pontificia Universidad Católica de Chile
- 29) Facultad de Derecho de la Universidad Veracruzana
- 30) Fundación Iguales
- 31) Fundación Myrna Mack
- 32) Grupo de estudiantes de la Escuela Libre de Derecho de México. Coordinators: Daniel Esquivel Garay, Marianna Olivia Loredó Celaya, Claudio Martínez Santistevan. Members: Aranxa Bello Brindis; Daniela Morales Galván Duque; Eduardo González Ávila; Alejandra Muñoz Castillo Rosete Mac Gregor; Jimena Pulliam de Teresa, Carlos Rodolfo Ríos Armillas. Advisor: Elí Rodríguez Martínez
- 33) Grupo de Investigación Problemas Contemporáneos del Derecho y la Política (GIPCODEP), at the Facultad de Derecho y Ciencias Políticas de la Universidad de San Buenaventura Cali
- 34) "Humanismo y Legalidad", "Ixtlamatque Ukari A.C" and "La Cana Proyecto de Reinserción Social"
- 35) Jorge Kenneth Burbano Villamarín, Laura Melisa Posada Orjuela and Hans Alexander Villalobos Díaz, members of the Observatorio de Intervención Ciudadana Constitucional de la Facultad de Derecho de la Universidad Libre de Bogotá
- 36) Karla Lasso Camacho and María Gracia Naranjo Ponce, students at the Clínica Jurídica de la Universidad San Francisco de Quito
- 37) LIBERARTE Asesoría Psicológica
- 38) Movimiento Diversidad pro Derechos Humanos y Salud
- 39) Natalia Castro and Gerardo Acosta, members of the Grupo de Litigio de Interés Público de la Universidad del Norte
- 40) Red Lésbica Cattrachas de Honduras
- 41) Parlamentarios para la Acción Global
- 42) The Impact Litigation Project of the Center for Human Rights & Humanitarian Law at American University Washington College of Law
- 43) The John Marshall Law School International Human Rights Clinic
- 44) Universidad Centroamericana José Simeón Cañas

#### **IV. WRITTEN OBSERVATIONS BY PRIVATE INDIVIDUALS:**

- 1) Alicia I. Curiel, regular adjunct Professor of Human Rights and Guarantees at the Universidad de Buenos Aires and Luciano Varela, Master Student in Human Rights at the Universidad Nacional de la Plata
- 2) Cristabel Mañón Vallejo, Nahuiquetzalli Pérez Mañón and José Manuel Pérez Guerra

- 3) Damián A. González-Salzberg, Professor and researcher in International Human Rights Law at the University of Sheffield
- 4) Daniel Arturo Valverde Mesén
- 5) Elena Hernáiz Landáez
- 6) Erick Vargas Campos
- 7) Hermán M. Duarte Iraheta
- 8) Ivonei Souza Trindade
- 9) Jorge Alberto Pérez Tolentino
- 10) José Benjamín González Mauricio, Andrea Yatzil Lamas Sánchez, Izack Alberto Zacarías Najar, Rafael Ríos Nuño, Carlos Eduardo Moyado Zapata and Kristyan Felype Luis Navarro.
- 11) Josefina Fernández, Paula Viturro and Emiliano Litardo
- 12) Luis Alejandro Álvarez Mora and María José Vicente Ureña
- 13) Luis Chinchilla, Nadia Mejía, Isiss Turcios and Larissa Reyes
- 14) Luis Peraza Parga
- 15) María Fernanda Téllez Girón García, Giovanni Alexander Salgado Cipriano, Yoceline Gutiérrez Montoya and Daniela Reyes Rodríguez
- 16) Michael Vinicio Sánchez Araya
- 17) Monseñor Óscar Fernández Guillén, President and representative of the Conferencia Episcopal Nacional de Costa Rica
- 18) Pablo Stolze, Civil Law Professor at the Universidad Federal de Bahía
- 19) Paul McHugh
- 20) Rossana Muga Gonzáles, researcher at the Centro de Investigación Social Avanzada (CISAV-México)
- 21) Tamara Adrián and Arminio Borjas
- 22) Víctor Alonso Vargas Sibaja and Jorge Arturo Ulloa Cordero
- 23) Xochithl Guadalupe Rangel Romero, researcher Professor at the Universidad Autónoma de San Luis de Potosí
- 24) Yashín Castrillo Fernández

**CONSIDERING THAT:**

1. The Secretariat of the Tribunal received, within the allotted time frame, numerous briefs with relevant observations and documents regarding the request for advisory opinion (*supra* Having Seen paragraphs 4 to 6).
2. The written observations of the Círculo de Derecho Internacional de la Facultad de Derecho de la Universidad del Pacífico del Perú, the Facultad de Derecho Tijuana de la Universidad Autónoma de Baja California, and Paula Siverino Bavio were submitted on February 15, 2017, and the written observations of the Grupo de Advogados pela Diversidade Sexual e de Gênero and Hermilo Lares Contreras were submitted on

February 17 and 19, 2017, accordingly. In this regard, the President notes that these observations were submitted one, three and five days after the established deadline had expired. Nevertheless, in view of the nature of this matter, because it is not a contentious case, but rather a procedure on an advisory matter<sup>1</sup>, the right of defense has not been affected. Hence, in order to be able to take into account all the contributions received by the Tribunal, exceptionally, the incorporation to this procedure of advisory opinion of the briefs submitted after the deadline, is authorized.

3. It is desirable to hold the oral procedure established under article 73(4) of the Rules of Procedure of the Court so that the Applicant State and other Member States, the Inter-American Commission on Human Rights, and all those who submitted their written observations may present their oral arguments.

**THEREFORE:**

**THE PRESIDENT,**

Pursuant to the provisions of Articles 24(1) of the Statute of the Court and 73(4) of the Court's Rules of Procedure, and in exercise of his authority under Article 31(2) of the latter,

**DECIDES:**

1. To convene a public hearing to be held on May 16, 2017, starting at 3:00 p.m., and on May 17, 2017, starting at 9:00 a.m. These hearings are to be held during the 118<sup>th</sup> Period of Ordinary Sessions, taking place at the seat of the Tribunal in San Jose, Costa Rica, to receive oral arguments on the request for advisory opinion OC-24 presented by the State of Costa Rica.

2. To request the Member States, the organs of the OAS, and those who submitted written observations to advise whether they wish to take part in the hearing called by the President by April 20, 2017, at the latest.

3. To require the Secretariat of the Inter-American Court to notify this order to the applicant State, the other Member States of the Organization of American States, all the organs mentioned in Article 73(1) of the Court's Rules of Procedure and all those who submitted written observations based on the request for advisory opinion OC-24.

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<sup>1</sup> This Court has indicated that the its advisory "jurisdiction is intended to assist the American States in fulfilling their international human rights obligations and to assist the different organs of the inter-American system to carry out the functions assigned to them in this field." "Other Treaties" Subject to the Consultative Jurisdiction of the Court (Art. 64 American Convention on Human Rights). Advisory Opinion OC-1/82 of September 24, 1982. Series A No. 1, para. 25, and Request for an advisory opinion OC-21. Call for a hearing. Order of the President of the Inter-American Court of Human Rights of May 11, 2012, considerandum 2.

Roberto F. Caldas  
President

Pablo Saavedra Alessandri  
Secretary

So ordered,

Roberto F. Caldas  
President

Pablo Saavedra Alessandri  
Secretary