

**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF MARCH 8, 2021**

**REQUEST FOR ADVISORY OPINION OC-29
SUBMITTED BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

HAVING SEEN:

1. The request for an advisory opinion submitted to the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court" or "the Tribunal") by the Inter-American Commission on Human Rights (hereinafter "the Commission") on November 25, 2019 in relation to "differentiated approaches to persons deprived of liberty". The Commission appointed its President, Commissioner Joel Hernández García, and Commissioner Edgar Stuardo Ralón Orellana, Rapporteur on the rights of persons deprived of liberty, as delegates for this request.

2. The notes of the Secretariat of the Court (hereinafter "the Secretariat") of August 6, 2020, in which, pursuant to Articles 73(1) and 73(2) of the Court's Rules of Procedure (hereinafter "the Rules of Procedure"), it advised all the Member States of the Organization of American States (hereinafter "the OAS"), the OAS Secretary General, the President of the OAS Permanent Council, the Inter-American Commission on Human Rights and other OAS organs, that the President of the Court, in consultation with the Court, had established November 5, 2020, as the deadline for the presentation of written observations on this request. Also, the notes of the Secretariat of November 2 and 3, 2020, in which this deadline was extended until January 15, 2021, which was notified to all those mentioned above.

3. The notes of the Secretariat of August 7, 11 and 12, 2020, and the publication on the Court's website, in which, pursuant to Articles 73(2) and 73(3) of the Court's Rules of Procedure, the President invited all those who were interested to submit their written opinion on the issues raised in the request and advised that the Court had established November 5, 2020, as the deadline for receiving such opinions. Also the notes of the Secretariat of November 2 and 3, 2020, and the publication on the Court's website, advising that this deadline had been extended until January 15, 2021.

4. The briefs in which the following States submitted their written observations: 1) Argentine Republic; 2) Plurinational State of Bolivia; 3) Federative Republic of Brazil; 4) Republic of Chile; 5) Republic of Costa Rica; 6) Republic of El Salvador; 7) United Mexican States; 8) Republic of Nicaragua; 9) Republic of Panama, and 10) Republic of Suriname.

5. The briefs by which the following organs of the Organization of American States presented their written observations: 1) Inter-American Commission on Human Rights, and 2) Inter-American Commission of Women.

6. The briefs by which the following international organizations presented their written observations: 1) Special Representative of the Secretary-General of the United Nations on violence against children; 2) Independent expert of the United Nations on the enjoyment of all human rights by older persons; 3) United Nations Working Group on Arbitrary Detention; 4) United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and 5) United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD).

7. The briefs by which the following international associations and state agencies presented their written observations: 1) Asociación Interamericana de Defensorías Públicas (AIDEP); 2) Defensoría General de la Nación de la República Argentina; 3) Defensoria Pública da União (DPU) de Brasil; 4) Defensa Pública de Costa Rica; 5) Defensoría Penal Pública de Chile; 6) Instituto de la Defensa Pública Penal de Guatemala; 7) Instituto Federal de Defensoría Pública de México; 8) Defensoría Pública del Estado de Oaxaca, México; 9) Asociación para la Prevención de la Tortura (APT) y Mecanismos Nacionales y Locales de Prevención establecidos en virtud del Protocolo Facultativo de la Convención contra la Tortura; 10) Grupo de Trabajo de la Federación Iberoamericana de Ombudsmen (FIO) sobre Mecanismos Nacionales de Prevención de la Tortura; 11) Comité Nacional para la Prevención de la Tortura de la República Argentina, and 12) Procuración Penitenciaria de la Nación Argentina.

8. The briefs by which the following non-governmental organizations and regional and national associations presented their written observations: 1) Academia Mexicana de Ciencias Penales; 2) Asistencia por los Derechos Humanos A.C. (ASILEGAL); 3) Asociación Argentina de la Justicia de Ejecución Penal; 4) Asociación Derechos en Acción, Capacitación y Derechos Ciudadanos (CDC), Colectivo de Derechos Humanos Empoderate, Fundación Construir, Fundación Esperanza, Desarrollo y Dignidad, Fundación para el Debido Proceso, Fundación Tribuna Constitucional, ONG Realidades, Plataforma Ciudadana por el Acceso a la Justicia y los Derechos Humanos y tres expertas independientes; 5) Centro de Derechos Reproductivos; 6) Centro de Investigación Científica Aplicada y Consultoría Integral, Sociedad Civil (CICACI); 7) Centro de Investigación y Promoción de los Derechos Humanos (CIPRODEH); 8) Ciudadanos del Mundo por Derechos Humanos; 9) Colectivo Cohesión por Dignidad y Conciencia; 10) Colombia Diversa, Synergia Iniciativas por los Derechos Humanos, en representación de la Red de Litigantes LGBT de las Américas y la Coalición LGBTTTTI y de Trabajadoras Sexuales con trabajo en la OEA; 11) Comisión Episcopal de Acción Social (CEAS) de la Conferencia Episcopal Peruana; 12) Consejo Latinoamericano de Estudiosos de Derecho Internacional y Comparado (COLADIC), capítulo República Dominicana; 13) Consorcio Internacional de Políticas de Drogas (IDPC), Elementa DDHH, A.C., Plataforma NNAPES, Washington Office on Latin America (WOLA), EQUIS Justicia para las Mujeres, Centro de estudios de Derecho, Justicia y Sociedad (Dejusticia) y Centro de Estudios Legales y Sociales (CELS); 14) Cyrus R. Vance Center for International Justice; 15) Defiende Venezuela; 16) Direito Internacional sem Fronteiras; 17) Documenta Análisis y Acción para la Justicia Social, A.C.; 18) Elementa DDHH, A.C.; 19) EQUIS Justicia para las Mujeres, A.C., Intersecta Organización para la Igualdad, A.C., y Centro de Estudios y Acción por la Justicia Social, A.C.; 20) Fundación Dignidad; 21) Iniciativa Americana por la Justicia; 22) Instituto Alana (Programa Prioridade Absoluta), Instituto de Defesa do

Dereito de Defensa (IDDD) e Instituto Terra, Trabajo e Ciudadania (ITTC); 23) Instituto Autónomo de Occidente; 24) Instituto Internacional de Responsabilidad Social y Derechos Humanos (IIRESODH); 25) Observatorio Venezolano de Prisiones; 26) Plataforma Regional por la defensa de los derechos de niñas y niños y adolescentes con referentes adultos privados de libertad (NNAPES); 27) Red Internacional para el Trabajo de Personas Privadas de Libertad LGBTI+ "Corpora en Libertad", and 28) Red Lésbica Cattrachas.

9. The briefs by which the following academic institutions presented their written observations: 1) Anti-Torture Initiative, Washington College of Law, American University; 2) Cátedra Derechos Humanos y Garantías de la Universidad de Congreso de Mendoza; 3) Centro de Derechos Humanos del Caribe y del área de Derecho Internacional de la Universidad del Norte en Barranquilla; 4) Centro de Estudios en Derechos Humanos (CEDH) de la Facultad de Derecho de la Universidad Nacional del Centro de la Provincia de Buenos Aires; 5) Centro Universitário Antônio Eufrásio de Toledo de Presidente Prudente; 6) Clínica de Direitos Humanos da Universidade Federal da Bahia; 7) Clínica de Direitos Humanos do Instituto Brasileiro de Ensino, Desenvolvimento e Pesquisa (IDP) e Instituto Prios de Políticas Públicas e Direitos Humanos; 8) Clínica de Direitos Humanos e Direito Ambiental da Universidade do Estado do Amazonas, Clínica de Direitos Humanos da Amazônia da Universidade Federal do Pará, e Defensoria Pública do Estado do Pará; 9) Clínica Jurídica de derecho internacional de los derechos humanos de la Facultad de Derecho de la Universidad de Aix-Marseille; 10) Departamento de Derecho de la Universidad Iberoamericana; 11) Escuela Libre de Derecho de México; 12) Facultad de Ciencias Jurídicas y Sociales de la Universidad Rafael Landívar de Guatemala; 13) Facultad de Derecho de la Universidad Autónoma de México; 14) Facultad de Derecho de la Universidad de Costa Rica; 15) Grupo de Prisiones y Programa de Acción por la Igualdad y la Inclusión Social (PAIIS) de la Facultad de Derecho de la Universidad de los Andes; 16) Impact Litigation Project of the Center for Human Rights and Humanitarian Law, Washington College of Law, American University; 17) Instituto de Estudios Jurídicos de Ejecución Penal (INEJEP) de la Universidad de Palermo (UP); 18) International Human Rights Law Institute, DePaul University College of Law; 19) International Human Rights Practicum, Boston College Law School; 20) Maestría en Derechos Humanos y Justicia Constitucional de la Universidad Veracruzana; 21) Núcleo de Estudos em Sistemas de Direitos Humanos e Clínica de Acesso à Justiça e Educação nas Prisões da Universidade Federal do Paraná; 22) Núcleo Interamericano de Direitos Humanos da Faculdade Nacional de Direito da Universidade Federal do Rio de Janeiro; 23) Programa de Estudios Internacionales por la Justicia y los Derechos Humanos de la Facultad de Derecho y Ciencias Políticas de la Universidad Nacional de Trujillo; 24) Semillero de Litigio ante Sistemas Internacionales de Protección de Derechos Humanos, Semillero de Derecho Penitenciario y el Semillero de Discusiones Constitucionales de la Facultad de Derecho y Ciencias Políticas de la Universidad de Antioquia en asocio con la Corporación Everyday House y el Colectivo Feminista Bolívar en Falda; 25) Semillero en Derecho Penitenciario de la Pontificia Universidad Javeriana; 26) Universidad Externado de Colombia; 27) University College London, Public International Law Pro Bono Project, and 28) Utrecht University.

10. The briefs by which the following individuals from civil society presented their written observations: 1) Ángel Albornoz; 2) Carlos Uriel Ramírez Carrillo and Gabriel Alejandro Virgen Torres; 3) Diego Alejandro Sanchez Sanchez, Paola Alessandra García Rubio and María del Carmen Rangel Medina; 4) Fernando Delgado Rivera; 5) Luis Peraza Parga; 6) María Guadalupe Yenira Arriaga Reséndiz and Laura Karen Cedillo Torres; 7) Mauren Roxana Solís Madrigal; 8) Rafael Andree Salgado Mejía, Enrique Flores Rodríguez, Sindy Osorto Velásquez, and José Roberto Izaguirre; 9) Rolando E. Gialdino

and Mariano R. Gialdino; 10) Rosalva Rafaela Chao Gámez and Jesús Guillermo Belman Leal; 11) Sebastián Desiata and Paula Monsalve; 12) Sonia Esmeralda Padilla Nava, Juan Francisco Cortes Guerrero and Alejandra Isabel Plascencia López; 13) Vinícius Alexandre Fortes de Barros, and 14) Xochithl Guadalupe Rangel Romero.

11. The written observations of Defiende Venezuela, Academia Mexicana de Ciencias Penales, Universidad Externado de Colombia and the Republic of Panama were submitted on January 16, 17, 18 and 26, 2021, respectively. Likewise, on February 22, 2021 Argentina presented an additional brief written by the Ministerio de las Mujeres, Géneros y Diversidad.

CONSIDERING THAT:

12. The Secretariat of the Court received numerous briefs with relevant observations and documents regarding the request for an advisory opinion before the established deadline (*supra*, having seen paragraphs 4 to 10). On the other hand, with the purpose of taking into account all the contributions received, the Presidency exceptionally authorizes the incorporation of the briefs that were submitted days after the established deadline (*supra*, having seen paragraph 11).

13. In view of the advisory nature of this matter, those OAS Member States that have not submitted written observations in this case may present their oral arguments during the public hearing, if they deem it pertinent.

14. The Court finds it desirable to hold the oral procedure established in Article 73(4) of the Rules of Procedure, and that the Inter-American Commission, the Member States, and those who submitted their written observations present their oral arguments. Due to the exceptional circumstances caused by the COVID-19 pandemic, this oral procedure will be held virtually.

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 virtually on April 19, 20, 21 and 22, 2021, starting at 8:00 a.m., Costa Rican time, during the Court's 141st regular period of session, in order to receive oral arguments on the request for advisory opinion OC-29 presented by the Inter-American Commission on Human Rights.

2. To request the Member States, the Inter-American Commission on Human Rights, and those who submitted written observations to inform whether they wish to take part in the hearing called by the President by March 18, 2021, at the latest, and to inform

the Secretariat the name and contact information of the persons who will be present during the virtual hearing.

3. To require the Secretariat of the Inter-American Court to notify this order to the Inter-American Commission on Human Rights, to the Member States of the Organization of American States, and to all those who submitted written observations on this request for advisory opinion.

Elizabeth Odio Benito
President

Pablo Saavedra Alessandri
Secretary

So ordered,

Elizabeth Odio Benito
President

Pablo Saavedra Alessandri
Secretary