



CORTE INTERAMERICANA DE DERECHOS HUMANOS
COUR INTERAMERICAINE DES DROITS DE L'HOMME
CÔRTE INTERAMERICANA DE DIREITOS HUMANOS
INTER-AMERICAN COURT OF HUMAN RIGHTS



**ORDER OF THE PRESIDENT OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF SEPTEMBER 5, 2013**

REQUEST FOR ADVISORY OPINION OC-21

HAVING SEEN:

1. The request for an advisory opinion presented to the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court" or "the Tribunal") by the Argentine Republic, the Federative Republic of Brazil, the Oriental Republic of Uruguay, and the Republic of Paraguay (hereinafter "the requesting States") on July 7, 2011.
2. The notes of the Secretariat of the Court (hereinafter "the Secretariat") of September 13, 2011, in which, in accordance with Article 73(1) and 73(2) of the Rules of Procedure of the Court¹ (hereinafter "the Rules of Procedure"), it informed 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 the Inter-American Children's Institute, that the President of the Court (hereinafter "the President"), in consultation with the Court, had established December 15, 2011, as the closing date for the presentation of written observations on the said request. In addition, the notes of the Secretariat of November 30, 2011, in which this time frame was extended until February 17, 2012, and the Secretariat notified all those mentioned above.
3. The notes of the Secretariat of September 23, 2011, and the publication on the Court's website, in which, in accordance with Article 73(2) and 73(3) of the Rules of Procedure of the Court, the President invited all interested parties to present their written opinion on the points submitted to consultation, and informed that December 15, 2011, was the closing date in this regard. Also, the notes of the Secretariat of December 1, 2011, and the publication on the Court's website, in which notice was given that this time frame had been extended until February 17, 2012.
4. The briefs of October 5 and 19, and December 16, 2011, in which the requesting States appointed their respective Agents and Deputy Agents in the proceedings concerning the request for an advisory opinion.

¹ Rules of Procedure of the Inter-American Court of Human Rights, approved by the Court at its eighty-fifth regular session held from November 16 to 28, 2009.

5. The brief of November 11, 2011, in which Boris Wilson Arias López presented his written observations.
6. The brief of December 13, 2011, in which the national Public Defense Service of the Argentine Republic presented its written observations.
7. The brief of December 15, 2011, in which the Republic of Honduras (hereinafter "the State of Honduras" or "Honduras") presented its written observations.
8. The brief of December 30, 2011, in which the Center for Human Rights Studies of the Law School of the *Universidad de San Martín de Porres* presented its written observations.
9. The brief of December 30, 2011, in which the Inter-American Association of Public Defenders (AIDEF) presented its written observations.
10. The brief of January 19, 2012, in which Ezequiel Heffes and Fernando Alberto Goldar presented their written observations.
11. The brief of January 25, 2012, in which the Inter-American Children's Institute presented its written observations.
12. The brief of February 1, 2012, in which the *Universidad Colegio Mayor de Nuestra Señora del Rosario* presented its written observations.
13. The brief of February 7, 2012, in which the Republic of Ecuador (hereinafter "the State of Ecuador" or "Ecuador") presented its written observations.
14. The briefs of February 11 and 12, 2012, in which academics of the Law School of the *Universidad Nacional Autónoma de México* presented their written observations.
15. The brief of February 12, 2012, in which the Committee 1309 of the Professional Practice Department of the Law School of the *Universidad de Buenos Aires* presented its written observations.
16. The brief of February 13, 2012, in which the Regional Office for South America of the United Nations High Commissioner for Human Rights (UNHCHR) presented its written observations.
17. The brief of February 14, 2012, in which the *Grupo Jurídico de Antioquia (GJA)* presented its written observations.
18. The brief of February 14, 2012, in which the Child Law Clinic at University College Cork presented its written observations.
19. The brief of February 16, 2012, in which the Republic of Costa Rica (hereinafter "the State of Costa Rica" or "Costa Rica") presented its written observations.
20. The brief of February 16, 2012, in which the International Human Rights Law Clinic at Washington College of Law, American University, on behalf of the Women's Refugee Commission, the National Center for Refugee and Immigrant Children, and Kids in Need of Defense, presented its written observations.

21. The brief of February 16, 2012, in which the Uruguayan International Relations Council (CURI) presented its written observations.
22. The brief of February 16, 2012, in which the International Social Service (ISS) and the *Red Latinoamericana de Acogimiento Familiar (RELAF)* presented their written observations.
23. The brief of February 16, 2012, in which Luis Peraza Parga presented his written observations.
24. The brief of February 16, 2012, in which Beatriz Eugenia Sánchez Mojica presented her written observations.
25. The brief of February 17, 2012, in which the State of Brazil presented its written observations.
26. The brief of February 17, 2012, in which the Inter-American Commission on Human Rights presented its written observations.
27. The brief of February 17, 2012, in which the United Mexican States (hereinafter "the State of Mexico" or "Mexico") presented its written observations.
28. The brief of February 17, 2012, in which the United Nations High Commissioner for Refugees (UNHCR) presented its written observations.
29. The brief of February 17, 2012, in which the International Organization for Migration (IOM) presented its written observations.
30. The brief of February 17, 2012, in which the Regional Office for Latin America and the Caribbean of the United Nations Children's Fund (UNICEF) presented its written observations.
31. The brief of February 17, 2012, in which the Immigration Law Clinic at Southwestern Law School presented its written observations.
32. The brief of February 17, 2012, in which the Human Rights Center of the Faculty of Jurisprudence of the *Pontificia Universidad Católica del Ecuador* presented its written observations.
33. The brief of February 17, 2012, in which the Legal Aid Clinic for Migrants and Refugees of the Human Rights Center of the *Universidad Diego Portales* presented its written observations.
34. The brief of February 17, 2012, in which the Human Rights Center and the Juridical Research Institute of the *Universidad Católica Andrés Bello* presented their written observations.
35. The brief of February 17, 2012, in which the *Centro Estratégico de Litigio Latinoamericano, A.C.* and the Human Rights Program of the *Universidad Veracruzana* presented their written observations.
36. The brief of February 17, 2012, in which the Human Rights Center of the *Universidad Nacional de Lanús* presented its written observations.

37. The brief of February 17, 2012, in which the Institute for Democracy and Human Rights of the *Pontificia Universidad Católica del Perú* presented its written observations.

38. The brief of February 17, 2012, in which the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) presented its written observations.

39. The brief of February 17, 2012, in which the Programa de Defensa e Incidencia Binacional de la Iniciativa Frontera Norte de México, composed of the *Centro de Derechos Humanos del Migrante A.C.*, the *Centro de Recursos Migrantes*, the *Red de Casas YMCA para Menores Migrantes* and the *Coalición Pro Defensa del Migrante A.C.*, presented its written observations.

40. The brief of February 17, 2012, in which the *Centro de Direitos Humanos e Cidadania do Imigrante (CDHIC)* presented its written observations.

41. The brief of February 17, 2012, in which María Elena Vásquez Rodríguez, Director of the Program "*Niños y niñas sin fronteras*" of the *Corporación Colectivo Sin Fronteras*, Chile; Carlos Roberto Muñoz Reyes, spokesman of the *Red de ONGs de Infancia y Juventud de Chile*; Julio Esteban Cortés Morales, academic from the Children's Clinic of the Law School of the *Universidad Central de Chile*, and Iskra Leyva Pavez Soto, academic from the Social Work School of the *Universidad Tecnológica Metropolitana de Chile* presented their written observations.

42. The brief of February 17, 2012, in which the Federal District Human Rights Commission and the *Centro para el Desarrollo de la Justicia Internacional, A.C.* presented their written observations.

43. The brief of February 17, 2012, in which Juliana Poveda Clavijo and Oscar Yesid Osorio Barragán presented their written observations.

44. The brief of February 17, 2012, in which Álvaro Francisco Amaya Villarreal, Felipe Franco Gutiérrez and Viviana Ordóñez Salazar presented their written observations.

45. The brief of February 17, 2012, in which Women's Link Worldwide presented its written observations.

46. The brief of February 23, 2012, in which the Center for Legal and Social Studies (CELS) and the *Servicio de Apoyo y Orientación a Inmigrantes y Refugiados (CAREF)* presented their written observations.

47. The brief of March 5, 2012, in which the Plurinational State of Bolivia (hereinafter "the State of Bolivia" or "Bolivia") requested a one-month extension in order to present its official position. Also, the note of the Secretariat of March 20, 2012, informing the State of Bolivia that the time frame for the presentation of written observations concerning the request for an advisory opinion had expired on February 17, 2012. Nevertheless, the Secretariat advised Bolivia that "the Court is planning to hold a public hearing on this advisory opinion, on a date that remains to be determined," in which "the State of Bolivia may present the arguments and documentation that it deems pertinent, at the time previously established by the Court."

48. The Order convening a hearing issued by the President of the Inter-American Court on May 11, 2012, in which the Member States of the Organization of American States, the organs of the Organization of American States whose sphere of competence relates to the issue being consulted, and all those who submitted written observations, were invited to take

part in the public hearing on this request for an advisory opinion to be held on June 26 and 27, 2012.

49. The communication of June 22, 2012, in which the State of Nicaragua presented written observations. Also, the note of the Secretariat of July 5, 2012, in which that State was advised that, since the time frame established for the presentation of written observations on the said request for an advisory opinion had expired on February 17, 2012, it could present the arguments and documentation it deemed pertinent during the public hearing, on the date previously established by the Court.

50. The communication of June 25, 2012, in which the Argentine State, in exercise of the *pro tempore* Presidency of Mercosur, on its own behalf, as well as on behalf of the States of Brazil and Uruguay, requested, "based on the situation in the Republic of Paraguay, which is public knowledge," the postponement of the public hearing convened in the context of the proceedings concerning the request for an advisory opinion.

51. The notes of the Secretariat of June 26, 2012, advising that the Plenary of the Court had been informed of the said request (*supra* having seen paragraph 50), and that it had been agreed to postpone the public hearing.

52. The notes of the Secretariat of May 30, 2013, in which, on the instructions of the President of the Court, it advised that the normal course of the proceedings had been resumed and that the Inter-American Court planned to hold the public hearing on the said advisory opinion at one of its sessions during the last quarter of 2013. Consequently, the Member States of the Organization of American States, the organs of the Organization of American States whose sphere of competence relates to the issue that is being consulted, and all those who had submitted written observations were asked to confirm, by August 1, 2013, at the latest, their interest in taking part in the said hearing in order to schedule the respective date and time.

53. The communications of the State of Argentina, the State of Uruguay, the State of Bolivia, the State of Chile, the State of Costa Rica, the State of Guatemala, the State of Mexico, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the Inter-American Association of Public Defenders (AIDEF), International Social Services (ISS) and the *Red Latinoamericana de Acogimiento Familiar* (RELAF), the Center for Legal and Social Studies (CELS) and the *Servicio de Apoyo y Orientación a Inmigrantes y Refugiados* (CAREF), the Human Rights Commission of the Federal District (CDHDF) and the *Centro para el Desarrollo de la Justicia Internacional* (CDJI), the *Universidad Colegio Mayor de Nuestra Señora del Rosario*, the *Universidad Nacional de Lanús* (UNLa), the Law School of the *Universidad Nacional Autónoma de México* (UNAM), the Legal Aid Clinic for Migrants and Refugees of the Human Rights Center of the *Universidad Diego Portales*, the International Human Rights Law Clinic of the Washington College of Law of the American University on behalf of the Women's Refugee Commission, Kids in Need of Defense and the Immigrant Children's Legal Program of the U.S. Committee for Refugees & Immigrants (formerly National Center for Refugee and Immigrant Children), the *Centro Estratégico de Litigio Latinoamericano A.C.*, and Luis Peraza Parga, confirming their availability to take part in the said hearing. The communications of the State of Jamaica, the Inter-American Children's Institute, the Institute for Democracy and Human Rights of the *Pontificia Universidad Católica del Perú*, Committee 1309 of the Professional Practice Department of the Law School of the *Universidad de Buenos Aires*, the Public Defense Service of the Argentine Republic, and Ezequiel Heffes and Fernando Alberto Goldar, in which they indicated that they would be unable to take part in the hearing. The communication of the State of Paraguay, in which it stated that "it will advise later whether it

will participate" in the public hearing to be held in the context of the proceedings on the request for an advisory opinion.

54. The communication of July 26, 2013, in which the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) indicated "[its] material impossibility to travel to the seat of the [...] Court to present [its] arguments," and asked the Court "to accept its submission by virtual means."

CONSIDERING THAT:

1. The Secretariat of the Court received, within the established time frame, numerous briefs with relevant observations and documents on the request for an advisory opinion (*supra* having seen paragraphs 5 to 45). Furthermore, in an Order of the President of May 11, 2012 (*supra* having seen paragraph 48), authorization was granted, exceptionally, to incorporate into these proceedings on the request for an advisory opinion the written observations presented jointly by the Center for Legal and Social Studies (CELS) and the *Servicio de Apoyo y Orientación a Inmigrantes y Refugiados* (CAREF) on February 23, 2012 (*supra* having seen paragraph 46).

2. It is desirable to hold the oral proceedings established in Article 73(4) of the Rules of Procedure, and for the requesting States and other Member States of the Organization of American States, the Inter-American Commission on Human Rights, and all those who presented their written observations to be able to present their oral arguments.

3. Regarding the request of the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) to make its presentation by electronic audiovisual means (*supra* having seen paragraph 54), the President notes that the hearing will not be held at the seat of the Inter-American Court; thus, the facilities required for this type of presentation will not be available. Consequently, it is not possible to grant the request of CLADEM.

THEREFORE:

THE PRESIDENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in compliance with the provisions of Articles 24(1) of the Statute of the Court and 73(4) of its Rules of Procedure, and in exercise of the authority conferred by Article 31(2) of the latter,

DECIDES:

1. To convene a public hearing to be held during the forty-eighth special session to be held in Mexico City, D.F., United Mexican States, starting at 12:00 noon on October 9, 2013, and at 8.30 a.m. on October 10, 2013, in order to receive oral arguments on the request for an advisory opinion presented by the States of Argentina, Brazil, Paraguay and Uruguay.

2. To request the Member States of the Organization of American States, the Inter-American Commission on Human Rights, and those who presented written observations to confirm their participation in the hearing convened by the President by September 25, 2013, at the latest.

3. To require the Secretariat of the Inter-American Court to notify this Order to the requesting States, the other Member States of the Organization of American States, all the organs referred to in Article 73(1) of the Rules of Procedure, and all those who presented written observations on this request for an advisory opinion.

Diego García-Sayán
President

Pablo Saavedra Alessandri
Registrar

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Registrar