

OEA/Ser.L/V/II.151  
Doc. 27  
24 July 2014  
Original: Spanish

**REPORT No. 62/14**  
**PETITION 1216-03**  
REPORT ON ADMISSIBILITY

PEOPLE OF QUISHQUE-TAPAYRIHUA  
PERÚ

Approved by the Commission at its session No. 1994 held on July 24, 2014  
151 Regular Period of Sessions

**Cite as:** IACHR, Report No. 62/14, Petition 1216-03. Admissibility. People of Quishque-Tapayrihua. Perú. July 24, 2014.

**REPORT No. 62/14**  
**PETITION 1216-03**  
ADMISSIBILITY  
PEOPLE OF QUISHQUE-TAPAYRIHUA  
PERU  
July 24, 2014

**I. SUMMARY**

1. On February 28, 2003, the Inter-American Commission on Human Rights (hereinafter also “the Commission” or “the IACHR”) received a petition lodged by the National Coordinator of Peruvian Communities Affected by Mining (hereinafter also “the petitioner” or “CONACAMI”)<sup>1</sup> on behalf of 54 inhabitants of Quishque-Tapayrihua, in the district of Tapairihua, Apurímac department (hereinafter also referred to as “the alleged victims”), in which it alleged the violation by the Republic of Peru (hereinafter also “Peru,” or “the State”) of the American Convention on Human Rights (hereinafter also “the American Convention” or “the Convention”). The petitioner claims that the State granted Southern Peru Copper, a foreign mining corporation, a concession to prospect and mine on the lands traditionally inhabited by the Quishque community, causing serious harm to the ecosystem and to their lifestyle, which depends on those same lands.

2. The petitioning organization states that through its “Los Chancas” mining project, since 1996 the Southern Peru Copper mining corporation has been exploring and prospecting on Quishque community lands (Tapairihua district, province of Aymaraes, Apurímac department) with the authorization of the State but absent any prior consultations with the communities. In the petitioner’s opinion, those prospecting and mining activities and the construction of megaprojects have harmed the alleged victims’ access to drinking water and other natural resources and have destroyed crops, schools, and archaeological sites, in violation of the right to life, the right to humane treatment, the right to freedom of expression, the right to freedom of association, the rights of the family, the right to property, the right to freedom of movement, the right of equality before the law, and the right to judicial protection, as enshrined in Articles 4, 5, 13, 16, 17, 21, 22, 24, and 25 of the Convention.

3. In response, the State requests that the IACHR rule the petition inadmissible. Claiming that domestic remedies have not been exhausted as required by Article 46.1.a of the Convention, the State argues that the petitioners themselves admit that they did not pursue the remedies offered by domestic jurisdiction because they considered them ineffective. According to the State, there are regulations, procedures, and agencies for examining breaches of environmental law, and so it cannot be claimed *a priori* that the internal mechanisms are ineffective without first having attempted to make use of them.

4. After examining the parties’ positions in light of the admissibility requirements set out in Articles 46 and 47 of the Convention, the Commission concludes that it is competent to hear this matter and that the petition is admissible as regards the alleged violation of the right to humane treatment, the right to a fair trial, the rights of the child, the right to property, the right to judicial protection, the right to freedom of religion, the right of access to information, political rights, the right to freedom of movement, the right to a fair trial, the right to equality before the law, and the right to education, enshrined in Articles 5, 8, 12, 13, 19, 21, 22, 23, 24, 25 and 26 of the American Convention, in conjunction with Articles 1.1 and 2 thereof, and as regards Article 13 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (“Protocol of San Salvador”). In addition, the Commission decides to notify the parties of this Report on Admissibility, to publish it, and to include it in its Annual Report.

---

<sup>1</sup> The petition was signed by Miguel Palacin Quispe in his capacity as president of the National Coordinator of Communities Affected by Mining (CONACAMI), a corporate entity that is duly recognized and registered by the State of Peru.

## **II. PROCEEDINGS BEFORE THE COMMISSION**

5. The initial petition was received and registered as No. 1216-03 on February 28, 2003. Before the petition was forwarded to the State, the petitioner submitted additional details regarding the case on March 23, 2011, in response to the Commission's request for additional information. On December 5, 2011, in compliance with Article 30 of its Rules of Procedure then in force, the Commission forwarded the relevant parts of the petition and additional communications to the State and asked it to return its reply within the following two months. On February 10, 2012, the State requested an extension of the deadline for returning its comments; this request was denied by the Commission on May 15, 2012, under Article 30.3 of the Rules of Procedure then in force. On July 12, 2012, the State presented its comments, which were duly forwarded to the petitioning organization on July 24, 2012.

## **III. POSITIONS OF THE PARTIES**

### **A. Position of the Petitioners**

6. The petitioner states that the campesino community of Tapayrihua is located in Tapairihua district, Apurímac department, Peru, and that it is an indigenous community that has traditionally occupied that area. The petitioner explains that Peruvian law recognizes and classifies indigenous communities located in the Andean region as "campesino communities," and those located in the Peruvian Amazon as "native communities." In addition, the petitioning organization reports that on December 1, 1948, the State of Peru, through the General Directorate for Indigenous Affairs of the Ministry of Justice and Labor, recognized the legal existence and legal identity of the campesino community of Tapayrihua.

7. CONACAMI claims that the Peruvian State granted a concession for the Los Chancas mining project to the Southern Peru Copper mining corporation, to be carried out in the territory of the community of Quishque (Tapairihua district, province of Aymaraes, Apurímac department). The organization states that prospecting and extraction activities began in 1996, without first consulting the communities inhabiting the territory. It contends that on July 11, 2001, the Ministry of Energy and Mines approved an environmental evaluation report supporting metal mining in the area, which was allegedly in violation of its own regulations in that it failed to present on time the viability comments from the mining companies' own environmental impact reports.

8. According to CONACAMI, beginning in 1998, the company's mineral mining and highway construction activities led to unusual landslides and avalanches in the area, which caused damage to community property: specifically, they destroyed roads and crops, damaged the primary school and chapel in the village of Quishque, and destroyed homes in the Túpac Amaru neighborhood. The petitioning organization further contends that the mineral prospecting and extraction activities in the area caused the pollution of the Negropuguio River basin and the Quishque spring, sources of water on which the Quishque-Tapayrihua community depended and which are no longer potable. The petitioning organization notes that all these activities were carried out without first consulting the community assembly.

9. The petitioning organization submitted a series of documents to support its claims. One of these is a document in which the Ministry of Energy and Mines asked the company for additional information and, finally, on March 1, 2000, issued a series of recommendations for resolving some of the environmental problems caused by the project. The petitioner also presented a document dated July 19, 2000, in which the Ministry of Agriculture issued a report recognizing the existence of "substantial damage caused not only on arable land but to rural homes, fruit orchards, irrigation infrastructure," etc., and recommending an "in-depth

and specialized study of the ground in the region (...) in order to avoid catastrophes in the future as the mining operations progress.”

10. Similarly, CONACAMI submitted a document dated September 10, 2009, in which the Regional Director for Culture of Apurímac ruled that notice must be served on the company for it to refrain from prospecting in inviolable areas with a high cultural content, speaking of the Muyo Muyo archeological site in Tapairihua district, province of Aymaraes. CONACAMI also presented a document issued by the Apurímac Regional Health Directorate, which on September 14 of that year published a report finding that five sources of water in the area of influence of the Los Chancas project were not suitable for human consumption “because they did not meet environmental quality standards.”

11. Regarding the exhaustion of domestic remedies, the petitioning organization claims that it fruitlessly filed judicial remedies with criminal, civil, and constitutional authorities, as well as administrative remedies. Regarding the criminal remedies, CONACAMI claims that in light of the property damage and threats to physical integrity caused by the contamination of the community’s water resources, on October 20, 2000, René Jesús Barrientos de Quishque, a member of the community, filed a criminal complaint with the criminal court of the province of Aymaraes, accusing Rolando Zevallos Pastor, one of the Southern Peru Copper Corporation’s project directors, of the crimes of usurping property, aggravated damage, and falsification of public documents. According to CONACAMI, on March 4, 2004, the combined court of Aymaraes convicted Mr. Zevallos Pastor for crimes against property with respect to the Tapayrihua school, the State, the campesino community of Quishque, Rosalio Apolino Quispe, and 42 other persons, and sentenced him to a suspended prison term of one year and to the payment of an amount as civil redress, in conjunction with the Southern Peru Copper company as a third party with civil responsibility. CONACAMI reports that Mr. Zevallos filed an appeal, which was resolved with his full acquittal of all charges on May 13, 2004.

12. As for the administrative resources pursued, CONACAMI reports that on October 25, 2000, the community lodged an administrative request with the Director General for Mining of the Peruvian State’s Ministry of Energy and Mines, seeking his intervention in the project in order to protect the community’s rights. That request was repeated in February 2001, but the community received no reply from the Ministry.

13. Finally, as regards the civil and constitutional remedies lodged, the petitioning organization contends that on March 15, 2001, the district municipality of Tapairihua filed a request for precautionary measures with the combined court of Abancay seeking the suspension of the prospecting activities; the measures were ordered on March 22, 2001, but were not implemented, and so the mining company’s activities were able to continue. Later, on April 19, 2001, the municipality sued for compensation, and that suit was resolved in its favor. The mining company filed a review remedy against the decision, leading to a ruling issued in its favor by the combined chamber of Abancay on May 8, 2001, that overturned the decision of the lower court. According to the petitioning organization, on December 19, 2002, Gregorio Bacilio Peláez, then serving as the president of the campesino community of Tapayrihua, filed an *amparo* remedy with the combined judge of Aymaraes on behalf of the community, requesting the definitive suspension of mining activities in the area. That *amparo* filing was ruled inadmissible on December 23 of that same year.

14. Following this series of legal actions, CONACAMI claims that a strategy of intimidation was pursued against the leaders of the community opposing the mining project. Thus, on June 24 and July 15, 2002, Quishque Community President Lucas Serrano Chacón and Gregorio Bacilio Peláez appeared before the office of the prefect of Apurímac department, requesting protection from threats that they claimed were being made by the director of the mining project.

## B. Position of the State

15. The State claims that the nonexhaustion of domestic remedies applies in this case, arguing that dissatisfaction with the results yielded by the remedies pursued should not justify the Commission's assumption of competence, since such a move would mean it was assuming the role of a fourth instance to review the judicial decisions of the State. In the State's opinion, there are a number of remedies that were neither filed nor exhausted, such as the compliance remedy, habeas data, or popular action, which would have been both suitable and effective. The State also contends that the administrative remedies filed were not exhausted, and that neither was the *amparo* remedy, which has on other occasions allowed the Constitutional Court to protect the right to a healthy environment, including in cases brought against mining companies. Finally, the State claims that the community failed to convey to the interior and environment ministries the information it had regarding the pollution caused by the company's mining activities.

16. In addition, the State contends that this petition has been rendered moot since, it claims, the parties set up a dialogue panel on June 9, 2011, and there has been no mining activity in the area since 2012. Furthermore, Peru notes that the Environmental Evaluation and Oversight Agency of the Ministry of the Environment opened administrative proceedings to impose sanctions on the Southern Peru Copper Corporation for failing to comply with environmental impact control measures, although it provided no details on the results of that process.

## IV. ANALYSIS ON COMPETENCE AND ADMISSIBILITY

### A. Competence of the Commission *ratione personae*, *ratione loci*, *ratione temporis*, and *ratione materiae*

17. The petitioner is entitled, under Article 44 of the Convention, to present complaints alleging violations of the rights contained in that instrument. The petition indicates, as its alleged victims, the inhabitants of the Quishque-Tapayrihua community,<sup>2</sup> which was under the jurisdiction of the Peruvian State on the date of the facts in question. For its part, Peru ratified the American Convention on July 28, 1978. Consequently, the Commission has competence *ratione personae* to examine the petition.

18. The Commission is competent *ratione loci* to hear the petition, since it contains allegations of violations of rights protected by the American Convention that allegedly took place within the territory of Peru, which is a state party to that treaty.

19. In addition, the Commission has competence *ratione temporis*, since the general obligation of respecting and ensuring the rights protected by the American Convention was already in force for the State on the date on which the incidents described in the petition allegedly occurred.

20. Finally, the Commission has competence *ratione materiae*, because as explained in paragraphs 31 to 34 below, the petition alleges facts that could tend to establish violations of rights protected by the American Convention on Human Rights.

<sup>2</sup> The alleged victims are the members of the community of Quishque, located in Tapayrihua district, Aymaraes province, Apurímac department, which is a social and politically organized community. The community is located in a specific geographical place, and its members can be named and identified. The initial petition identified 54 community members. In this regard, see: I/A Court H. R., *The Mayagna (Sumo) Awas Tingni Community Case*, Judgment of August 31, 2001, Series C No. 79, para. 149; IACHR, Report No. 62/04, Petition 167/03, Admissibility, Kichwa People of the Sarayaku Community and its Members (Ecuador), October 13, 2004, para. 47; IACHR, Report No. 58/09, Petition 12.354, Admissibility, Kuna of Madungandí and Emberá of Bayano Indigenous Peoples and their Members (Panama), April 21, 2009, para. 26.

21. Regarding the Commission's competence to rule on violations of Article 13 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights ("Protocol of San Salvador"), pursuant to the terms of Article 13.6 of that instrument, the Commission notes that Peru has been a state party thereto since depositing its instrument of ratification on June 4, 1995. Given that the alleged facts of this case are reported to have occurred in and after 1996, the IACHR has competence *ratione temporis* to examine possible violations of the right to education of the Quishque-Tapayrihua community.

#### **B. Exhaustion of domestic remedies**

22. Article 46.1.a of the American Convention states that for a complaint lodged with the Inter-American Commission in compliance with Article 44 of the Convention to be admissible, the remedies available under domestic law must have first been pursued and exhausted in accordance with generally recognized principles of international law. That requirement is intended to facilitate the domestic authorities' examination of the alleged violation of a protected right and, if appropriate, to enable them to resolve it before it is brought before an international venue.

23. The petitioning organization claims that all the resources available under domestic law for challenging the human rights violations described herein were exhausted, in that the community lodged a criminal accusation for the harm caused by the prospecting and extractive activities in its territory and, at the same time, it informed the administrative authorities responsible for monitoring mining companies of the existence of that harm. Finally, CONACAMI contends that the community lodged two *amparo* remedies, which were fruitless. The State, in turn, maintains that the alleged victims failed to exhaust the domestic remedies that were available – such as *amparo* relief, or an appeal against the administrative decisions – and that would have enabled the domestic authorities to examine the alleged human rights violations that arose as a result of the prospecting and mining activities.

24. It is important that the Commission analyze whether or not there was exhaustion on the part of the alleged victims in the actions described in the petition and, accordingly, whether or not the State was afforded the opportunity to resolve the alleged violations at a domestic venue. The Commission notes from the record in this case that different kinds of remedies were pursued in order to stop the prospecting and extractive activities, to secure compensation for the alleged damage caused, and to establish the criminal responsibility of the mining project's directors. All the remedies filed claimed that the mining activities and the company's construction of a highway had caused landslides that had damaged roads, crops, homes, and other buildings, including a school, and that the residue from the mining activities had contaminated the local population's water sources.

25. Regarding the remedies filed requesting the suspension of the Los Chancas mining project, the record indicates that on March 12, 2001, the mayor of Tapayrihua district at the time, acting on behalf of the campesino community, filed a civil remedy for an "innovative precautionary measure" at the combined court of Abancay. In that action the mayor requested the suspension of prospecting in the area, seeking to halt the environmental contamination and the destruction of crops, roads, homes, and the district school and to preserve the natural structure of the area where prospecting was taking place, which was allegedly threatened by the mining company's use of explosives. That remedy was granted on March 22, 2001. However, following an appeal lodged by the company, on May 24, 2001, the combined chamber of Abancay overturned the initial decision and ruled the suit inadmissible, finding that the mayor had no individual right that was threatened by the project's continuation and that the community assembly had agreed to the project.

26. The record also shows that in 2000 and 2001 the community presented various administrative agencies with requests for a halt to the prospecting, construction, and extractive activities that were endangering the community, alleging the failure to secure the assembly's consent for the project and again citing the purported harm described above. According to documents presented by the petitioning organization, administrative requests were lodged with the Regional Director for Civil Defense in Cusco,<sup>3</sup> the Ministry of Agriculture,<sup>4</sup> the Ministry of Energy and Mines, the Ministry of Women's Affairs and Human Development, and the Office of the People's Defender.<sup>5</sup> On July 11, 2000, the Ministry of Energy and Mines approved the environmental impact assessment prepared by the company; following this, the community lodged a new remedy, which was upheld in part on December 20, 2001, by the Director General for Mining at the Ministry of Energy and Mines. However, the company filed a review remedy, by means of which the earlier decision was overturned on October 22, 2002.

27. In addition, from the record the Commission sees that on December 19, 2002, the then president of the campesino community of Tapayrihua, seeking to protect that community, filed an *amparo* suit requesting the cancellation of the Los Chancas project on account of the risk it posed to the community's life and integrity, given that the harm already inflicted could worsen or arise again as a result of landslides. However, on December 23, 2002, a combined judge in Aymaraes ruled the *amparo* filing brought against the Southern Peru Copper Corporation to be inadmissible, finding that the damage caused "had become irreparable" and that, accordingly, granting the protective remedy would constitute a distortion of its nature.

28. In addition, the record also shows that the community sought civil compensation for the alleged harm inflicted (pollution and the destruction of roads, homes, a school, etc.). The case record indicates that on April 19, 2001, the mayor of Tapayrihua district at the time, representing the district and the campesino community of Tapayrihua, asked the combined judge of Abancay to award compensation for the harm caused, and he received a favorable resolution of that request. However, the mining company lodged an appeal, which concluded with a decision in its favor issued by the combined chamber of Abancay on May 8, 2001.

29. Finally, the record shows that on June 3, 2003, a criminal complaint was made against Rolando Dámaso Zeballos Pastor and Julio Quino Saavedra (directors of the Los Chancas project) for the crimes of aggravated usurpation, aggravated damage, and falsification of public documents "to the detriment of the campesino community of Quishque, Tapayrihua district, and others," requesting that the company be ruled a civilly responsible third party, and seeking compensation for the alleged harm as described above. On March 4, 2004, Rolando Dámaso Zeballos Pastor was convicted of the crime of aggravated harm to the Tapayrihua school, 45 individuals, and the Quishque campesino community of Tapayrihua. An appeal was lodged against that decision and, on May 13, 2004, the second-instance judge ruled that the property damage was not caused maliciously and consequently overturned the earlier judgment.

30. The Commission has maintained that the requirement of exhausting domestic remedies does not mean that the alleged victims are obliged to exhaust every remedy available to them. Both the Court and the Commission have held, on repeated occasions, that "the rule which requires the prior exhaustion of domestic remedies is designed for the benefit of the State, for that rule seeks to excuse the State from having to respond to charges before an international body for acts imputed to it before it has had the opportunity to

<sup>3</sup> That request was made on July 6, 2000, as indicated in the document presented by the petitioning organization.

<sup>4</sup> As indicated in the case file, as a result of this request the Ministry issued a report on July 19, 2000, in which it registered the harm inflicted on arable land, rural homes, fruit orchards, irrigation infrastructure, paths and roadways, and natural pastureland. The report concluded that at the time, four families had lost their homes and 20 families had been affected.

<sup>5</sup> The requests lodged with the Ministry of Energy and Mines, the Ministry of Women's Affairs and Human Development, and the Office of the People's Defender were made on February 22, 2001.

remedy them by internal means.” Consequently, if the alleged victim raised the issue by way of any of the valid and suitable options under domestic law, and the State had the opportunity to correct the situation under its jurisdiction, the purpose of the international provision must be considered to have been accomplished.<sup>6</sup> In the case at hand, the remedies identified above indicate that the alleged victims sought to halt the prospecting and mining activities through administrative and constitutional channels and to secure compensation, exhausting the civil and criminal remedies available. The State contends that the alleged victims failed to pursue a compliance remedy, habeas data, or popular action, and that they failed to exhaust the *amparo* remedy, which had served on other occasions for the Constitutional Court to protect the right to a healthy environment. Although the alleged victims could have continued to exhaust other judicial channels, the Commission believes that they gave the State the opportunity to hear the claims made by the community and to remedy the alleged human rights violations; the IACHR also notes that the State has not claimed that the remedies filed were not suitable for the purpose sought. The Commission therefore finds that the requirement set in Article 46.1.a of the Convention has been met.

### **C. Timeliness of the petition**

31. Article 46.1.b of the Convention states that for a petition to be admissible, it must be lodged within a period of six months following the date on which the complainant was notified of the final judgment at the national level. In the case at hand, the petition was received on February 28, 2003. Since the final decision in the criminal proceedings was given on May 13, 2004, and the reported situation continues to affect the alleged victims, the Commission believes that the petition was presented on a timely basis and that the admissibility requirement related to the timeliness of the petition has been satisfied.

### **D. Duplication and international *res judicata***

32. Article 46.1.c of the Convention provides that the admission of a petition is subject to the requirement that the matter “is not pending in another international proceeding for settlement,” and Article 47.d of the Convention stipulates that the Commission will not admit a petition that is substantially the same as one previously studied by the Commission or by another international organization. In this case, the parties have not cited the existence of either of those two circumstances, nor can they be inferred from the case documents.

### **E. Colorable claim**

33. For the purposes of admissibility, the Commission must decide whether the alleged facts tend to establish a rights violation, as stipulated in Article 47.b of the American Convention, or whether the petition is “manifestly groundless” or “obviously out of order,” as described in Article 47.c. The level of conviction regarding those standards is different from that required in deciding on the merits of a complaint; the IACHR must perform a *prima facie* evaluation, not to establish the existence of a violation, but to examine if the petition establishes grounds for the apparent or potential violation of a right guaranteed by the Convention. That determination is a preliminary analysis and does not represent a prejudgment on the merits of the matter.

34. Moreover, neither the American Convention nor the IACHR’s Rules of Procedure require the petitioners to identify the specific rights that they claim were violated by the State in a matter placed before the Commission, although the petitioners may do so. In contrast, it falls to the Commission, based on the precedents set by the system, to determine in its admissibility reports what provisions of the relevant inter-

---

<sup>6</sup> IACHR, Report No. 70/04, Admissibility, Petition 667/01, Jesús Manuel Naranjo Cárdenas *et al.* – Pensioners of the Venezuelan Aviation Company, VIASA (Venezuela), October 13, 2004, para. 52.

American instruments are applicable, the violation of which could be established if the alleged facts are proven by means of adequate evidence and legal arguments.

35. The Commission notes that the State granted the Southern Peru Copper Corporation a concession for prospecting and mining activities in lands belonging to Tapairihua district; that according to the petitioning organization, this led to a series of impacts on the Quishque community of Tapayrihua and, specifically, on 54 of its inhabitants, as a result of alleged landslides, pollution, destruction of crops, floods, destruction of paths and roadways, irrigation channels, drinking-water systems, houses, and sports fields; and that the State failed to diligently monitor mining activity in the area, in spite of being aware of the alleged risks and damage caused. If proven, those facts could tend to establish violations of the right to humane treatment, the right to a fair trial, the right to property, the right to judicial protection, the right to freedom of religion, the right to freedom of movement, and the right to a fair trial, enshrined in Articles 5, 8, 12, 21, 22, and 25 of the American Convention, in conjunction with Article 1.1 thereof. If it is established that the alleged destruction of the school in Tapayrihua undermined the right to education of the community's children, that could constitute a violation of the rights of the child and of the right to education, enshrined in Article 13 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights ("Protocol of San Salvador") and in Article 19 of the American Convention.

36. According to the petition, the Quishque community of Tapayrihua is an indigenous community that has ancestrally inhabited that district and, at the merits stage, the Commission will therefore analyze whether the granting of concessions for prospecting and mining and the development thereof violated the right of consultation of that indigenous people, in accordance with Articles 13, 21, and 23 of the Convention. In addition, it will examine the existing legal framework that applies to the State's granting of concessions and the execution of projects, in order to determine whether in doing so it discriminated against the community, in violation of Articles 24 and 2 thereof.

37. Finally, the Commission will analyze inasmuch is pertinent at the merits stage the possible violation of article 26 of the Convention in regard to, for example, the probable affectation that the community had in accessing to water as a consequence of the execution of the mining project, gathering the jurisprudential development that under international law, access to water as a human right has had.

## **V. CONCLUSIONS**

38. On the basis of the foregoing findings of fact and of law, and without prejudging the merits of the matter, the Inter-American Commission concludes that this case meets the admissibility requirements set forth in Articles 46 and 47 of the American Convention; therefore:

### **THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

#### **DECIDES:**

1. To rule the instant petition admissible as regards Articles 5, 8, 12, 13, 19, 21, 22, 23, 24, 25 and 26 of the American Convention, in conjunction with Articles 1.1 and 2 thereof, and as regards Article 13 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador").

2. To notify the State and the petitioners of this decision.

3. To begin its processing of the merits of the case.

4. To publish this decision and to include it in its Annual Report, to be presented to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 24 day of the month of July, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice President; Felipe González, Second Vice President; Rosa María Ortiz, Paulo Vannuchi, and James L. Cavallaro, Commissioners.