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**REPORT No. 92/14  
PETITION 1196-03**  
REPORT ON ADMISSIBILITY

DANIEL OMAR CAMUSSO AND SON  
ARGENTINA

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Organization of  
American States

**REPORT No. 92/14  
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## I. SUMMARY

1. On August 27, 2003, the Inter-American Commission on Human Rights (hereinafter "the Commission," "Inter-American Commission," or "IACtHR") received a petition filed by Daniel Omar Camusso (hereinafter "Daniel Camusso" or "the petitioner") alleging that the Argentine Republic (hereinafter "the State" or "Argentine State") is internationally liable for the alleged violation of several rights enshrined in the American Convention on Human Rights (hereinafter "the Convention," or "American Convention") to his detriment and that of Jorge Antonio Camusso<sup>1</sup> (hereinafter "Jorge Antonio"). The alleged violations were said to have occurred in the course of various judicial proceedings aimed at determining the legal status of Jorge Antonio since he was eight years old, as well as his full adoption by the petitioner. The petitioner alleges that in those proceedings the best interest of the child had not been respected, he [the child] had not been heard, and after the child had been kept for more than 11 years in provisional guardianship, the application for adoption had been turned down based, among other reasons, on the nationality of the child. Finally, the adoption had been granted when Jorge Antonio was 23 years old. The petitioner considered that the unwarranted delay and lack of diligence rendered the State liable. The petitioner alleged violation of the rights to personal integrity, fair trial, the right to family protection, the right to a name, the rights of the child, the right to equal protection of the law, and the right to judicial protection, recognized in Articles 5, 8, 17, 18, 19, 22, 24, and 25 of the American Convention in conjunction with Article 1.1 of the same instrument.

2. For its part, the State argued that the petitioner's claims were inadmissible, because his complaints had been heard and resolved by the Supreme Court of Justice of the Province of Buenos Aires, the same court that had acknowledged the unwarranted delay in the full adoption procedure that had "marred the prestige of the Judiciary and undermined the efficacy with which justice had been served," in a proceeding that had ended with the imposition of a disciplinary punishment consisting of "admonition" of the judge in charge of the adoption proceedings. Accordingly, the State considered that the petitioner's allegations to the IACtHR merely constituted disagreement with the ruling handed down in domestic courts, so that this was a case of a "fourth instance" being invoked. Alternatively, the State also considered that domestic remedies were not exhausted. By virtue of the above, the State requested that the petition be declared inadmissible and the instant case archived.

3. Without prejudging the merits of the complaint, and based on its analysis of the facts and law involved, the Commission concludes that it is competent to examine the claim and that the petition is admissible under the terms of Articles 46 and 47 of the Convention. Furthermore, it decides to notify the parties of its decision, order publication of the report in the Commission's Annual Report, and to continue to analyze the merits with respect to the alleged violations of Articles 5 (Right to Personal Integrity), 8 (Right to a Fair Trial), 11 (Right to Freedom from Arbitrary Interference in the Private Life), 17 (Rights of the Family), 18 (Right to a Name), 19 (Rights of the Child), 22 (Freedom of Movement and residence), 24 (Right to Equal Protection), and 25 (Right to Judicial Protection), in conjunction with Articles 1.1 and 2 of the American Convention.

## II. PROCESSING BY THE COMMISSION

4. On August 27, 2003, Daniel Camusso filed a petition with the IACtHR, which was registered with the number P-1196-03. On June 22, 2004, he was asked to provide further information, which was remitted on

<sup>1</sup> The Commission notes that the family name taken from Jorge Antonio's biological parents and that which appears in the documents at the IACtHR's disposal is "Pérez Moya". However, on the understanding that full adoption by the petitioner was granted, the IACtHR will refer to him by name given to him by his foster father, "Camusso".

July 30 of that same year. On December 14, 2006, he was asked to submit further information, which was remitted on January 16, 2007.

5. With a note dated September 15, 2010, a copy of the pertinent parts was sent to the State for it to present its observations thereon within two months, and the petitioner was notified of that action. On November 30, 2010, the State requested a one-month extension of the original deadline set by the IACtHR. The Commission reiterated its request that the State present its observations regarding the petition in a note dated July 27, 2011.

6. The State sent its written observations on the petition on September 30, 2011 and they were forwarded to the petitioner on December 29, 2011. The petitioner was given one month to submit his observations.

7. On January 11, 2012, the Commission received the petitioner's reply, which was forwarded to the State, which was given one month in which to present observations.

8. The State submitted its comments on June 6, 2012. They were forwarded to the petitioner on July 3, 2012. The petitioner submitted further observations on July 10 and 30, 2012. On September 14, 2012, the Commission asked the petitioner to provide further information and granted him 15 days to do so. The Commission received additional information from the petitioner on September 20, 21, and 27, 2012, which was transmitted to the State on August 22, 2013. The State submitted its additional observations on October 03, 2013.

9. On October 8, 2013, the State's observations were transmitted to the petitioner, who sent further information that same day. That information was forwarded to the State on November 12, 2013. The State submitted its comments on January 31, 2014. They were forwarded to the petitioner on Thursday, February 20, 2014. Further observations by the petitioner were remitted to the State on April 14, 2014. For its part, on May 21 of that year, the State requested an extension and finally sent in its additional observations on July 24, 2014.

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

#### **A. Position of the Petitioner**

10. According to the information provided by the petitioner, Jorge Antonio was born on October 1, 1982 in Montevideo, Uruguay, and from the time when he was one year old his mother had left him in the care of other people until he was approximately seven years old. His biological father had allegedly abandoned him when he was still a baby and nothing more was heard of him. Jorge Antonio's childhood had been characterized by abandonment, violence, and maltreatment. When, he was eight years old, he traveled to Argentina to live with his mother, who at the time was living with her new partner and the partner's son.

11. According to the petition, on September 4, 1991, Jorge Antonio had been placed in the custody of the No. 2 Juvenile Court of Mercedes, in the Province of Buenos Aires (hereinafter "the Juvenile Court"), after having been found wandering on the street. That same day, a psychologist expert had issued a report recommending that the child be temporarily placed in an institution. The judge in the case had deemed it necessary to remove the child from his biological mother's care and had ordered that he be placed in the "Unzué" institute in Mercedes. Jorge Antonio's biological mother had appeared before the Court, explaining that the punishments she meted out to the boy were on account of his bad behavior.

12. It transpires from the information provided by the petitioner that the judge in the case—at that time Judge Manuel Cámpora—had ordered a series of measures aimed at ascertaining the identity of the child, verifying whether requests for his return had been filed, and checking his migration status. A report from the National Migrations Directorate (hereinafter "DNM") was requested, specifying the date on which Jorge Antonio had entered the country, the place of entry, in whose company he had entered the country, and whether paternal authorization for such entry had been granted. Approximately one year and two months later, on December 10, 1992, the DNM allegedly told the judge that searches of its records had not come up with any data on the child's immigration.

13. According to his petition, Daniel Camusso had begun visiting Jorge Antonio at the InstitutodelQuemado [Hospital for Persons with Burns] on a regular basis, when the boy was nine years old. The boy had needed to be treated at that specialized clinic after suffering burns to his face and body as a result of an incident at the home of his biological mother. There were apparently different versions as to what had happened on that occasion. According to the petition, the petitioner had helped the child through his recovery treatment, regularly changing the dressings on his mask and the bib he had to wear. The petition indicates that they struck up a friendship and a relation of affection which gradually grew.

14. On December 9, 1992, the child's psychologist allegedly told the judge about Daniel Camusso's visits to Jorge Antonio in the institute and said he agreed with the way those meetings had been conducted, and even recommended letting Daniel Camusso take the boy to his home.

15. On February 22, 1993, the juvenile court judge had ruled in favor of Daniel Camusso exercising provisional guardianship of Jorge Antonio and the child was discharged from the institute in which he had been staying. Two months later, the official visitor appointed by the Court had submitted a favorable report on Jorge Antonio's situation, his relationship with Daniel Camusso, and his rehabilitation process, specifically pointing out that the child "had found all the love and responsibility of a guardian." In that report, the visitor had also recommended that the judge "complete the child's documentation."

16. The petitioner affirms that from the beginning the idea had been to adopt, so that he had registered with the Adopters' Register and obtained the certificate that appears in the case files. Several reports had confirmed the suitability of the conditions offered by the petitioner and underscored that the child was regularly attending primary school, sharing a family life with Daniel Camusso, and feeling that he was "a member of the Camusso family." He had managed to call the petitioner "daddy."

17. On October 13, 1993, Judge Manuel Cámpora had notified the Uruguayan consular authorities that the minor Jorge Antonio was on Argentine soil and had been placed in the care of Daniel Camusso. Four months later, the judge wrote another official letter to the Uruguayan consulate, updating it regarding the decisions taken in the case.

18. The petitioner maintains that on May 30, 1994, the Advisor for Minors and Disabled Persons involved in the case (hereinafter "Minors' Advisor") had filed an application to deny parental authority to Jorge Antonio's biological mother. In her application she had substantiated and listed a series of factors and circumstances that had occurred prior to the child being placed under the guardianship of Daniel Camusso, which allegedly proved that the boy had been abandoned by his biological mother and supported her application to deny the mother parental authority. There was also a report advising that the child needed to be part of a family, because the lack of one was making him "depressed."

19. The report also registered the fact that, after the boy had been given in provisional guardianship to Daniel Camusso, the biological mother had requested that Jorge Antonio be given back to her, at which point there had been "a turning point" in the case, with several steps being taken to ascertain what was in the best interest of the child. Accordingly, on two occasions the biological mother had been granted visiting rights, which resulted in failures. The petitioner has produced copies of the proceedings in which the judge ascertained that the child's meetings with his biological mother had been interrupted due to the lack of integration of Jorge Antonio in his mother's family. On those occasions, the child had spontaneously gone back with Daniel Camusso. The Minors' Advisor had, furthermore, interviewed the child, who was 11 years old at the time. When asked for his opinion, the boy had stated that he "wanted no contact with his mother." On December 27, 1994, the Minors' Advisor had allegedly filed another submission in connection with the proceedings for denial of parental authority to the biological mother, in which she had reiterated her previous position.

20. According to the petitioner, as of 1995, Judge Luis Torcoletti had taken charge of Juvenile Court No. 2 in Mercedes and of the proceedings in relation to Antonio.

21. That judge had not processed the denial of parental authority application filed by the Minors' Advisor until August 10, 1995, that is to say, one year and two months after it had been ledged. The biological mother had allegedly been notified of the application on August 31, 1998 and when she did not reply was declared in "contempt of court."

22. In March 1997, the court had authorized a trip by Jorge Antonio, then 14 years old to Uruguay and Brazil to spend a vacation with Daniel Camusso in those two countries.

23. The petitioner also alleged that, on March 20, 1998, he had filed with the Juvenile Court for full adoption of Jorge Antonio. According to the petitioner, the judge had notified the biological mother of that application only on August 31 of that year.

24. In connection with the delay in moving forward the proceedings involving Jorge Antonio, the petitioner reported that a report by the Court's expert psychologist had placed on record in the file in November 1998, that "the possibility of losing ties [with Daniel Camusso] was causing for him [Jorge Antonio] a severe situation of abandonment, which would put him back on the streets, because, having experienced one, he absolutely r[efused] to go back into an institution." Having considered that report, and as almost six years of provisional guardianship had gone by, the judge reportedly decided to keep Jorge Antonio with Daniel Camusso in provisional guardianship.

25. The petitioner also reported several occasions on which he had filed appeals for "prompt resolution" with a view to eliciting a ruling by the court, stressing the need for a decision given the psychological and emotional distress that both he and Jorge Antonio had begun to feel. He explained that "his trips to the Juvenile Court in Mercedes had been going on for 10 worrisome years, hurting the fatherly feelings he had already developed." Those worries had increased after the petitioner had been shot during an armed robbery in October 2002, because the impossibility of accrediting Jorge Antonio as his son would have left Jorge Antonio completely abandoned.

26. The petitioner further alleges that the Court had told him orally that he should 'wait until Jorge Antonio turned 18 years old,' at which point he should initiate immigration proceedings with the DNM. The petitioner did indeed remit information regarding a procedure he had begun in May 2001 before that Directorate, which allegedly yielded another series of delays and irregularities. The information provided by the petitioner shows that he filed a complaint regarding this state of affairs with the DNM itself and with the Ombudsperson's Office, on July 4, 2001, without anything being done about it. In the end, the DNM had granted Jorge Antonio a "study" permit authorizing a temporary stay in Argentina. The court next told him that what he needed to do was file for citizenship on Jorge Antonio's behalf, an application that the petitioner filed with a Federal lower court for Administrative Litigation.

27. On August 9, 1999, in connection with the proceedings for applying for full adoption, the judge had notified Daniel Camusso that he should provide information regarding the law applicable to the case ("give notice of applicable legislation" to use the local legal term [*denunciar la legislación aplicable*]), on the understanding that this was a matter of private international law, because Jorge Antonio was a Uruguayan national.

28. On June 2, 2003, the petitioner had filed a complaint against Judge Torcoletti with the Judicial Oversight and Inspection Division of the Supreme Court of the Province of Buenos Aires on account of the unwarranted delays in processing the actions brought in his court with respect to Jorge Antonio's legal status. In the same vein, on June 2, 2003, Daniel Camusso had lodged a complaint with the Secretariat for Human Rights of the Government of the Province of Buenos Aires, which he had followed up with another presentation on August 25 of that same year. According to the petitioner, he was told that that body was not competent "as the case was not contemplated." In addition, the petitioner reported another complaint he had filed with the National Institute against Discrimination, Racism and Xenophobia ("INADI") on March 22, 2004, in which he had complained that the judge was delaying the proceedings on the grounds that Daniel Camusso was single. That administrative body ruled on July 2 of that same year that the investigation and verification of the facts of the complaint exceeded its

sphere of competence because the case had to do with situations that the judiciary itself had to verify and decide on.

29. According to the petitioner, this situation of a lack of response by domestic bodies, the unwarranted delay in service of justice, and the discrimination to which he was being subjected led him to file a petition with the Inter-American Commission on Human Rights on August 27, 2003.

30. On October 1, 2003, Jorge Antonio had reached adulthood, having turned 21, pursuant to the law then in force in Argentina,<sup>2</sup> without judgment having been rendered in the adoption case.

31. According to the petitioner, on March 1, 2004, Judge Torcoletti handed down a judgment in the adoption case, finding that *ipso jure* the Juvenile Court's competence with respect to Jorge Antonio had ceased on October 1, 2003. Despite that retroactive statement of incompetence, in that same decision the judge allegedly rejected the adoption suit brought by Daniel Camusso and ordered that the petitioner's name be removed from the Adopters' Register. To reach that decision, the judge had indicated that Jorge Antonio was a Uruguayan national and not enough grounds had been presented in the case "to set aside national reservations [to the International Convention on the Rights of the Child] in respect of a clear case of international adoption; that, although the adoption of adults was possible under Article 311 of the Argentine Civil Code, for that to proceed Jorge Antonio's consent was required, which had not been offered in the file of the case; that the biological father of the child had not been heard; that guardianship had never been confirmed, nor had there been a ruling on the state of abandonment and adoptability status of Jorge Antonio, nor had it been accredited in the file how Jorge Antonio had entered Argentina or whether "some parental claim had been filed before the authorities in his country of origin."

32. The petitioner argued that, given the statement of incompetence contained in the judgment, he had been obliged to begin a new application for adoption of an adult before the Tribunal of Sole Instance for Family Law No. 2 in the judicial district of Morón. In those new proceedings, on August 14, 2006, that new court allegedly decided to grant the petitioner full adoption of Jorge Antonio, then 23 years old.

33. The petitioner alleged that Judge Torcoletti had deliberately acted in such a way as to obstruct the proceedings based on the unwarranted suspicion that he, Daniel Camusso, was gay.

34. In connection with the difficulty in obtaining residence for Jorge Antonio in Argentina, the petitioner argues that it had made it difficult for Jorge Antonio to attend school and had impeded his freedom of movement without worrying about being detained at any time without an I.D. corroborating his legal status in Argentina.

35. In addition, in July 2007, the petitioner had presented another submission to the Judicial Oversight and Inspection Division of the Supreme Court of Justice of the Province of Buenos Aires, reiterating his complaint against Judge Torcoletti. The initial complaint by the petitioner in that respect had been filed on June 2, 2003, in which no ruling had been handed down.

36. According to information provided by the petitioner, on May 7, 2008, the Supreme Court of Justice of the Province of Buenos Aires had pronounced on Judge Torcoletti's conduct in a judgment resolving several complaints against the judge that had been combined. The judgment had found an unwarranted delay of four years and a failure to comply with his duty as a Judge to exercise supervision, because during the entire time in which he had been in charge of the case there had only been two on-site reports on the situation in the home in which the child and his guardian were living. Because of that, the judge had received a non-criminal disciplinary sanction (*correctivodisciplinario*) and a recommendation "to take the necessary steps to avoid a recurrence in future of situations like those reviewed."

<sup>2</sup> According to the legislation then in effect in the Argentine Republic (Article 126 of the Civil Code), adulthood was reached at 21 years of age. Law 26.579, promulgated on December 21, 2009, established adulthood at 18 years of age.

37. The petitioner explains that, in his view, the highest court in the province had ignored most of the allegations. Specifically, the petitioner says that he had alleged that Judge Torcoletti had never heard the child in the entire proceedings; that he had ruled on March 1, 2004 denying adoption, while at the same time declaring that he had held no competence in the case *ipso facto* since October 1, 2003; that he had failed to safeguard the "best interest of the child," in addition to not having ordered on-site reports, because he had kept the child under the Argentine legal system, with the full knowledge of the Uruguayan State, ordering specific measures to be taken, such as his placement in an institution, then in guardianship, then permission to leave the country with his guardian, in the course of over 10 years, only later to deny the adoption on the grounds that the child was not an Argentine national.

38. In light of all the above, the petitioner argues that the Argentine State is responsible for violating his and his son's human rights and that the admonition to Judge Torcoletti did not amount to reparation for those violations. He argues that the judiciary had discriminated against him and that the unwarranted delay had resulted in denial of a family to both Jorge Antonio and himself for many years, which had left profound psychological scars. In addition, the petitioner considers that Jorge Antonio was deprived of an identity throughout his childhood. In short, the petitioner argued that the State violated the right to humane treatment and due guarantees, rights of the family, the right to a name, the right of a child to measures of protection, the right to equal protection of the law, and the right to judicial protection enshrined in Articles 5, 8, 17, 18, 19, 24 and 25 of the American Convention on Human Rights, respectively, in detriment to himself and Jorge Antonio.

## B. Position of the State

39. In its observations on the case, the Argentine State sent the following as attachments: Expert Opinion DAI No. 119/11, prepared by the Human Rights Secretariat of the Ministry of Justice and Human Rights, dated May 9, 2011; another expert opinion drawn up by the Office of the Undersecretary for Justice of the Province of Buenos Aires, dated January 10, 2011; and a report written by Judge Luis Torcoletti, dated December 2, 2010. The Argentine State asked that the Commission consider the three documents as an integral part of its reply and offered to send all files on the case, if requested.

40. Here, it is to be noted that in the first of the two expert opinions, the State provides an account of the background to the case that largely coincides with that provided by the petitioner. Specifically, regarding the actions of the judiciary from the time that Jorge Antonio was at the disposal of the No. 2 Juvenile Court of Mercedes, on September 4, 1991, the opinion mentions a report in the file in which the Juvenile Court's social worker stated that she had talked to Jorge Antonio's biological mother shortly after the child had been found wandering in the street. In that interview, the social worker had detected an attitude of "wanting to forget [her son]." The biological mother had also mentioned that Jorge Antonio had entered Argentina with her with a permit in 1986 and that she had no knowledge of the whereabouts of the biological father.

41. The State asserts that Daniel Camusso had expressed interest in adopting Jorge Antonio when the child had been at the "Unzué" Institute, and he had begun visiting him and then had taken him out with the Court's permission. The State explains that, as a result, on February 22, 1993, the Court judge ordered the discharge of the child and that he could stay with Daniel Camusso provisionally, while remaining at the disposal of the Court.

42. The State's opinion adds that Jorge Antonio's older brother —José Luis— had also fled his biological mother's home and had also been temporarily interned in the "Unzué" Institute. Days later, the mother had requested that José Luis be returned to her, and that request had been granted, also on a provisional basis, with the child remaining at the disposal of the Court. As regards Jorge Antonio, the State adds that, on December 20, 1993, permission had been granted for visits by Jorge Antonio to the biological mother's home.

43. The State points out that the Minors' Advisor had filed for denial of parental authority to Jorge Antonio's biological mother, indicating that the reports about her had been negative, that she had ignored her son during his time at the Institute, and that she had never kept to the schedule of visits agreed upon. The State also pointed out that the Minors' Advisor had interviewed the child and that child had told her that "he wanted no contact with his mother." The State further asserts that, when processing the action for denial of parental

authority filed by the Minors' Advisor in 1994, Judge Torcoletti had asked the First Circuit Juvenile Court in Montevideo for copies of all background files on Jorge Antonio and for information as to whether there were requests for the child to be returned to Uruguay.

44. The State points out that on November 25, 1998, "an order was issued to keep Jorge Antonio in the same current situation with [Daniel] Camusso, and to conduct an on-site visit to and report on the petitioner's home."

45. Regarding the application for full adoption filed by the petitioner in 1998, the State explains that on August 9, 1999, Judge Torcoletti had notified the petitioner that he should provide information on the law applicable to the case ("give notice of applicable legislation" to use the local legal term [*denunciar la legislación aplicable*]), given that the suit filed involved a foreign child and Argentina had entered a reservation to the Convention on the Rights of the Child that excluded application of Article 21.b, c, d, and e, because it considered that there first had to be a strict mechanism for providing legal protection to children in cases of international adoption so as to prevent trafficking in and the sale of children. Article 2 of the law adopting the Convention (Law No. 23.849) had established that position. The State adds that the Minors' Advisor had also asked Daniel Camusso to comply with that notification when she had sent him the file on November 5, 1999. The State went on to explain that the petitioner had then appeared with his attorney saying that he had complied with the notification and asserting that there were no specific provisions in such a case, so that general principles should be followed, such as "the best interest of the child."

46. The State explained that, on October 17, 2000, Daniel Camusso and Jorge Antonio had again appeared before Judge Torcoletti to ask that the child be given Argentine citizenship. Subsequently, on September 19, 2002, according to the State, the petitioner had again requested that a ruling be handed down, given that the application for citizenship was being processed at the same time. According to the State, on September 20, 2002, Judge Torcoletti had denied the request to hand down a ruling because in his view Daniel Camusso had not complied with the notification of August 9, 1999 to point to the legislation applicable to the case.

47. The State goes on to report that, on December 11, 2002, the petitioner had again appeared before the Juvenile Court to place on record in the adoption case that an application, initiated on July 1, 2002, was underway to obtain Argentine citizenship for Jorge Antonio. According to the State's written opinion, there was another presentation by Daniel Camusso in the case file, this time without the presence of an attorney, reiterating what he had maintained in his 1999 presentation regarding applicable law and stressing the *iuranovit curia* principle. Judge Torcoletti notified the Office of the Minors' Adviser of that presentation. The Advisor had appeared on March 13, 2003, requesting that Daniel Camusso and Jorge Antonio be summoned for a hearing regarding the application for citizenship and that an on-site report be drawn up in his home to ascertain his circumstances. According to the State, that report had been drawn up and entered into the file on June 23 of that same year.

48. As the State goes on to say in the aforementioned written opinion, on November 7, 2003, Judge Torcoletti ordered the case on hold pending the ruling on the matter of Jorge Antonio's citizenship, which was being processed in an action filed with a Federal lower court for Administrative Litigation.

49. Daniel Camusso had again appeared before the Court on November 28, 2003, accompanied by an attorney, stating that the application for citizenship "was being contemplated as a matter of 'temporary residence.' However, [around that time] the originator [Jorge Antonio] had reached the age of majority, as a result of which any request for his definitive place of residence had expired. Daniel Camusso had also once again requested a decision on the adoption application.

50. The State reports that on December 5, 2003, the file came up for consideration [*pasó "a despacho"*], but on the 15th of that month, the Juvenile Court received an official letter from the Judicial Oversight section of the Supreme Court of Justice of the Province of Buenos Aires requesting certified copies of the case file, due to a complaint filed with that Supreme Court by Daniel Camusso.

51. Thereafter, according to the State's written opinion, on March 1, 2004, Judge Torcoletti handed down a judgment denying the adoption. According to the State, the judge had "pointed out that at the time of judgment the whereabouts of the biological mother were unknown and the biological father had never been heard in the case." The State specifies that, regarding the legal ties between Daniel Camusso and Jorge Antonio, the judge had indicated that "guardianship had never been confirmed, nor had there been a ruling on the state of abandonment and adoptability status of Jorge Antonio. Accordingly, the State points out, the judge had asserted that "an indispensable requirement [for adoption] is that [the parents'] legal representatives be heard, unless they had lost parental authority or had shown evident, manifest and continuous disinterest in their child, a situation that did not apply to the instant case." The State also explained that, in the judge's view, insufficient grounds had been presented for ignoring the reservation the State had entered in respect of the Convention on the Rights of the Child and the fact that Argentine law does not provide for international adoption.

52. The State then goes on to address the complaint that Daniel Camusso had filed on June 2, 2003 against Judge Torcoletti with the Supreme Court of Justice of the Province of Buenos Aires, denouncing allegedly improper conduct in his handling of the cases. The State lists the arguments presented by the petitioner to that Court and adds that the file on the case contains a statement by Daniel Camusso's attorney alleging that the Judge "had delayed the proceedings so that Jorge Antonio would reach the age of majority and the case would therefore not have to be decided." Likewise, regarding the notification that [Daniel Camusso] should invoke the law applicable to the case, after the presentation in August 2000, "she [the attorney] had never known what decision the court had made because the file was "never there" [available]." Consequently, she had decided to talk to Judge Torcoletti, who allegedly told her that "they could have an international relations issue if they granted the request for adoption, because he [Jorge Antonio] was Uruguayan.

53. The State also provides information regarding a statement by another lawyer representing Daniel Camusso, who, given the delays in the cases, had talked with the judge, who had responded that "the court had been very generous in granting [Daniel] Camusso guardianship" and that the lawyer should look for legislation supporting his request for the adoption of a foreign child. In that way the lawyer could get his teeth into the subject and both of them could publish a paper on the matter."

54. According to the State, Judge Torcoletti had stated in connection with the file on the case that "during the period in which the case was being processed he had not just been in charge of Juvenile Court No. 2 but was also a substitute judge for Juvenile Court No. 1, which had increased his workload, and that "the time taken in the case was not a product of apathy or disinterest on the part of the Court; rather it reflected the tie taken by the party and his attorneys, the hearings in which they were received, and the judge's efforts to guide the application and keep the case alive." With regard to the response to the notification to invoke applicable legislation, Judge Torcoletti had considered it "full of ideological and doctrinaire issues" and had maintained that "the best interest of the child did not make it licit to ignore the law in effect and the reservations entered by Argentine with respect to the Convention on the Rights of the Child." Finally, according to the State, the judge had pointed out that if Daniel Camusso considered that he had been biased, he could have challenged him [*podría haberlo recusado*].

55. The State then summarized the considerations underlying the decision by the Supreme Court of Justice of the Province of Buenos Aires, which had come to the conclusion that the grounds substantiating the judgment in the adoption case disproved Daniel Camusso's complaint about the judge intending to wait for Jorge Antonio to reach the age of majority so as not to hand down a judgment. Furthermore, that Court considered that neither the alleged bias against the petitioner nor the alleged loss of documents had been proven. Nevertheless, the State points out, the Supreme Court did consider that the judge was guilty of delaying the processing of the case, because it had been ready for judgment since September 2000 and judgment was only handed down on March 1, 2004. The Court also criticized the judge for having ordered only two on-site reports on circumstances in the petitioner's home. According to the State, the judge's explanations had not justified the delay, so that the Supreme Court had considered that he had incurred administrative liability by "marring the prestige of the Judiciary and undermining the efficacy with which justice had been served," and had decided to admonish him.

56. Thus, in relation to the analysis of the issue posed in the instant case, the opinion submitted by the State considered that the petitioner's complaints regarding the actions of Juvenile Court No. 2 had already

been heard, examined, and resolved by the Supreme Court of Justice of the Province of Buenos Aires, particularly since that Court had ruled that there had indeed been unwarranted delay in the full adoption proceedings. According to the State, the highest court in the province had decided to admonish Judge Torcoletti for his handling of the case, so that the arguments put forward by Daniel Camusso in his petition merely indicated his disagreement with the domestic court's decision in his case.

57. That would constitute —the State argues— invocation of a "fourth instance." In its observations, the State specified that that doctrine was intimately linked to the subsidiary nature of the Inter-American Human Rights System and that that subsidiary status meant that, in democratic societies like Argentina, in which courts function within an organized system of separation of the branches of government established by the Constitution and domestic laws, it was incumbent on the competent courts to consider the matters brought before them. Accordingly, mere discontent with a judgment handed down by domestic courts did not mean that they had violated the American Convention.

58. Likewise, and without prejudice to what was said above, the State argues in its written opinion that, based on the admissibility requirements established in Article 46 of the Article 46 of the American Convention, the instant case could not be declared admissible before the Inter-American System because the petitioner had not exhausted all the remedies available to him under domestic law. The reason for that, the State argues, is that the petitioner had not filed the appeal referred to in Article 242 of the Code of Civil and Commercial Procedure of the Province of Buenos Aires against the judgment of Juvenile Court No. 2 of Mercedes, which denied full adoption of the child Jorge Antonio.

59. Quite apart from the arguments regarding Daniel Camusso's petition, the objectives of which had been satisfied and the facts had become "abstract," the State points out that Protection of Minors System established by Law 10.067 of the Province of Buenos Aires had been amended by law 13.298, which, it is argued, is in line with and respectful of international standards regarding the rights of the child and adopts a new concept of comprehensive protection in which children are persons holding legal rights, and which seeks to safeguard their best interest.

60. The second written opinion presented by the State is the one prepared by the Office of the Undersecretary for Justice of the Province of Buenos Aires, dated January 10, 2011. It contains a succinct reiteration of the preambular paragraphs of the judgment denying adoption of Jorge Antonio handed down by Judge Torcoletti. In addition, it mentions that, in the adoption case file, it had not been accredited whether the biological father had consented to the boy's leaving Uruguay or whether requests for his return had been filed. The same written opinion states that it had not been shown in the proceedings how the child had entered Argentina and that, without prejudice thereto, the petitioner had not filed the appeal available to him under domestic law, challenging the Juvenile Court's decision.

61. Finally, in a third attachment, the State has submitted a report written by Judge Torcoletti himself. That report reiterates, first, that on May 7, 2008, the Judge had been admonished. Then, with respect to the allegation that the child had not been heard, the report states that petitioner was "being inconsistent," because his petition refers to situations in which he, his son, and his attorneys "had been received" by the judge. It adds that it transpires 'from a careful reading of the resolution' of February 22, 1993 that "nothing indicates that Daniel Camusso was granted guardianship and much less that he had been named "guardian." However, immediately afterwards, the report states "it is to be noted that "provisional guardian" status is manifestly indicated in the certification issued by the legal assistant at the time, Dr. Santarciero, which certainly does not match the document he signed and, he imagines, induces a mistaken impression in [Daniel] Camusso."

62. The State adds that "neither the party nor the Ministry for Minor Orphans (MinisterioPupilar) brought any proceeding designed to achieve the desired outcome of legally quashing the parental authority of the child's biological father; and that at the same time there was a proceeding in Uruguay ordering the placement of the child in an institution when the child was already in Argentina, which "later complicated his application for citizenship" [*entorpecióstrámite de radicacióncomociudadanía* -sic]. The Judge's report also states that "if the action were to succeed, it would amount to sheer suppression of the [Daniel Camusso's] nationality and his civil

status as son, [and] of his parents' rights". The report adds that the petitioner "did not even apply for possible representation by the Uruguayan consul."

63. The report also states that "despite the young man having reached the age of majority, the Court had not lost competence in respect of the proceedings that were still under way" and it would still have been possible "for the interested party to appear, stating —[then] as an adult— absolutely validly, his consent and decision to be adopted by [Daniel] Camusso, which is something he ultimately did before the Court that finally granted adoption. However that had not been done in this court."

64. Finally, and in relation to the alleged statement or reference to [Daniel] Camusso's or [Jorge Antonio's] sexual orientation, the Judge asserts that he cannot even remotely be accused of that "even in his heart of hearts" and that his education had been such as to preclude him being "homophobic, or a misogynist, or anything of the sort."

65. In light of all the above observations, the Argentine State requested that the Inter-American Commission declare the petition inadmissible and order it to be archived.

#### **IV. ANALYSIS OF COMPETENCY AND ADMISSIBILITY**

##### **A. Competency**

66. The petition cites as alleged victims individuals whose rights under the American Convention the Argentine State undertook to respect and guarantee. Likewise, in keeping with Article 44 of the American Convention, the petitioner has standing to bring a petition before the Commission. The Commission notes that the State is a party to the American Convention as of September 5, 1984, the date on which it deposited the respective instrument of ratification. Therefore, the Commission has *ratione personae* competence to examine the petition lodged.

67. In the same way, the Commission has *rationetemporis* competence since the facts alleged to have impaired the rights of Jorge Antonio and Daniel Camusso are said to have taken place as of 1991. Furthermore, given that the petition alleges violations of rights protected under the American Convention that are said to have taken place under the jurisdiction of the Argentine State, the Commission has *ratione loci* competence to hear the matter. Finally, the Commission observes that in the matter under review violations are alleged of rights contained in the American Convention, which grant the Commission *rationemateriae* competence to examine it,

##### **B. Admissibility requirements**

###### **1. Exhaustion of domestic remedies**

68. Article 46(1)(a) of the American Convention provides that admission of petitions lodged with the Inter-American Commission in keeping with Article 44 of the Convention shall be subject to the requirement that the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of international law. The purpose of the requirement of exhaustion of domestic remedies is to afford an opportunity to the national authorities to take cognizance of the alleged violation of a protected right and, if appropriate, to have an opportunity to resolve it before it is taken up by an international body.

69. On a preliminary basis, it is to be stressed that, when he filed the petition with the Inter-American Commission on August 27, 2003, the petitioner alleged that there had been unwarranted delay in the service of justice. The Commission notes that at that time: (i) Provisional guardianship of Jorge Antonio had been judicially ordered more than 10 years and six months earlier and had remained in effect since then; (ii) the action to deprive the biological mother of parental authority had been pending a decision for over nine years; and (iii) the full adoption proceedings initiated by the petitioner had been delayed five years and five months. Accordingly,

pursuant to Article 46.2.c of the Convention, at that time grounds for exemption from the exhaustion of domestic remedies requirement existed.

70. Nevertheless, after the petition had been lodged with the IACHR, these proceedings continued their course and, on March 1, 2004, the Second Juvenile Court in Mercedes handed down judgment in the case regarding full adoption of Jorge Antonio, in which it declared the retroactive incompetence of the Court while at the same time refusing to allow the adoption.

71. On this matter, the Argentine State argued that the petitioner had not exhausted the remedies available under domestic law because he had not filed the appeal provided for in Article 242 of the Civil and Commercial Code of Procedure of the Province of Buenos Aires against the decision of the Second Juvenile Court in Mercedes denying full adoption of Jorge Antonio. Regarding that argument, the Commission will put forward the following considerations.

72. First, the Commission takes into account a number of reasons adduced by the petitioner for not having appealed said decision. One had to do with the impossibility of getting to see a copy of the judgment handed down by the Second Juvenile Court in Mercedes. In his explanation, that was due to obstruction on the part of Court personnel. Despite having been made aware of these allegations, the State neither contested them nor produced evidence to the contrary.

73. Second, the IACHR emphasizes that, in order to determine the admissibility of a petition, it must decide whether the petitioners exhausted the appropriate remedy to resolve the principal situation involved in the complaint. Accordingly, the Commission notes that for over 11 years of proceedings, Daniel Camusso continued trying to obtain recognition and protection in the domestic jurisdiction of his filial ties with Jorge Antonio. According to his statements to the Commission, on several occasions he had filed appeals for "prompt resolution" aimed at eliciting a definitive decision by the Juvenile Court. Likewise, once the judgment refusing adoption had been handed down, the petitioner was presented with at least two alternatives for attempting to obtain recognition and legal protection of his ties to Jorge Antonio. The first was to lodge the appeal referred to by State with the same Juvenile Court and the second was to initiate a new application for adoption of an adult. It is worth bearing in mind that in the first operative paragraph of the judgment of the Juvenile Court, the petitioner was told that he could have recourse to civil court jurisdiction (*expedita la vía civil*).

74. In fact that was the path that Daniel Camusso opted to take, when he went to the Tribunal of Sole Instance for Family Law No. 2 in the judicial district of Morón, which turned out to be a suitable way to achieve that objective, because full adoption was then granted to him by the tribunal in less than 14 months. In short, the Commission notes that the petitioner exhausted multiple routes to achieve the adoption, which he finally obtained in 2006, and that he had done everything possible to overcome the delays in the proceedings by filing "prompt dispatch" appeals and, subsequently, by filing a complaint against Judge Torcoletti. However, the appeal presented by the State as suitable would not have served to remedy that problem.

75. The IACHR considers that it was not reasonable to demand that the petitioner opt without fail for the appeal path in proceedings that had suffered severe delays —provisional guardianship had been granted more than 11 years earlier— when he had the opportunity of another equally suitable and possibly quicker path, namely an action for adoption of an adult, that did indeed prove to be quicker and resulted in him obtaining recognition and legal protection of the filiation between the petitioner and Jorge Antonio. In this regard, the IACHR has already established that if the alleged victim raised the issue by any lawful and appropriate alternative under the domestic juridical system and the State had the opportunity to remedy the matter within its jurisdiction, then the purpose of the international rule has thus been served.<sup>3</sup>

<sup>3</sup> IACHR Report No. 12/10 Admissibility, Case 12.106 , Enrique Hermann PfisterFrías and LucreciaPfisterFrías, Argentina, March 16, 2010, paragraph. 41; Report No. 76/09, Petition 1473-06, Admissibility, Community of La Oroya, Peru, August 5, 2009, paragraph 64; Report No. 69/08, Petition 681-00, Admissibility, Guillermo Patricio Lynn, Argentina, October 16, 2008, paragraph IACHR, Report 57/03 (Admissibility), petition 12.337, Marcela Andrea Valdés Díaz , Chile, October 10, 2003, paragraph 40.

76. Finally, the Commission must also point out that the appeal to which the State refers in its preliminary objection was not filed by the Minors' Advisor either. Furthermore, the Commission observes that Jorge Antonio's age at that time cannot be invoked as an excuse because, despite his having reached the age of majority and despite the Second Juvenile Court in Mercedes had declared itself incompetent, that Court still pronounced on the inadmissibility of full adoption, so that the Minors' Advisor was entitled to appeal. To summarize, even though, based on the foregoing analysis, Mr. Camusso was not obliged to exhaust that remedy, the Commission cannot fail to point out that the remedy the State describes as suitable and effective was not lodged by the Office of the Minors' Advisor either, when that entity's legal mandate is to intervene in proceedings to safeguard the best interest of the child.

77. In light of all these considerations, the Commission understands that, as of the day this report is issued, and taking into account developments in domestic proceedings during the processing of the petition, domestic remedies have definitely been exhausted on the terms required under Article 46.1 of the American Convention.

## **2. Time period for lodging the petition**

78. Article 46.1(b) of the American Convention provides that for a petition to be admissible, it must be presented within six months of the date on which the party alleging violation of rights was notified of the final judgment in the domestic jurisdiction.

79. The Commission reiterates that the petitioner lodged his petition with the Inter-American Commission on August 27, 2003, alleging unwarranted delay in the service of justice. Accordingly, and as shown above, it is to be noted that at the time the petition was filed, the provisional guardianship of Jorge Antonio had been judicially decreed more than 10 years and six months earlier; the action to deprive the biological mother of parental authority had been pending a decision for more than nine years; and the proceedings initiated by the petitioner for full adoption had taken five years and five months.

80. In the instant case, the exhaustion of domestic remedies occurred when the case was being examined for admissibility. Under those circumstances, the Commission has consistently taken the view that fulfillment of the requirement regarding the time period for lodging the petition is intrinsically linked to the exhaustion of domestic remedies and should therefore be regarded as complied with.<sup>4</sup>

## **3. Duplication of proceedings and res judicata**

81. The case records do not show that the subject of the petition is pending other international settlement procedures, or that it replicates a petition already examined by this or another international organization. Therefore, the requirements set forth in Articles 46(1) (c) and 47(d) of the Convention are considered as having been met.

## **4. Characterization of the facts alleged**

82. For admissibility report purposes, the Commission must at this stage only decide whether deeds are alleged that, if proven true, could constitute violations of the Convention, pursuant to Article 47.b of the American Convention, or whether the petition is "manifestly groundless" or "obviously out of order" (Article 47.c). The Committee has to make a *prima facie* assessment and determine whether the complaint establishes apparent or potential violation of a right guaranteed by the Convention. It does not have to establish whether said violation exists. The examination to be conducted at this stage is simply a summary analysis that does not entail prejudging or issuing an advance opinion on the merits of the case.

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<sup>4</sup> See, for example, IAC<sup>HR</sup>. Report 8/10. Case 12.374. Admissibility. Jorge Enrique Patiño Palacios et al. Paraguay. March 16, 2010. Paragraph 31 and IAC<sup>HR</sup>. Report 20/05. Petition 716/00. Admissibility. Rafael Correa Díaz. Peru. February 25, 2005. Paragraph 34.

83. Neither the American Convention nor the Rules of Procedure of the IACHR require that the petition identify the specific rights allegedly violated by the State in a matter submitted to the Commission, though the petitioners may do so. It is up to the Commission, based on the case-law of the system, to determine in its admissibility reports which provision of the relevant inter-American instruments is applicable or could be established as having been violated, if the facts alleged are sufficiently proven.

84. First, the Argentine State argued that the Commission's taking cognizance of the petition constituted a violation of the "fourth instance rule" because the petitioner's complaints had been addressed and resolved by the Supreme Court of Justice of the Province of Buenos Aires in its judgment of May 7, 2008. This, that Court is said to have acknowledged the existence of an unwarranted delay and had consequently imposed an admonition against the judge in the case, Luis Torcoletti.

85. With respect to that argument, the Commission states that the fact that Judge Torcoletti was admonished is a circumstance that the IACHR will take into account in its analysis, but that it does not necessarily imply *a priori* that the instant case does not require evaluation on the merits to determine whether the facts of the case between 1991 and 2008 constituted violations of the rights of Daniel Camusso and his son Jorge Antonio under the American Convention. Accordingly, the Commission reiterates its case-law finding that while it cannot take upon itself the functions of an appeals court in order to examine alleged errors of fact or law that local courts may have committed,<sup>5</sup> within the limits of its mandate to guarantee observance of the rights enshrined in the Convention, the Commission is competent to declare a petition admissible and rule on the merits when the petition refers to a judgment by a domestic court handed down without regard to due process or which apparently violates any other right guaranteed by the Convention.<sup>6</sup>

86. On this point, the Inter-American Court of Human Rights has established that "clarification of whether the State has violated its international obligations owing to the actions of its judicial bodies may lead to a situation in which the Court must examine the respective domestic proceedings in order to establish their compatibility with the American Convention."<sup>7</sup> That is so because "if it is claimed that a judgment has been incorrect because of a violation of due process, the Court may not refer to this claim as a preliminary objection, since the Court will need to consider the merits of the case and determine whether or not this conventional right was violated."<sup>8</sup> Indeed, this preliminary objection takes as its basic premise that no human rights violation was committed in the instant case, which is precisely what will be discussed in the merits stage.<sup>9</sup> The Commission therefore considers that specific analysis of the State's actions with regard to the alleged victims, from the time when Jorge Antonio was placed at the disposal of the Second Juvenile Court in Mercedes in 1991, and in connection with all the domestic proceedings in which his rights were discussed and ruled upon, corresponds to the merits stage in the case.

87. Given the arguments of fact and of law made by the parties and the nature of the matter before it, the Commission finds that the allegations of the petitioner regarding excessive delay and lack of diligence in the processing of the proceedings for determining the legal status of the child Jorge Antonio, and the allegation made that the child was not heard in any of said proceedings, could describe violations of rights protected under Articles 8 and 25, in conjunction with Article 1,1, of the American Convention, to the detriment of Daniel Camusso. In addition, the same allegations, as well as the alleged fact that Jorge Antonio

<sup>5</sup> See IACHR, Report No. 52/02, Case 11.753, Merits, Ramón MartínezVillareal, United States, October 10, 2002, paragraph 53; IACHR, Report No. 39/96, Santiago Marzioni vs. Argentina, Annual Report of the IACHR 1996, paragraphs 48 – 51.

<sup>6</sup> See IACHR, Report No. 52/02, Case 11.753, Merits, Ramón MartínezVillareal, United States, October 10, 2002, paragraph 53; IACHR, Report No. 39/96, Case 11.673, Santiago Marzioni vs. Argentina, Annual Report of the IACHR 1996, paragraphs 48 a 51.

<sup>7</sup> I/A Court H.R., *The "Street Children" Case (Villagrán Morales et al.) v. Guatemala*. Merits. Judgment of November 19, 1999. Series C No. 63, par. 222; *Case of Dacosta Cadogan vs. Barbados*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 24, 2009. Series C No. 204, par. 24.

<sup>8</sup> I/A Court H.R., *Case of Cabrera García and Montiel Flores v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 26, 2010, Series C No. 220, par. 19.

<sup>9</sup> I/A Court H.R., *Case of Cabrera García and Montiel Flores v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 26, 2010, Series C No. 220, par. 20.

did not receive effective technical defense from the Office of the Minors' Advisor, could constitute a violation of rights protected under Articles 8, 19, and 25, in conjunction with Article 1.1 of the American Convention, to the detriment of Jorge Antonio.

88. Additionally, the Commission notes that the matters under consideration in the instant case could constitute, if proved in the merits stage, a violation of the right to a name enshrined in article 18 in conjunction with Article 1.1 of the American Convention, to the detriment of Jorge Antonio.

89. At the same time, and bearing particularly in mind that during a certain period of time during the judicial proceedings Jorge Antonio would have been a child migrant in an irregular migratory situation, the Commission further notes that in this specific case there could have been failure to comply with the special duty of States to provide protection and exceptional diligence in accordance with the principle of the best interest of the child and with the body of law relating to rights of the child, based on the alleged lack of diligence of the judicial bodies after they became cognizant of Jorge Antonio's irregular migration status, of which they were notified by the DNM in 1992. That being so, the Commission considers that the alleged fact that measures were not taken—or followed up on—to achieve legal certainty as to his migration status in a manner consistent with the other measures taken to guarantee his best interest and access to the protection of a family in Argentina could possibly constitute a violation of Articles 8, 19, and 25 of the American Convention to the detriment of Jorge Antonio.

90. The Commission considers, furthermore, that, if the alleged facts are corroborated, from February 22, 2003—the date when provisional guardianship was granted—until March 1, 2004—the date Jorge Antonio's full adoption was denied—strong bonds, typical of life in a family, were judicially fostered and consolidated between Jorge Antonio and Daniel Camusso. Accordingly, the decision to deny legal recognition to those ties could possibly constitute a violation of the right to protection of the family, as well as arbitrary interference in the private and family life of Jorge Antonio and Daniel Camusso. The Commission takes note of the fact that one of the principal reasons why full adoption had been denied by the Juvenile Court judge was that Jorge Antonio was not an Argentine national. That being so, the Commission considers that those circumstances could possibly constitute violations of the rights enshrined in Articles 11, 17, 19, and 24 of the American Convention in conjunction with Articles 1.1 and 2 of that same instrument..

91. In addition, if the petitioner's allegations are corroborated regarding the psychological suffering inflicted on himself and on Jorge Antonio due to the excessive delay in processing the application for full adoption and by the impossibility of having their family ties protected, in the Commission's view there could also be a violation of the right to humane treatment established in Article 5 of the Convention.

92. Furthermore, the Commission will analyze the possible application of Article 24 with respect to Daniel Camusso's allegation that the delay in advancing the proceedings was motivated by discrimination against him by the judicial authority, based on the fact that the petitioner was single and/or the suspicion that the petitioner was gay.

93. Finally, with respect to the allegations made by the petitioner regarding the supposed consequences for Jorge Antonio of not having been able to regularize his migration status—and the difficulties that had brought him, including, among others, difficulty registering for school and being able to move around freely without fear of being arrested by the police—the Commission will analyze the possible application of Article 22 of the American Convention.

94. Since these aspects of this complaint are clearly not baseless or out of order, the Commission considers the requirements set forth in Articles 47(b) and (c) of the American Convention to be met.

## V. CONCLUSIONS

95. The Commission concludes, in light of the above considerations, that this petition meets the requirements for admissibility established in Articles 46 and 47 of the American Convention on Human Rights, without prejudice to the postponement of analysis of the exhaustion of domestic remedies to the merits stage,

in respect of Articles 5, 8, 11, 17, 18, 19, 22, 24, and 25, in conjunction with Articles 1.1 and 2 of the American Convention.

96. Based on the arguments of fact and law set forth above,

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

**DECIDES:**

1. To declare the petition admissible as regards the alleged violations of Articles 5, 8, 11, 17, 18, 19, 22, 24 and 25 of the American Convention, in conjunction with Articles 1(1) and 2 thereof;
2. To notify the Argentine State and the petitioner of this decision;
3. To proceed with its analysis of merits in the matter; and
4. To publish this decision and include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 4 day of the month of November, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice President; Felipe González, Second Vice President; José de Jesús Orozco Henríquez, Rosa María Ortiz, Paulo Vannuchi and James L. Cavallaro, Commissioners.