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REPORT No. 317/22
PETITION 1628-18
REPORT ON ADMISSIBILITY

MAURICE TOMLINSON
JAMAICA

Approved by the Commission electronically on November 23, 2022.

Cite as: IACHR, Report No. 317/22, Petition 1628-18. Admissibility. Maurice Tomlinson.
Jamaica. November 23, 2022.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Maurice Tomlinson
Alleged victim:	Maurice Tomlinson
Respondent State:	Jamaica ¹
Rights invoked:	Articles 5 (humane treatment), 7 (personal liberty), 8 (fair trial), 11 (right to privacy), 13 (freedom of thought and expression), 17 (rights of the family), 24 (equal protection), and 25 (judicial protection), in conjunction with Article 1 (obligation to respect rights), of the American Convention on Human Rights ²

II. PROCEEDINGS BEFORE THE IACHR³

Filing of the petition:	August 20 2018
Notification of the petition to the State:	July 19, 2019
State's first response:	November 20 2019
Additional observations from the petitioner:	March 3,4, 2020, April 6, 20, 24, 25, 28, 30, 2020, and May 2,4, 5, 8 2020
Additional observations from the State:	July 3, 2020

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Convention (deposit of instrument of ratification made on August 7, 1978)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Rights declared admissible	Articles 8 (fair trial), 11 (privacy), 13 (freedom of thought and expression), 17 (of the family), 24 (to equal protection), and 25 (judicial protection) of the American Convention, in conjunction with Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects) thereof
Exhaustion of domestic remedies or applicability of an exception to the rule:	Yes, under the terms of section VI
Timeliness of the petition:	Yes, under the terms of section VI

¹ In keeping with Article 17(2)(a) of the Commission's Rules of Procedure Commissioner, Margarette May Macaulay, a Jamaican national, did not participate in the deliberation or decision in this matter.

² Hereinafter, the "American Convention" or the "Convention."

³ The observations submitted by each party were duly transmitted to the opposing party.

V. POSITION OF THE PARTIES

1. This petition alleges that Jamaica's constitutional ban on and non-recognition of same-sex marriages has resulted in multiple violations of the American Convention prejudicing the petitioner. The petition further argues that this legal status quo has helped to create and maintain an environment of fear and harassment in Jamaica that affects gay couples and all members of the LGBT community. The principal complaint of the petitioner is that Jamaican law effectively prevents him from repatriating to Jamaica with his same-sex spouse to look after his aging parents, who are in declining health.

Historical context regarding petition's complaints

2. By way of background, the petitioner, a citizen of Jamaica, is a gay man currently residing in Canada with his husband, Thomas Decker. The petitioner previously resided in Jamaica until he migrated to Canada in 2012. For the past 20 years the petitioner has been an advocate for the rights of the LGBT community particularly in Jamaica. The petitioner indicates that his advocacy has led to numerous death threats against him. In this regard, the petitioner mentions a death threat received in February 2011 via email after he had written a letter to a local newspaper describing police raids on two gay clubs in Jamaica. According to the petitioner, the writer of the email threatened that the petitioner would "fucking die" if he did not stop writing such letters to the press. The petitioner states that he reported the threat to the police, but that they failed to take any action. As a result, the petitioner requested precautionary measures from the IACHR, which was granted on March 21, 2011⁴. The petitioner further states that these threats significantly intensified in 2012 after his marriage to Thomas Becker became known in Jamaica when a local newspaper published an unauthorized photo of their wedding. The petitioner asserts that these threats forced him to flee Jamaica (to Canada) in 2012. Since leaving Jamaica, the petitioner indicates that he has made frequent trips to Jamaica to attend to his ailing parents and to work commitments. The petitioner indicates that his husband, as a former police officer, had designed a security protocol to ensure his safety while in Jamaica.

3. More generally, the petitioner alleges that there is a pattern of harassment and persecution of members of the LGBT community in Jamaica perpetrated by members of the public and by the police⁵. The petitioner contends that this culture of homophobia is supported by Jamaica's constitutional and legal framework. As it relates to his claims, the petitioner refers to section 18 (2) of Jamaica's Charter of Fundamental Rights and Freedoms ("the Charter"), which forms part of Jamaica's Constitution. According to the petitioner, Section 18(2) of the Charter expressly denies recognition to any marriage other than one between a man and woman⁶. Consequently, the petitioner states that his marriage (to Thomas Decker) is not recognized under Jamaica's Constitution. According to the petitioner he wishes to repatriate to Jamaica with his husband to look after his aging parents who are now in declining health. However, the petitioner asserts that the non-recognition of his marriage effectively prevents him from returning to Jamaica with his husband. In this regard, the petitioner alleges that (a) his husband would not be eligible for a passport through naturalization, as is possible for opposite-sex spouses of Jamaicans; (b) his husband would also not qualify for any spousal benefits that as a Jamaican the petitioner would be able to grant to an opposite-sex partner (including national insurance and pension).

⁴ IACHR, PM 80/11 - Maurice Tomlinson, Jamaica.

⁵ The petitioner provides examples of this pattern of harassment/persecution. These examples include –according to the information that the petitioner provided–: (a) In October 2015, a gay man and an ally who were assisting some homeless LGBT youth living in an abandoned Cholera cemetery in Kingston, were attacked by a violent mob. The men were savagely beaten, and the young man's face was cut, and his chest slashed. When he was taken to the main hospital in Kingston in critical condition the non-medical staff refused to assist him because he was gay. (b) On August 22, 2013, a mob attacked five allegedly gay men, who were trapped in their house in Green Mountain, Manchester. The police responded but again no arrests were made. (c) In June 2006, the police instigated a mob leading to the death of a gay man, Victor Jarrett, on Dump-Up beach in Montego Bay. (d) In February 2008, police 'rescued' three gay men from a mob attack in Half-Way-Tree, Kingston and then proceeded to hurl homophobic insults at and pistol-whip the men on the way to the station. The petitioner also provides a number of testimonials from members of the LGBT community in Jamaica attesting to experiences of persecution and discrimination.

⁶ Section 18 (2) of the Charter provides: "No form of marriage or other relationship ... other than the voluntary union of one man and one woman may be contracted or legally recognized in Jamaica."

4. The petitioner further submits that, without access to Jamaican citizenship, his husband would only be allowed to remain in the country for a maximum of three months at a time. Additionally, the petitioner indicates that if his husband can obtain a work permit, he would be obliged to pay an “exorbitant annual fee” of J\$108,000 for a maximum period of a year. The petitioner indicates that there is no guarantee that his husband would obtain such a work permit and, additionally, states that generally, when he returns to Jamaica to attend to his parents, that his husband would be an indispensable source of emotional, financial, and physical support, particularly in the absence of any other family members in Jamaica (other than his parents). The petitioner also indicates that he would be reliant on his husband for personal protection, having regard for the security protocol that his husband had previously established for the petitioner (for previous visits to Jamaica).

5. The petitioner submits that the constitutional ban on same-sex marriages is immune from any legal or constitutional challenge. According to the petitioner section 18(2) of the Charter forms part of the Constitution of Jamaica and no domestic court can overturn a provision of the Constitution itself. The rights mentioned by the petitioner in this regard, include the right to freedom from discrimination; the right to respect for physical, mental, and moral integrity; the right to liberty; the right to a hearing for determination of rights; the right to privacy; the right to freedom of expression; the right to family life; the right to equal protection before the law; and the right to judicial protection.

Absence of domestic remedies/entitlement to exemption from requirement to exhaust domestic remedies

6. Having regard for the foregoing, the petitioner argues that Jamaican law does not afford due process of law for protection of the rights that have allegedly been violated. Further the petitioner argues that the law of Jamaica denies a remedy for the violation of said rights. Accordingly, the petitioner submits that an exemption from the requirement to exhaust domestic remedies is warranted under either or both Articles 31(2)(a) and 31(2)(b) of the Commission’s Rules of Procedure.

7. The petitioner also submits that the petition has been submitted within a reasonable time pursuant to Article 32(2) of the Commission’s Rules of Procedure. In this respect, the petitioner contends that the existence of section 18 (2) of the Charter gives rise to a continuing human rights violation, and that this situation is compounded by the fact that this provision is shielded from any legal challenge.

8. In support of his claims, the petitioner relies on domestic and international jurisprudence, including Advisory Opinion OC-24/17 of the Inter American Court of Human Rights⁷ (the Court). In this respect the petitioner notes that the Court, at paragraph 227 stated that: “... States that do not yet ensure the right of access to marriage to same-sex couples are obliged not to violate the provisions that prohibit discriminating against them and must, consequently, ensure them the same rights derived from marriage in the understanding that this is a transitional situation.” The petitioner also notes that the Court indicated at paragraph 228 (of the Advisory Opinion) that: “States must ensure access to all the legal institutions that exist in their domestic laws to guarantee the protection of all the rights of families composed of same-sex couples, without discrimination in relation to families constituted by heterosexual couples. To this end, States may need to amend existing institutions by taking administrative, judicial, or legislative measures in order to extend such mechanisms to same-sex couples. States that encounter institutional difficulties to adapt the existing provisions, on a transitional basis, and while promoting such reforms in good faith, still have the obligation to ensure to same-sex couples, equality, and parity of rights with respect to heterosexual couples without any discrimination.”

State rejects petition as inadmissible – non-recognition of same-sex marriage by American Convention

9. In essence, the State rejects the petition as inadmissible, principally on the ground that the American Convention does not recognize a right to same sex marriage. The State submits that the only right to marry that is recognized in the American Convention is the right of a man to marry a woman and vice versa.

⁷ I/A Court H.R., Gender identity, and equality and non-discrimination regarding same-sex couples. State obligations in relation to change of name, gender identity, and rights deriving from a relationship between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1, of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24

Accordingly, for the State, any alleged right to same-sex marriage or like relationships is outside the scope of both the American Convention and the Commission's jurisdiction *ratione materiae*.

State claims that petition is manifestly groundless

10. Further and in the alternative, the State submits that the claims in the petition are manifestly groundless. In this regard, the State contends that the non-recognition of same sex marriage by the American Convention means that even assuming the material facts alleged in the petition to be true, they do not tend to establish a violation of any of the rights protected by the American Convention.

11. The State argues that the issue of whether the purported right to same-sex marriage exists in the American Convention, ultimately turns on the interpretation of Article 17(2)⁸, the only place where the right to marry is recognized in the American Convention. The State asserts that Article 17(2) should be interpreted in accordance with the general rule of interpretation established by Article 31(1) of the Vienna Convention on the Law of Treaties ("VCLT"). This provision states that: "a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose." For the State, the application of this rule of interpretation to Article 17(2) yields the result that the American Convention recognizes heterosexual marriages, but not same sex marriages. The State notes that the Commission has declared that: "...in view of the *pro personae* principle and the progressive development of international human rights standards on the subject, it is possible to affirm the existence of an international obligation to recognize unions of persons of diverse sexual orientation or gender identity...⁹. However, the State invites the Commission not to apply this position as far as it suggests that the American Convention recognizes a right to same-sex marriage or like unions or that there is an international obligation to recognize same sex marriages (in violation of the rules of treaty interpretation prescribed by the VCLT).

The State contends that the American Convention recognizes only heterosexual marriages

12. The State also submits that Article 17(2) establishes the "minimum core" of the right to marry or the base from which States may operate from, *i.e.*, the right of a man to marry a woman and vice versa. Accordingly, the American Convention does not recognize a right to same-sex marriage, nor does it impose an obligation on States to recognize same-sex marriage. In this regard, the State contends that the American Convention only imposes an obligation to protect heterosexual marriages (and not same sex marriages).. Generally, the State submits that section 18 of the Charter/Constitution of Jamaica, is in conformity with the American Convention, given that the American Convention recognizes only heterosexual marriages.

13. The State notes that the principle of non—discrimination is an important component of the American Convention (including Article 17(2) thereof). However, the State submits that the principle of non-discrimination cannot alter the fact that Article 17(2) manifestly establishes the minimum core of the right to marry as being for men and women (or a man and a woman) and not any two persons. The State further argues that as discrimination requires an adverse impact on a human right, the absence of a right to same-sex marriage entails that the failure to recognize such a concept of marriage is not a form of discrimination.

14. The State contends that there was no contemplation of same sex unions being included in the concept of "family" at the time of the adoption of the American Convention. Thus, it is submitted that only a subsequent international development, of at least of a regional customary norm, can justify interpreting the word "family" as necessarily including same-sex couples. The State indicates that the Commission, in 2018, identified only eight (8) States of the thirty-five (35) States of the Organization of American States ("OAS"), which recognize same-sex marriage¹⁰. Accordingly, for the State, there are too few States in the OAS that

⁸ Article 17 (2) of the American Convention provides: "The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention."

⁹ IACHR, Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas, December 7, 2018, OEA/Ser.L/V/II.170, para. 223.

¹⁰ Citing IACHR, Advances and Challenges towards the Recognition of the Rights of LGBTI Persons in the Americas, December 7, 2018, OEA/Ser.L/V/II.170, para.224.

recognize same-sex marriage or comparable relationships for same-sex couples in their concept of a family, to support a conclusion that a regional norm or custom has evolved in this way. The State maintains that even if a rule of custom were to emerge recognizing a right to same-sex marriage this would not automatically alter the minimum core of the right to marry in the American Convention (heterosexual marriage), as established in its text. The State therefore concludes that, considering the foregoing, the concept of "family" fails to provide a compelling basis for inferring the existence a right to same-sex marriage or for departing from the ordinary meaning of Article 17(2) of the American Convention.

Petitioner rejects State's position that petition is inadmissible/that American Convention does not apply to same sex marriage

15. The petitioner rejects the State's contention the petition is inadmissible, and more particularly the State's contention that the American Convention does not recognize a right to same-sex marriage. To the contrary, the petitioner argues that the American Convention (if properly interpreted) American Convention recognizes a right to same-sex marriage. In this regard, the petitioner argues: Firstly, the petitioner rejects the State's argument that the principle of *pro personae/pro homine* and the "evolutionary" interpretation of treaties were never intended to function as a substitute for the rules of treaty interpretation laid down in Article 31 of the Vienna Convention on the Law of Treaties ("VCLT"). The petitioner acknowledges that the principle of *pro homine* cannot displace other methods of interpretation. However, the petitioner argues that the VCLT does not preclude the *pro homine* principle from being applied in the present case in conjunction with other methods of interpretation. The petitioner further argues that the *pro homine* principle is expressly contained in the specific interpretation standards set out in Article 29 of the American Convention; and that the Inter American Court of Human Rights ("the Court") has repeatedly indicated that human rights treaties are living instruments, the interpretation of which must evolve with contemporary conditions¹¹.

16. Contrary to the State's position, the petitioner also contends that the ordinary meaning of the American Convention does not preclude a right to same-sex marriage. In this regard, the petitioner notes that the State, in reference to Article 17(2) of the American Convention used the words "the right of men to marry women and vice versa" as if this were the language of s. 17(2). The petitioner points out that the actual words used in Article 17(2) are "the right of men and women of marriageable age to marry and raise a family." In this respect, the petitioner submits that the actual words of s. 17(2) equally could be read to mean the "right of men and the right of women of marriageable age to marry and raise a family", without reference to the sex of the person they may marry. The petitioner notes that the State interprets Article 17(2) as referring only to a heterosexual concept of marriage. However, the petitioner argues that Article 17(2) does not specifically reference either opposite sex or same-sex marriage.

17. In this context, the petitioner rejects the State's argument that Article 17(2) establishes a "minimum core" of the right to marry under the American Convention which does not include same-sex marriage. The petitioner argues that even if the State had established that the "ordinary meaning" of Article 17(2) were limited to opposite sex marriage (which it has not), and even if the State could establish that its interpretation of "ordinary meaning" trumps all other principles of treaty interpretation (which it cannot), there is no foundation for its argument that the State must provide only this "minimum core" protection (and that it cannot be required to provide any protections beyond this minimum core). In this regard the petitioner rejects the State's argument that the domestic prohibition of same-sex marriage disqualifies the petitioner from any relief under any of the provisions of the American Convention. The petitioner further asserts that the State's argument is contrary to the decision of the Court in its Advisory Opinion OC-24/17 of November 24, 2017¹², as well as the principle of *pro personae/pro homine*.

¹¹ In this respect, the petitioner cites I/A Court H.R., Gender identity, and equality and non-discrimination regarding same-sex couples. State obligations in relation to change of name, gender identity, and rights deriving from a relationship between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1, of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24

¹² I/A Court H.R., Gender identity, and equality and non-discrimination regarding same-sex couples. State obligations in relation to change of name, gender identity, and rights deriving from a relationship between same-sex couples (interpretation and scope of Articles
[continues ...]

18. The petitioner rejects the State's position that the principle of non-discrimination under the American Convention applies only to the right to marry as between a man and a woman, and not to same sex marriages. In this respect, the petitioner argues that the principle of non-discrimination is found in Articles 1 and 24 of the American Convention. The petitioner further submits that (a) Article 1 mandates state parties to "respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms" without discrimination for the enumerated grounds or "any other social condition."; and (b) Article 24 states that "all persons are equal before the law" and are thus entitled to protection of the law without discrimination.

19. The petitioner further submits that Article 17(2) of the American Convention protects the right to marry, writ large, without discrimination: "The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention". Accordingly, the petitioner submits that such domestic laws cannot permissibly infringe the principle of non-discrimination. In this context, the petitioner further argues that the context, object, and purpose of the American Convention supports the existence of the right to same-sex marriage, within the concept of family (as set out in Article 17 (2)). The petitioner indicates that this is in keeping with an evolutionary approach that recognizes that human rights treaties are living instruments, the interpretation of which must evolve with the time and present-day conditions. In this regard the petitioner argues that even if the drafters of the Convention did not contemplate same-sex marriage when writing Article 17(2), "the Convention confers on the States and the Court the task of identifying and protecting the scope [of the rights protected] in accordance with the passage of time"¹³. Having regard for the foregoing, the petitioner rejects the State's contention that a right to same-sex marriage would require an agreement of parties to the American Convention or the evolution or existence of a regional norm or custom.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

20. According to the petitioner, the Constitution of Jamaica bans the recognition of same sex marriages and further, immunizes such a ban from any judicial challenge. In the circumstances, the petitioner contends that Jamaican law does not afford due process of law for protection of the rights that have allegedly been violated. Accordingly, the petitioner submits that an exemption from the requirement to exhaust domestic remedies is warranted under either or both Articles 31(2)(a) and 31(2)(b) of the Commission's Rules of Procedure.

21. The Commission notes that the State has not challenged or disputed the position of the petitioner regarding the constitutional ban on same-sex marriage or its immunity from legal challenge. It might be worth emphasizing that the Jamaican Constitution establishes marriage as heterosexual only; and that it bans any judicial challenges to this definition. Therefore, the Commission considers that the petition qualifies for the exception to the requirement of prior exhaustion of domestic remedies set forth in Articles 31(2)(a) of the Commission's Rules of Procedure. Likewise, the Commission finds that the petition was filed in a reasonable time, as some consequences of the alleged complaints persist, and therefore the admissibility requirement of timeliness established in Article 32 (2) of the Commission's Rules is met.

VII. ANALYSIS OF COLORABLE CLAIM

22. This petition raises several claims based on the constitutional ban on the recognition of same sex marriages in Jamaica. In this regard, the petitioner wishes to repatriate to Jamaica with his husband to take care of his ailing parents but claims that he is unable to do so because the Jamaican constitution prevents him

1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1, of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24.

¹³ Citing I/A Court H.R., Gender identity, and equality and non-discrimination regarding same-sex couples. State obligations in relation to change of name, gender identity, and rights deriving from a relationship between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1, of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24, para. 193.

from doing so, thus impinging on various rights, including the right to due process, and the right to family. On the other hand, the State contends that the American Convention (particularly Article 17) does not incorporate any right to same-sex marriage, and that accordingly, the claims set out in the petition are ultimately manifestly groundless, and therefore inadmissible.

23. For the purpose of admissibility, the Commission is not required to establish the actual existence of a violation of rights, but simply to conduct a *prima facie* evaluation to determine whether the petition establishes the legal grounds for a possible or potential violation of a right enshrined by the Convention. With respect to the instant petition, the Commission observes that as a general principle, the American Convention prohibits discrimination of any kind; and that this includes any discriminatory norm, act or practice based on a person's sexual orientation, gender identity or gender expression¹⁴. In this regard, the Commission takes note of the observations of the Inter American Court of Human Rights (Advisory Opinion OC-24/17) that:

“...the Court considers that, provided there is an intention to enter into a permanent relationship and form a family, ties exist that merit equal rights and protection whatever the sexual orientation of the parties (Articles 11(2) and 17)”¹⁵ [of the American Convention]; and

“...States must ensure access to all the legal institutions that exist in their domestic laws to guarantee the protection of all the rights of families composed of same-sex couples, without discrimination in relation to families constituted by heterosexual couples.”¹⁶

24. Having regard to these considerations, as well as the arguments advanced by the parties, the Commission finds that the allegations regarding the constitutional ban on, and lack of recognition of same-sex marriages, together with the alleged consequences of that legal status quo could, if proved, establish possible violations of the rights established in Articles 8 (fair trial), 11 (privacy), 13 (freedom of thought and expression), 17 (of the family), 24 (equal protection), and 25 (judicial protection) of the American Convention in conjunction with Articles 1.1 (obligation to respect rights) and 2 (domestic legal effects) thereof. In relation to Articles 5 (right to humane treatment) and 7 (right to liberty) of the American Convention, the Commission considers that the petitioner has not provided sufficient information to demonstrate a *prima facie* violation (of these Articles); regarding the victims duly identified in this report.

25. Accordingly, the Commission finds the petition's claims inadmissible in relation to Articles 5 and 7 of the American Convention.

VIII. DECISION

1. To find the instant petition admissible in relation to Articles 8, 11, 13, 17, 24, and 25 of the American Convention in conjunction with Articles 1.1 and 2 thereof;

2. To find the instant petition inadmissible in relation to Articles 5 and 7 of the American Convention; and

3. To notify the parties of this decision; to continue with the analysis on the merits; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

¹⁴ See generally, IACHR, Recognition of the Rights of LGBTI Persons, OEA/ser.L/V/II.170, Doc. 184, 7 December 2018, para.34.

¹⁵ I/A Court H.R., Gender identity, and equality and non-discrimination regarding same-sex couples. State obligations in relation to change of name, gender identity, and rights deriving from a relationship between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1, of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24, para. 225.

¹⁶ *Ibid.* para. 228

Approved by the Inter-American Commission on Human Rights on the 23rd day of the month of November, 2022. (Signed:) Julissa Mantilla Falcón, President; Joel Hernández, Roberta Clarke y Carlos Bernal, Commissioners.