

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS *
OF NOVEMBER 26, 2013**

CASE OF ATALA RIFFO AND DAUGHTERS v. CHILE

MONITORING OF COMPLIANCE WITH JUDGMENT

HAVING SEEN:

1. The Judgment on the merits, reparations and costs (hereinafter “the Judgment” or “the Ruling,”) rendered by the Inter-American Court of Human Rights (hereinafter “the Inter-American Court,” “the Court” or “the Tribunal”) on February 24, 2012. In this Judgment, the international responsibility of Chile was established (hereinafter “the State” or “Chile”) for the discriminatory treatment and arbitrary interference in the private and family life of Ms. Atala due to her sexual orientation in the legal process that resulted in the loss of custody and care of her daughters M., V. and R.. Thus, the Court declared Chile internationally responsible for violations against: i) the right to equality and non-discrimination enshrined in Article 24 (equal protection), in relation to Article 1(1) (obligation to respect rights) of the American Convention, to the detriment of Karen Atala Riffo; ii) the right to equality and non-discrimination enshrined in Article 24 (equal protection), in relation to Articles 19 (rights of the child) and Article 1(1) of the American Convention, to the detriment of girls M., V. And R.; iii) the right to private life enshrined in Article 11(2) (right to privacy), in relation to Article 1(1) of the American Convention, to the detriment of Karen Atala Riffo; iv) Articles 11(2) (right to privacy) and 17(1) (rights of the family), in relation to Article 1(1) of the American Convention to the detriment of Karen Atala Riffo and daughters M., V. and R.; v) the right to a hearing, enshrined in Article 8(1) (right to a fair trial [judicial guarantees]), in relation to Articles 19 (rights of the child) and 1(1) of the American Convention to the detriment of M. V. and R., and vi) the right to the judicial guarantee of impartiality enshrined in Articles 8(1), in relation to Article 1(1) of the American Convention, in regard to the disciplinary investigation, to the detriment of Karen Atala Riffo.

2. The following reparations were ordered in the Judgment:

1. This Judgment constitutes *per se* a form of reparation.
2. The State shall provide medical and psychological or psychiatric care, free of charge and in an immediate, appropriate and effective manner, through its specialized public health institutions to those victims who so request it, [...] this Judgment.
3. The State shall issue the publications indicated in [...] this Judgment, within a period of six months as of notification of this Judgment.
4. The State shall hold a public act of acknowledgment of international responsibility with regard to the facts of this case, in [...] this Judgment.

* Judge Eduardo Vio Grossi, of Chilean nationality, did not participate in the hearing and deliberation of this Order, pursuant to that provided in Article 19(2) of the Court’s Statute and 19(1) of the Rules of Procedure of the Court.

5. The State shall, within a reasonable period of time, continue to implement permanent education programs and training courses directed at public officials at the regional and national levels, and particularly judicial officials in all areas and at all levels of the Judicial Branch, in [...] this Judgment.
6. The State shall pay the amounts stipulated in [...] this Judgment, as compensation for pecuniary and non-pecuniary damages and reimbursement of costs and expenses, as corresponds, under the terms and conditions stated in [...]this Judgment.

3. The Judgment Requesting Interpretation of the Judgment on the Merits, Reparations, and Costs of November 11, 2012 (hereinafter “the Request for Interpretation”), wherein the Inter-American Court decided:

1. To declare admissible the request for interpretation of paragraphs 71, 255, 299 and 313 of the Judgment on Merits, Reparations and Costs in the present case, submitted by the representative of the victims, under the terms of paragraph 21 of this Judgment on Interpretation.
2. To determine by way of interpretation the meaning and scope of the provisions contained in the Judgment on Merits, Reparations and Costs, regarding the reparations for non-pecuniary damage, under the terms of paragraph 21 of this Judgment on Interpretation.
3. To reject the request for interpretation of Judgment submitted by the representatives of the victims, regarding the rehabilitation measure of medical and psychological assistance, in accordance with paragraphs 26 to 28 of this Judgment.
4. To reject the request for interpretation of Judgment submitted by the representatives of the victims, regarding the payment of fees and expenses, in accordance with paragraphs 32 to 34 of this Judgment.

4. In particular, in paragraph 21 of the Request for Interpretation, the Court noted that:

there is a difference between the mode of compliance with the compensation for non-pecuniary damage addressed in paragraphs 299 and 313, and the rest of the reparations ordered [...]. In this respect, the Court specifies by way of interpretation that the compensation granted must be awarded under the terms established in paragraph 313 of the Judgment, and that therefore the State shall deposit the funds in the aforementioned financial institution, without the requirement to obtain the free opinion of the girl V., bearing in mind that those funds may be withdrawn by the beneficiaries when they come of age. As to the other measures of reparation ordered in favor of the girl V., these shall require her free opinion.

5. The briefs of April 9, 2013, and June 11, 2013, wherein the State made reference to compliance with the Judgment.

6. The briefs of May 30, 2013, and July 19, 2013, wherein the representatives of the victims (hereinafter “the representatives”) presented their observations to the State’s briefs.

7. The brief of August 7, 2013, wherein the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission” or “the Commission”) presented their observations to the information provided by the State and representatives.

CONSIDERING THAT:

1. One of the inherent attributes of the jurisdictional functions of the Court is to monitor compliance with its decisions.

2. As established in Article 67 of the American Convention, the State must comply fully and promptly with the judgments of the Court. Also, Article 68(1) of the American Convention stipulates that “[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties.” To this end, the State

must ensure implementation at the national level of the Court's decisions in its judgments.¹ The obligation to fulfill that provided by the Court includes the State's duty to inform the Court of the measures adopted to comply with the rulings of the Court. The prompt implementation of the State's obligation to report to the Court on how each aspect ordered by the Court is being fulfilled is essential in order to assess the status of compliance with the Judgment as a whole.²

3. The obligation to comply with the decisions in the Court's judgments corresponds to a basic principle of the law of the international responsibility of the State, supported by international case law, according to which, States must comply with their international treaty obligations in good faith (*pacta sunt servanda*) and, as this Court has already indicated and as established in Article 27 of the 1969 Vienna Convention on the Law of Treaties, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty³. The treaty obligations of the States Parties are binding for all the powers and organs of the State.⁴

4. The States Parties to the Convention must ensure compliance with its provisions and their inherent effects (*effet utile*) within their respective domestic legal systems. This principle is applicable not only with regard to the substantive norms of human rights treaties (that is, those which contain provisions concerning the protected rights), but also with regard to procedural norms, such as those referring to compliance with the decisions of the Court. These obligations must be interpreted and applied so that the protected guarantee is truly practical and effective, bearing in mind the special nature of human rights treaties.⁵

A. *Obligation to provide medical and psychological or psychiatric care, free of charge and in an immediate, appropriate and effective manner, through its specialized public health institutions to those victims who so request it, under the terms of paragraphs 254 and 255 of the Judgment (operative paragraph two)*

¹ Cf. *Case of Baena Ricardo et al. V. Panamá. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 60, and *Case of Castañeda Gutman V. México. Monitoring of Compliance with Judgment*. Order of the Inter-American Court of Human Rights of August 28, 2013, Considering clause three.

² Cf. *Case of Five Pensioners V. Perú. Monitoring of Compliance with the Judgment*. Order of the Inter-American Court of Human Rights of November 17, 2004, Considering clause 5, and *Case of Kimel V. Argentina. Monitoring of Compliance with the Judgment*. Order of the Inter-American Court of Human Rights of February 5, 2013, Considering clause 2.

³ Cf. *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention* (Arts. 1 and 2 American Convention on Human Rights). Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, para. 35, and *Case of Vélez Loo V. Panamá. Monitoring of Compliance with the Judgment*. Order of the Inter-American Court of Human Rights of February 13, 2013, Considering clause 3.

⁴ Cf. *Case of Castillo Petruzzi et al. V. Perú. Monitoring of Compliance with Judgment*. Order of the Inter-American Court of Human Rights of November 17, 1999, Considering clause three, and *Case of Vélez Loo V. Panamá. Monitoring of Compliance with the Judgment*. Order of the Inter-American Court of Human Rights of February 13, 2013, Considering clause 3.

⁵ Cf. *Case of Ivcher Bronstein V. Perú. Competence*. Judgment of the Inter-American Court of Human Rights of September 24, 1999. Series C No. 54, para. 37, and *Case of Vélez Loo V. Panamá. Monitoring of Compliance with the Judgment*. Order of the Inter-American Court of Human Rights of February 13, 2013, Considering clause 3.

5. The State noted in regard to the medical care offered to Ms. Atala, that "the [...] Director of Eastern Metropolitan Health Services, sent a letter dated January 28, 2013, to [Ms.] Atala [to...] coordinate a first session with a doctor." Notwithstanding, in a meeting held on March 14, 2013, between Ms. Atala, her representatives, the Minister of Justice, and the Subsecretary of Justice, the victim expressed that "she would not make use of these medical services, because she has been with the same private doctor for several years and she considered it would be to her detriment to relive episodes she has already discussed with her doctor." After hearing her reasoning, the State informed Ms. Atala that "nevertheless those services would be at her disposition if she so desired to make use of them."

6. In regard to the girls M. and R., the State reported that on March 8, 2013, the representative of the girls reported that the girls wanted to make use of the benefits that were being offered to them. In regard to M., the State reported that "[t]he first session took place on May 29 of that year, and it was established that she would be treated by a psychiatrist [...]. On Tuesday June 4, by way of electronic mail, she was informed that "she had been given another appointment. In regard to girl R., the State noted that "in a meeting held with [Ms.] Atala's representatives in the month of March, taking into account that the minor still lives with her father [...] and that he has been reluctant to collaborate with the Court's order, it was decided by all to not insist on treatment in order to avoid conflict with her father, which could adversely affect the daily life of the minor."

7. In regard to girl V., the State reported that it carried out "an interview protocol that ensured the free opinion of the girl regarding whether she wanted to be considered an injured party." Once the protocol was established, the State added that it resumed contact with the father of the minor, who requested "that all the documents on the interview be sent to him in order to analyze them and respond to the petition." The State expressed that on March 5, 2013, it once again made contact with the father, but so far, this effort has been unsuccessful.

8. The representatives stated, regarding the medical care of Ms. Atala, that she had requested the State to pay for her consultations with the private psychiatrist that she has seen for a long time. As such, currently, the representatives await "a timely and favorable response in regard to whether the State of Chile can assume the economic costs of such care as a measure of reparation."

9. The representatives reported that "the State has not been able to interview girl V. The steps taken by State agents to seek the cooperation of the father of the girl [...] have not had positive results." In regard to the girl R., the representatives stated that, as with the girl V., the father of the two girls "is reluctant and has not provided any collaboration that would allow the girls to have access" to medical care. Therefore, the representatives requested that "this Court confirm that the four-year period established in the [J]udgment for each of the girls start to run from the time they have effective access to the ordered measures. If there is no access to these health benefits before they reach a legal age, which may occur if there is no collaboration by the legal custodian, V. and R. may have access to the services once they reach adulthood, time at which V. may decide to access those services without a prior interview with the State."

10. In regard to M., the representatives stated that after the first session with the medical psychiatrist "the subsequent sessions have had some irregularities, such as changing the attending psychiatrist, confirming appointments without informing ahead of time, long waits and very short sessions, requests to resubmit information that had previously been requested, among other difficulties. These difficulties need to be solved so

that the medical care provided to girl M. can effectively comply with the measures of reparation.”

11. The Commission considered that in regard to Ms. Atala’s request that the State bear the cost of private psychiatric medical treatment, that it “expects the State to respond favorably to Ms. Atala’s response” since “the implementation of this measure of reparation, in order that it be effective, focus on the particular needs of the victim.” In regard to M., the Commission noted “the dissatisfaction expressed by the representatives of the victims regarding the quality of the sessions and other aspects of the service. As such, the Commission expects that stemming from this information, the State take the necessary corrective measures to overcome these shortcomings.” As to the girls V. and R., the Commission found that “the State must continue to use all efforts within its reach, as well as reiterate the request for authorization from V.[and R’s] father in order to carry out the interview, so as to determine the nature of [V] as an injured party and so that R can make use of the medical care requested. In addition, the Commission found that “the suggestion made by the representatives of letting the period established by the Court run as of the moment that the girls reach adulthood is reasonable.”

Considerations of the Court

12. In paragraphs 254 and 255 of the Judgment,⁶ the Court ordered the State to provide them, freely and immediately, with appropriate and effective medical and psychological care for up to four years. The Court specifically noted that: i) the psychological treatment must be provided by State institutions and personnel specialized in treating victims of acts such as those that occurred in the instant case; ii) when providing said treatment, the specific circumstances and needs of each victim must be take into account, so that they are offered family and individual treatment, as agreed upon with each one, after an individual evaluation; iii) the treatments must include the provision of medicines and, where appropriate, transportation or other expenses that are directly related and are strictly necessary, and iv) in particular, and where possible, the treatment must be provided at the health centers nearest to the victims’ places of residence..

13. On the other hand, in paragraph 71 of the Judgment, the Court decided that “for the purposes of reparations, the competent national authority for children must privately confirm the girl V’s free opinion regarding whether she wishes to be considered as an injured party.” This was ratified in paragraph 20 of the Request for Interpretation, wherein the Court reiterated that:

Bearing in mind the provisions made in the above paragraphs, the Court considers it is clear that, for the purposes of reparations, it ordered the competent national authority for children to privately confirm the girl V’s free opinion regarding whether she wishes to be considered as an injured party. In this regard, it should be noted that although the Judgment did not establish a specific procedure for obtaining her opinion, it did state that this should be done privately. Furthermore, the Judgment provided specific guidelines on the considerations to be taken into account in order to ensure a child’s right to be heard. In particular, the Judgment described the way in which the proceeding was conducted by this Court with the girls M. and R. in paragraphs 68 and 69 thereof, and in the section entitled “Right of the girls M., V. and R. to be heard and have their opinions taken into consideration” it explained in detail the provisions concerning a child’s right to be heard, in order to ensure that the child’s intervention is in line with these conditions and does not harm his or her genuine interest. Therefore, the Court considers that there is no doubt that the State was ordered to obtain girl V’s free opinion regarding whether she wishes to be considered as an injured party.

⁶ Cf. *Case of Atala and Daughters V. Chile. Merits, Reparations, and Costs*. Judgment of February 24, 2012, Series C No. 254, Para. 254 and 255.

14. From the information provided by the State, as well as the observations submitted by the representatives and the Commission, the Court considers it necessary for the assessment on compliance with this operative paragraph that the situation of each of the victims declared in this case be considered.

15. First, with respect to Ms. Atala, the Court takes note of the request she made regarding her hope that the State cover the psychiatric treatment that she receives in a private office. In this regard, the Court is awaiting information and arguments submitted by the State on this request.

16. In regard to M., the Court takes note of the observations submitted by the representatives and the Commission regarding the medical and psychological services that she is currently receiving from the State and, therefore, requests that the State provide updated information on the steps that through the competent institutions it is implementing to carry out the effective psychiatric treatment as established by the Court in its Judgment.

17. In regard to the situation of girl R., the Court notes that she is willing to receive medical and psychological care, but there are problems with the implementation of the services. In this regard, the Court wishes to clarify that the four-year provision of medical and psychological care ordered in the Judgment will begin to run when girl R. begins to receive it. However, it is not possible, as stated by the representatives, for the measure to be postponed until girl R. comes of age, since accepting the abovementioned would run counter to the provisions in the Judgment, in that the treatment should be immediate.⁷

18. Finally, in regard to the situation of girl V., the Court appreciates the efforts undertaken by the State in order to establish the free opinion of girl V. on whether she wishes to be considered an injured party. In particular, the Court highlights the protocol drafted by experts of the National Youth Service of Chile,⁸ which establishes a procedure to carry out the interview with girl V. Notwithstanding the foregoing, the Court recalls that it is necessary that the will of girl V. be established, otherwise it is not possible to monitor compliance with the measure of reparation that was ordered in her favor, reason for which, it urges the State to implement the protocol that was designed for that purpose. Moreover, the Court wishes to emphasize that, as in the case of girl R., the four years established in the Judgment for the provision of medical and psychological care in favor of girl V. would begin to run as of the moment she actually receives it and if she so desires it.

B. Obligation to issue the publications indicated in paragraph 259 of this Judgment, within a period of six months as of notification of the Judgment (operative paragraph three).

19. The State noted that in regard to the publication of the Judgment on an official website that "it is available on the official website of the Ministry of Justice, with direct access from the home page of that site, continuously as of April 23, 2012[, which can be verified] using the following links:

⁷ Similarly, *Case of Atala Riffo and Daughters V. Chile. Request for Interpretation of the Judgment on the Merits, Reparations, and Costs*. Judgment of November 21, 2012. Series C No. 254, paragraph 27.

⁸ Cf. Protocol called "procedures for interview in compliance with the Order of the Inter-American Court of Human Rights" (case file on monitoring compliance, tome I, folios 269).

- www.minjusticia.gob.cl
- www.minjusticia.gob.cl/images/stories/bannersenlaces/oficioinstructor/atala%20sentencia%20integra.pdf

20. As for the one-time official publication of the summary by the Court in the Official Gazette, the State reported that “[t]he fulfillment of this obligation was carried out in the publication of the official summary of the Judgment on May 7, 2012, in the Official Gazette of the Republic of Chile.” In regard to the publication of the official summary prepared by the Court, once only, in a national newspaper, the State indicated that “it was published in one of the newspapers of broad national circulation (El Mercurio) on September 10, 2012, on a full page.”

21. In this regard, both the representatives as well as the Commission noted their conformity in relation to this point and confirmed the State’s compliance.

Considerations of the Court

22. In the Judgment, the Court noted that the State must publish: i) the official summary of the Judgment written by the Court, once only, in the Official Gazette; the official summary of the Judgment written by the Court, once only, in a newspaper of broad national circulation, and iii) on a government website for a period of one year.

23. In accordance with that which was noted by the parties and the Commission, the Court finds that the State has published the Judgments ordered by the Court.⁹ Therefore, the Court declares that the obligation established in operative paragraph three of the Judgment has been fulfilled by the State.

C. Obligation to carry out a public act of acknowledgment of international responsibility with regard to the facts of this case, under the terms of paragraphs 263 and 264 of the Judgment (operative paragraph four)

24. The State reported that on December 14, 2012, a public act of acknowledgment of international responsibility was carried out at the Ministry of Foreign Affairs in Santiago, Chile. The State commented that “[t]he event had a wide coverage in print media as well as radio, television, and internet.” It added that “[t]he ceremony was chaired by the Minister of Justice and attended by high-ranking officials such as Ministers of State, the President of the Supreme Court and Ministers of that Honorable Court, Ministers of the Court of Appeals of Santiago and the Constitutional Court, representatives of the diplomatic corps of the countries of the Organization of American States, representatives of LGBTI organizations, and personal guests of [Ms.] Atala.”

25. At said event, the State expressed that “[r]eiterating the will of the State of Chile regarding the protection of human rights, the promotion of a culture of respect and non-discrimination as an essential pillar of a modern and inclusive democracy, the Minister of Justice referred to the bill introduced in March 2012, which seeks to create a Human Rights Subsecretariat. This Subsecretariat [would] be the body responsible for proposing and coordinating public policies in the field of human rights.”

⁹ Copy of the Official Gazette of the Republic of Chile of May 7, 2012 (case file on monitoring compliance with judgment, tome I, folios 295 to 298) and Copy of body C of the newspaper El Mercurio dated September 10, 2012, (case file on monitoring compliance, tome I, folios 300 and 301).

26. On the other hand, the representatives and the Commission agreed that the State has fulfilled the obligation imposed on it in the Judgment on this matter. The Commission also expressed “its satisfaction with the attendance of high-ranking officials at the event on December 14, 2012, the active participation of Ms. Atala at the event, and the broad participation of representatives of civil society.”

Considerations of the Court

27. The Court recalls that in paragraph 263 of the Judgment, it was established that when carrying out the act of acknowledgment: i) the State shall make reference to the human rights violations described in this Judgment; ii) the State shall ensure the participation of those victims who wish to be present, and shall invite the organizations that represented the victims in national and international proceedings, and iii) the conduct and other details of the public ceremony shall be duly discussed in advance with the victims’ representatives.

28. First, the Court notes and appreciates the information provided by the State on the efforts it took to coordinate and carry out prior consultations about the act of acknowledgment in this case, to the extent that fluid communication was established with the representatives in order to determine issues such as the place, the high-ranking officials that would represent the State, the musical act that took place, the people and organizations that would be invited to the event, the date and time thereof, and the manner in which the event would be disseminated.¹⁰ The foregoing sets an example in the organization and coordination of such events.

29. Second, the Court finds that the State provided a number of documents,¹¹ videos and photographs,¹² which demonstrate that the State effectively carried out the public act of acknowledgment of international responsibility in accordance with what was stated in the Judgment. In this regard, the Court considers that the act carried out by Chile was appropriate and proportional to the violations for which reparation was sought. Moreover, the Court also highlighted the attendance of high-ranking State authorities at the act of acknowledgment. In light of the abovementioned, it appreciates the efforts of the State and considers that operative paragraph four of the Judgment has been fully satisfied.

D. Obligation to implement, within a reasonable period of time, permanent education programs and training courses directed at public officials (operative paragraph five).

30. The State reported that “on December 6 and 7, 2012, the Academy Training Course was held. This course was given by representatives of the Regional Office for South America of the United Nations High Commissioner for Human Rights (OHCHR). It was carried out in eight modules in which fundamental concepts of human rights in the United Nations system were discussed.” It added that “[i]n this line of work together between OHCHR and the

¹⁰ State brief of April 9, 2013 (case file on monitoring compliance, tome I, folios 229 to 235).

¹¹ Cf. Transcript of speech by Ms. Atala Riffo in the public act of acknowledgment of December 14, 2012 (case file on monitoring compliance, tome I, folios 330 to 338).

¹² Photographs of the act of acknowledgment of responsibility of December 14, 2012 (case file on monitoring compliance, tome I, folios 237 to 242), and compact disc with the recording of the public act of acknowledgement of responsibility of the State of December 14, 2012 (case file on monitoring compliance, tome I, folio 324).

Judicial Academy on February 8, [2012], a pact was made with the intention of cooperating to strengthen the institutional relationship in initiatives aimed at the promotion and protection of human rights. Both institutions agreed to jointly carry out an advanced course called "Judicial use of international law of human rights by judicial officers' for judges across the country between August 26 and 30, 2013, in Santiago."

31. In addition, the State noted that "[f]or the 2013 academic year, the Judicial Academy h[ad] considered the following training courses for officers of the primary eschelon of the Judiciary: During April 23, 24, and 25, of that year, the course "Applying International Law' would be held with the objective that the attendees learn, analyze and discuss the basic principles that make up the protection of rights that are essential for all human beings in the international order, particularly those stemming from the perspective of the American Convention on Human Rights and the Inter-American Court of Human Rights. This course would be held in the city of Talca by the University of Concepcion. Another course that would be held during the course of that year is "the Inter-American System for the Protection of Rights and Control of Conventionality, [... which] would be offered by the Center for Human Rights of the University of Chile, on May 7 to 10. Similarly, a course entitled " 'Questions on sexual identity and discrimination based on sex, gender, and sexual orientation' during the month of July [2013]. [...] Moreover, in the second semester of 2012, the Ministry of Justice sponsored a postgraduate Diploma on International Human Rights Law carried out by the OHCHR and the National Institute on Human Rights."

32. Finally, the State reported that it was organizing the "first Dialogue on non-discrimination, called 'No Discrimination: A step toward justice' [...] addressed to all national and regional directors of services dependant on and related to the Ministry (such as the Civil Registry, National Youth Service, Legal Medical Service and Gendarmerie) as well as the Ministry of Regional Secretaries, Directors of Police Investigations and Coast Guard, and the Public Criminal Defender. [...] The issues for discussion and dialogue will be addressed from the perspective of certain vulnerable groups that are most exposed to discrimination such as immigrants, people with disabilities, indigenous persons, and LGBTI persons."

33. The representatives stated that "[t]he courses the State describes relate to general issues and they are the ones that the State has been offering prior to the Judgment and which the State made reference to during the proceedings before the Commission and then before [the] Court. With one exception, these courses reaffirm traditional human rights training in which gender stereotypes are perpetuated and the problem of discrimination due to sexual orientation and gender identity is ignored." They added that the State "did not mention how it would prepare general education programs (campaigns) and specific trainings of a permanent nature, [...] nor has it indicated who the recipients of such programs would be in the State administration."

34. Given the foregoing, the representatives reiterated "their intention to actively cooperate with the State in creating permanent training programs for public officials and the Judiciary, which effectively include perspectives on gender and different sexualities. Incorporating the judgment of this case, as well as others that involve diverse sexualities, is only the first step in establishing effective trainings in these areas. It is necessary that the content be prepared by organizations that handle these issues and that they be taught by experts on human rights of LGBTI persons." Moreover, the representatives indicated that "it is important to assess the additional initiative reported by the State in its Second Brief regarding a day of dialogue [...] dealing with the greatest vulnerabilities of certain groups

such as immigrants, persons with disabilities, indigenous persons, and the LGBTI population against discrimination. However, it is important to note that a day event, lasting half a morning wherein various issues are addressed, one of which is the situation of LGBTI persons, does not constitute a permanent training program for public officials."

35. Therefore, the representatives asked the Court "to urge the State to submit short, medium, and long term education (campaign) and training plan on the rights of people of diverse sexual orientation and sexual identity." Moreover, they also asserted that "[t]he guarantees of non-repetition [impose] upon the State of Chile the permanent obligation to provide education and training to all public officials at regional and national levels of the State and particularly judicial officers of all areas and levels."

36. The Commission stated that it "agree[d] with the representatives of the victims in the sense that the courses listed by the State did not respond specifically to some of the central aspects of this measure of reparation. The first is permanence, in that they do not involve isolated initiatives but rather that they should involve a policy that is sustainable for the long-term. Another aspect is the content of the training in that it relate to the subject matter of the case for which the measure of reparation was ordered."

Considerations of the Court

37. In paragraph 271 of the Judgment, the Court ordered the State to continue implementing continuous educational programs and training courses in: i) human rights, sexual orientation, and non-discrimination; ii) protection of the rights of LGBTI community; and iii) discrimination, overcoming gender stereotypes of LGBTI persons and homophobia. Moreover, it established that the courses must be directed at public officials at the regional and national levels, and particularly at judicial officials of all areas and levels of the judicial branch.

38. In this regard, the Court takes into account the information submitted by the State on the courses that have been taught and will be taught on the subject of human rights in Chile. However, based on the information provided by the parties and the Commission, the Court considers that the State has no information to conclude that the programs offered by the State deal specifically with topics that were established in the Judgment. Moreover, the State has not submitted information that would allow the Court to assess whether these are permanent programs and courses, as well as to whom these courses are targeted. Therefore, the Court considers it necessary to continue monitoring compliance with this point, and it requires the State to submit relevant information regarding compliance with this obligation.

E. Obligation to pay the amounts stipulated in the Judgment, as compensation for pecuniary and non-pecuniary damages, and reimbursement of costs and expenses, as corresponds, within a period of one year, as of the notification of the Ruling (operative paragraph six)

39. The State reported that on October 30, 2012, the payment of compensation for pecuniary, non-pecuniary, and reimbursement of costs and expenses in favor of Ms. Atala was ordered and formal delivery of the check was made on November 13, 2012, and it was received by the representatives of the victim on November 21, 2012.

40. In regard to M., the State reported that upon reaching adulthood, M. requested that she be given a check in her name for the amount of the compensation. It added that “[i]n order to comply with M.’s wishes, of February 21, 2013, [...] the corresponding compensation was ordered. On March 4, 2013, by way of Note 04329, a check with series number 0251509 was sent on March 4, 2013, to M.”

41. In regard to the girls on R. and V., the State reported that on March 22, 2013, “it requested the State Bank to open two premium savings accounts on behalf of the two girls and it asked that conditions be established [wherein] withdrawals could only be made by the account holders when they turn 18 years old.” The State reported that “[i]n May 2013, U.S.\$10,000.00 were deposited in favor of [R. and V.], in their equivalent in Chilean pesos (\$4,696,400 pesos) in the Premium savings accounts in the State Bank.”

42. In regard to this point, the representatives expressed “their full approval with the State’s action,” and they expressed in regard to R. and V. that “a method has been sought to ensure that both R. and V. have access to their individual funds (U.S.\$10,000.00 each) when they become adults.”

43. The Commission stated that it “positively valued the progress made in compliance with the Judgment, pursuant to that noted by the State and confirmed by the representatives of the victims.”

Considerations of the Court

44. From the information provided by the State,¹³ the Court concludes that the State has fully complied with the payments for compensation for pecuniary and non-pecuniary damages and the reimbursement of costs and expenses provided in operative paragraph six of the Judgment.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of its authority to monitor compliance with its judgments under Articles 33, 62(1), 62(3), 65, 67, and 68(1) of the American Convention on Human Rights, 25(1) and 30 of its Statute and 31(2) and 69 of its Rules of Procedure,

DECIDES THAT:

1. Pursuant to that noted in the considering part of this Order, the State has fully complied with the following obligations:

¹³ Cf. Copy of receipt of check with series number 251506 of November 13, 2012 (case file on monitoring compliance, tome I, folio 384); Copy of Ordinary number 04329 of the General Treasury of the Republic of Chile, by which check with series number 0251509 was sent on March 4, 2013 to M. (case file on monitoring of compliance, tome I, folio 396); Certificates of bank account opening for girls V. And R. (case file on monitoring compliance, tome I, folios 472 to 477), and proof consignment of accounts for girls V. And R. (case file on monitoring compliance, tome I folios 479 a 485).

- a) Publish the Judgment in the various means of communication pursuant to paragraph 259 of the Judgment and operative paragraph three thereof
 - b) Carry out a public act of acknowledgment of international responsibility with regard to the facts of this case, under the terms of paragraphs 263 and 264 of the Judgment, pursuant to operative paragraph four thereof, and
 - c) Pay the amounts established in paragraphs 294 and 299 of the Judgment, for compensation of the pecuniary and non-pecuniary damages and reimbursement of costs and expenses, pursuant to that which was established in operative paragraph six thereof.
2. Keep open the proceeding on monitoring compliance with the Judgment in regard to operative paragraph 2 and 5 of the Judgment on the State's obligation to:
- a) Provide medical and psychological or psychiatric care, free of charge and in an immediate, appropriate and effective manner, through its specialized public health institutions to those victims who so request it, under the terms of paragraphs 254 and 255 of the Judgment, and
 - b) Continue implementing, within a reasonable period of time, permanent education programs and training courses directed at public officials at regional and national levels and specifically judicial officers of all the areas and levels of the judicial branch, pursuant to that established in paragraphs 271 and 272 of the Judgment
3. The State adopt all necessary measures to effectively and promptly fulfill the measures that are pending compliance, mentioned in operative paragraph two of this Order, in accordance with the provisions of Article 68(1) of the American Convention on Human Rights.
4. The State provide the Inter-American Court of Human Rights, by no later than June 26, 2014, a report that indicates all the measures that have been taken to comply with the pending reparations ordered by the Court, in accordance with 18, 22 to 24, and 28 to 19 of this Order, as well as operative paragraph two of this Order. Subsequently, the State must continue informing the Court in this regard every three months.
5. The representatives of the victims and the Inter-American Commission on Human Rights provide any observations they deem relevant to the State's report mentioned in the previous operative paragraph, in the period of four and six weeks, respectively, counted from receipt thereof.
6. The Secretariat of the Court shall notify this Order to the Republic of Chile, the Inter-American Commission on Human Rights, and the representatives of the victims.

Diego García-Sayán
President

Manuel E. Ventura Robles

Alberto Pérez Pérez

Roberto F. Caldas

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary