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Olivera Fuentes v. Peru

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Olivera Fuentes v. Peru

ABSTRACT¹

This case is, specifically, about acts of discrimination against a gay man by a supermarket in Peru, and, in general, about the obligations States have to ensure LGBTQ+ persons are not subject to discrimination. Eventually, the Court found Peru in violation of several articles of the American Convention.

I. FACTS

A. Chronology of Events

February 11, 2004: The Homosexual Movement of Lima publishes a press release regarding a self-identified gay man Mr. Cristthian Manuel Olivera Fuentes being excluded from his gym.²

August 11, 2004: Mr. Olivera Fuentes and his romantic partner visit a café inside Supermercado Santa Isabel, a chain owned by the company Supermercado Peruanos S.A.³ At the café, Mr. Olivera Fuentes and his partner read romantic poems together with affectionate expressions.⁴ Although both men avoid any physical contact, a security guard approaches the couple and orders them to stop their intimate behavior due to complaints from a customer with an underage daughter.⁵ The store supervisor and four security guards then approach Mr. Olivera Fuentes and his partner and tell them to leave if they were not going to

¹ Alondra Gonzalez, Author; Aria Soeprono, Editor; Emily Bernstein, Senior IACHR Editor; Sophia Suarez, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

² Olivera Fuentes v. Peru, Report on Merits, ¶ 3; Olivera Fuentes v. Peru, Report on Merits, ¶ 27 (Feb. 4, 2023).

³ Olivera Fuentes v. Peru, Report on Merits, ¶ 3 (Oct. 29, 2020).

⁴ *Id.*

⁵ *Id.*

make a purchase or otherwise stop engaging in inappropriate affections in front of children and other customers.⁶

August 17, 2004: To raise awareness about the disparate treatment of gay couples, Mr. Olivera Fuentes participates in an investigative TV program.⁷ In this program, a male journalist and his female partner, along with Mr. Olivera Fuentes and his male partner, both go to three different stores owned by Supermercado Peruanos S.A.⁸ Although each couple demonstrate the same level of affectionate behavior, the store staff reprimand and expel Mr. Olivera Fuentes and his partner from the store and do not approach the straight couple.⁹

August 22, 2004: The program is broadcasted on television on the Frecuencia Latina network.¹⁰

October 1, 2004: Mr. Olivera Fuentes files a sexual discrimination complaint with the National Institute for the Defense of Competition and Protection of Intellectual Property (“INDECOP”) against Supermercado Peruanos S.A.¹¹

August 31, 2005: INDECOP dismisses Mr. Olivera Fuentes’ claim on the ground that the video evidence from the August 17, 2004 TV program was provoked and does not prove the discrimination occurred on August 11, 2004.¹² Furthermore, INDECOP states companies have the right to request that any couple cease their romantic behavior to protect children and considers the harm of excessive public displays of affection to even adult customers.¹³

⁶ Olivera Fuentes v. Peru, Report on Merits, ¶ 3; Olivera Fuentes v. Peru, Admissibility Report, Report No. 172/17, Inter-Am. Comm’n H.R., Case No. 1718.11, ¶ 1 (Dec. 28, 2017).

⁷ Olivera Fuentes v. Peru, Report on Merits, ¶ 4; Olivera Fuentes v. Peru, Admissibility Report, ¶ 2.

⁸ Olivera Fuentes v. Peru, Admissibility Report, ¶ 2.

⁹ *Id.*; Olivera Fuentes v. Peru, Report on Merits, ¶ 3

¹⁰ Olivera Fuentes v. Peru, Admissibility Report, ¶ 2.

¹¹ *Id.* ¶ 3.

¹² *Id.*

¹³ *Id.*

September 22, 2005: Mr. Olivera Fuentes appeals the decision of INDECOP to the Tribunal of Defense of Competition and Intellectual Property.¹⁴

May 17, 2006: The Tribunal of Defense of Competition and Intellectual Property dismisses Mr. Olivera Fuentes' appeal because his discrimination claim lacks evidentiary support.¹⁵ Additionally, the tribunal reiterates that excessive romantic behavior is harmful to customers of all ages.¹⁶

September 13, 2006: Mr. Olivera Fuentes petitions the 2nd Specialized Contentious Administrative Chamber of the Higher Court of Lima to partially nullify the decision of the trial court.¹⁷

June 10, 2008: The Chamber dismisses the petition because it determines that Mr. Olivera Fuentes has not met the burden of proof on the same grounds as the two previous courts.¹⁸

June 14, 2010: Mr. Olivera Fuentes files an appeal regarding the latest decision to the Permanent Civil Chamber of the Supreme Court of Justice.¹⁹ This chamber echoes the reasoning and conclusion of the previous court.²⁰

April 11, 2011: As a last resort, Mr. Olivera Fuentes files a cassation remedy to the Permanent Constitutional and Social Law Chamber of the Supreme Court of Justice.²¹

May 30, 2011: The Supreme Court declines a remedy and dismisses the case, declaring itself inappropriate to make new findings of fact.²²

¹⁴ Olivera Fuentes v. Peru, Report on Merits, ¶ 22.

¹⁵ *Id.*; See Olivera Fuentes v. Peru, Admissibility Report, ¶ 3.

¹⁶ Olivera Fuentes v. Peru, Report on Merits, ¶ 22.

¹⁷ Olivera Fuentes v. Peru, Admissibility Report, ¶ 4.

¹⁸ *Id.*

¹⁹ Olivera Fuentes v. Peru, Report on Merits, ¶ 7.

²⁰ Olivera Fuentes v. Peru, Admissibility Report, ¶ 4.

²¹ Olivera Fuentes v. Peru, Report on Merits, ¶ 26.

²² Olivera Fuentes v. Peru, Admissibility Report, ¶ 4.

I. PROCEDURAL HISTORY

A. *Before the Commission*

November 29, 2011: The Study for the Defense of Women's Rights Organization submits a petition to the Commission on behalf of Mr. Olivera Fuentes.²³

December 28, 2017: The Commission adopts Admissibility Report No. 172/17.²⁴ The State argues that the petition is inadmissible, reiterating the arguments of the prior court decisions and claiming failure to exhaust remedies, lack of jurisdiction, and an alleged procedural error with the petition amended in a resolution.²⁵

October 29, 2020: The Commission adopts Merits No. 304/20.²⁶ The Commission determines that the State is responsible for violating Article 8.1 (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), Article 11 (Right to Privacy), Article 24 (Right to Equal Protection), and Article 25.1 (Right to Recourse Before a Competent Court) of the American Convention on Human Rights, in relation to the obligations set forth in Article 1.1.²⁷ In light of these violations, the Commission recommends the state pay an indemnity for lack of effective judicial protection against sexual orientation discrimination and for the excessive judicial delay and adopt non-repetition measures.²⁸ The non-repetition measures recommend the state: (i) implement public policy via education as well as public and private campaigns that promote acceptance and guarantee the rights of LGBTQ+ persons; (ii) create training focused on the human rights of LGBTQ+ persons that must be taken by all state justice positions, including judges, lawyers, and clerks, as well as create guidelines which ensure that the burden of proof in the State's courts are aligned with the Inter-American standard; (iii) demand companies implement training to ensure that LGBTQ+ people are not discriminated against in consumer protection as well as promote the nondiscrimination of LGBTQ+ people

²³ Olivera Fuentes v. Peru, Report on Merits, ¶ 1.

²⁴ *Id.* ¶ 2.

²⁵ Olivera Fuentes v. Peru, Admissibility Report, ¶¶ 7-10.

²⁶ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2(c) (Feb. 4, 2023).

²⁷ Olivera Fuentes v. Peru, Report on Merits, ¶ 65.

²⁸ *Id.* "The Inter American Commission on Human Rights Recommends," ¶ 1.

in public messaging, both of which must be verified for compliance by the State; and (iv) encourage the Inter-American Convention to be ratified to prevent all discrimination and intolerance.²⁹

December 4, 2020: The Commission notifies the State of the Merits Report and provides the State two months to comply with the recommendations.³⁰ The State requests multiple extensions, but the State still fails to comply with the recommendations after six months.³¹

A. Before the Court

June 4, 2021: The Commission submits the case to the Court, after the state failed to adopt its recommendations.³²

September 16, 2021: Mr. Olivera Fuentes' representatives submit their brief to the Court.³³

December 14, 2021: The State submits their brief which raises five preliminary objections, opposes the alleged violations, and makes requests for reparations measures from the representatives and the Commission.³⁴ The State claims the Commission does not have jurisdiction over the State's domestic courts, the Commission has violated the fourth instance doctrine by undermining the examination and evaluation of Peru's domestic level judges, Mr. Olivera Fuentes has failed to exhaust all of the State's domestic remedies and relies on facts that do not relate to the factual framework determined by the Commission, and the Representatives include claims and arguments for violations which were not alleged at the Commission.³⁵

Before February 9, 2022: Eleven interested parties submit amicus curiae briefs to the court, including: 1) Mr. José Benjamín González Mauricio; 2) Representatives of the Human Rights Chair of the Faculty

²⁹ Olivera Fuentes v. Peru, Report on Merits, "The Inter American Commission on Human Rights Recommends," ¶ 2.

³⁰ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2(d).

³¹ *Id.*

³² *Id.* ¶ 3.

³³ *Id.* ¶ 6.

³⁴ *Id.* ¶¶ 7, 14.

³⁵ *Id.* ¶¶ 15, 19, 20, 27, 34.

of Law and Social Sciences of the National University of Comahue; 3) Tatiana Cardoso Squeff, Fernanda de Almeida Rangel and Lúcia Souza d'Aquino; 4) The International Observatory of Human Rights of the Illustrious and National Bar Association of Mexico; 5) The Legal Clinic on Information Freedoms and Transparency of the Faculty of Law of the Universidad del Pacífico; 6) The LGBTTTI (Lesbian, Gay, Bisexual, Trans, Transgender, Transsexual, Transvestite, Intersex) and Sex Workers Coalition with work before the OAS; 7) The National Human Rights Coordinator of Peru; 8) The NGO Diverse Colombia (Colombia Diversa) representing the LGBTI+ Litigants Network of the Americas and the Regional Network Without LGBTI Violence; 9) The OutRight Action International Organization; 10) The Unicxs Legal Clinic of the Faculty of Law of the Pontificia Universidad Católica del Perú; and 11) The United Nations Working Group on the issue of human rights and transnational corporations and other companies.³⁶

February 9, 2022: The representatives and the Commission submit responses to the State's five preliminary objections.³⁷

1. Violations Alleged by Commission³⁸

Article 8.1 (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 11 (Right to Privacy)

Article 24 (Right to Equal Protection)

Article 25.1 (Right to Recourse Before a Competent Court)

all in relation to:

Article 1.1 (Obligation of Non-Discrimination)

2. Violations Alleged by Representatives of the Victims³⁹

Same Violations Alleged by the Commission, plus:

Article 7 (Right to Personal Liberty)

Article 13.1 (Right to Seek, Receive, and Impart Information and Ideas)

³⁶ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, ¶ 10.

³⁷ *Id.* ¶ 8.

³⁸ Olivera Fuentes v. Peru, Report on Merits, ¶ 65.

³⁹ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, ¶ 6.

all in relation to:
Article 1.1 (Obligation of Non-Discrimination)

III. MERITS

A. Composition of the Court

Ricardo C. Pérez Manrique, President
Eduardo Ferrer Mac-Gregor Poisot, Judge
Humberto Antonio Sierra Porto, Judge
Nancy Hernández López, Judge
Verónica Gómez, Judge
Patricia Pérez Goldberg, Judge
Rodrigo Mudrovitsch, Judge

Romina I. Sijniensky, Deputy Secretary

B. Decision on the Merits

February 4, 2023: The Court issues its Judgment on Merits, Reparations and Costs.⁴⁰

The Court found unanimously:

To reject Peru's preliminary objections that the Commission lacked legality and that the Court violated the fourth instance doctrine,⁴¹ because:

The State argued that the Court could not rule on the petition because the Commission's actions lacked legality.⁴² The Court rejected this argument, reasoning that the Court itself establishes the legality of the Commission's actions whenever a defenseless party alleges State wrongdoing.⁴³ Thus, the Court concluded that the Commission's actions did not lack legality since the State provided no evidence otherwise.⁴⁴

⁴⁰ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, ¶ 12.

⁴¹ *Id.* ¶¶ 18-19.

⁴² *Id.* ¶ 12.

⁴³ *Id.* ¶ 14.

⁴⁴ *Id.*

The State also argued that the Court itself is in violation of committing a fourth instance judicial review when it reviewed the judge's assessment on Mr. Olivera Fuentes' evidence.⁴⁵ While the Court reiterated that it is barred from conducting a fourth instance judicial review, it clarified that it may review a State's domestic process if it is determining whether the State's judicial bodies have violated the American Convention.⁴⁶ Thus, the Court rejected the State's argument because its motivation in this case is only to determine whether the State's administrative and judicial authorities' actions towards Mr. Olivera Fuentes are in violation of the American Convention.⁴⁷

To reject Peru's preliminary objection that Mr. Olivera Fuentes failed to exhaust all his domestic judicial remedies,⁴⁸ because:

The State claimed that Mr. Olivera Fuentes failed to exhaust the judicial domestic remedies available to him.⁴⁹ The Court rejected this argument because Mr. Olivera Fuentes did not need to exhaust all domestic remedies available; instead, he only needed to exhaust the remedies which are appropriate for the human right violation he is alleging.⁵⁰ Furthermore, the Court noted that it is not appropriate to demand an exhaustion of all domestic remedies when the violation alleged is discrimination.⁵¹ Therefore, the Court concluded that Mr. Olivera Fuentes' efforts in taking his claim to the State's administrative and judicial institutions were sufficient to defeat the State's preliminary objection on the exhaustion of remedies.⁵²

The Court found unanimously that Peru had violated:

Article 7(1) (Right to Personal Liberty and Security), Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal Article), 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity), Article 24 (Right to Equal Protection), and Article 25 (Right to Judicial Protection), in relation to

⁴⁵ *Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 19.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.* ¶¶ 25-26.

⁴⁹ *Id.* ¶ 24.

⁵⁰ *Id.* ¶ 25.

⁵¹ *Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 26.

⁵² *Id.*

Article 1(1) of the American Convention (Obligation of Non-Discrimination) to the detriment of Mr. Crissthian Manuel Olivera Fuentes because:⁵³

The Court determined the State failed to ensure Mr. Olivera Fuentes had access to justice.⁵⁴ When a third party, like a business, is accused of perpetrating discrimination, then the burden of proof rests on the third party and not on the victim.⁵⁵ Therefore, once the victim presents a prima facie case, the burden of proof shifts to the accused third party.⁵⁶ The accused third party then has the burden of proof to demonstrate that either they did not discriminate or their differential treatment was objectively and reasonably justified.⁵⁷ The reasoning for this procedure points to the power imbalance present when the third party is a business entity, as it is harder for the victim to procure the evidence the business entity itself possesses.⁵⁸

First, the Court noted that the evidentiary support given both by Mr. Olivera Fuentes and by the defense strongly indicated that Mr. Olivera Fuentes was discriminated against due to his sexual orientation.⁵⁹ Second, the Court determined that because Mr. Olivera Fuentes did have sufficient evidentiary support to make a prima facie case, the State was wrong in dismissing Mr. Olivera Fuentes claim.⁶⁰ The State instead gave Mr. Olivera Fuentes the task of providing evidence by a level of certainty that was too difficult for him to realistically achieve.⁶¹ In fact, the Court agreed with Mr. Olivera Fuentes' assessment on how the State would only be satisfied by the impossible: a video of the event in question.⁶² The Court concluded that the State, by placing this unfair evidentiary standard violated Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal Article), and 25(1) (Right to Judicial Protection).⁶³

⁵³ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, “Resolutive Points,” ¶ 3. (Feb. 4, 2023).

⁵⁴ *Id.* ¶ 105.

⁵⁵ *Id.* ¶¶ 108-109.

⁵⁶ *Id.* ¶ 109.

⁵⁷ *Id.*

⁵⁸ *Id.* ¶ 106.

⁵⁹ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, ¶ 114.

⁶⁰ *Id.* ¶¶ 114-115.

⁶¹ *Id.* ¶ 117.

⁶² *Id.*

⁶³ *Id.*

The State also failed to ensure Mr. Olivera Fuentes' access to justice and his right to a private life when the State evaluated the claim with their own use of harmful stereotypes about homosexual couples.⁶⁴ The Court noted that due process requires the guarantee of an impartial judge and court.⁶⁵ To be impartial, state officials cannot allow their own held prejudices and stereotypes to influence their decision making.⁶⁶

The Court held that the State's administrative bodies were not impartial.⁶⁷ First the Court pointed to how the State, influenced by their own stereotypes, readily accepted the defense's argument about how children are psychosexually and mentally harmed when witnessing homosexual behavior.⁶⁸ The Court concluded that this argument is homophobic, and while protecting children can be a valid argument for justifying differential treatment, it cannot be used to excuse discrimination against homosexuality.⁶⁹ Second, the Court also pointed to how the State, using harmful stereotypes, correlated all manifestations of homosexual affection as erotic.⁷⁰ Specifically, the Court noted that the State quickly labeled Mr. Olivera Fuentes' affectionate acts with his partner as erotic when the same label would not have been placed on a heterosexual couple.⁷¹ Therefore, in evaluating the case using stereotypes and prejudice against homosexual couples, the State violated Article 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity), Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal Article), and Article 25 (Right to Judicial Protection).⁷²

Finally, the Court concluded that the State did not fail in ensuring Mr. Olivera Fuentes a reasonable deadline.⁷³ States commit a violation of judicial guarantees when there is a prolonged delay.⁷⁴ Specifically, within a reasonable time the process must guarantee that the victim's allegations will be investigated, prosecuted, and if

⁶⁴ *Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 123-124.

⁶⁵ *Id.* ¶ 123.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.* ¶¶ 119-120.

⁶⁹ *Id.* ¶ 120.

⁷⁰ *Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 122.

⁷¹ *Id.*

⁷² *Id.* ¶¶ 105, 124.

⁷³ *Id.* ¶ 128.

⁷⁴ *Id.* ¶¶ 125-126.

*appropriate, have those that are responsible punished.*⁷⁵

*The Court concluded that Mr. Olivera Fuentes was not deprived of a reasonable deadline by the State.*⁷⁶ *Mr. Olivera Fuentes' first procedural act was on October 1, 2004 when he filed a complaint; over six years later the final judicial act concluded on April 11, 2011.*⁷⁷ *The Court found that the State was not neglectful because five holdings were given within that time period.*⁷⁸ *Thus, the Court did not find a violation of Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal Article).*⁷⁹

*Additionally, the Court did not specifically discuss Article 7(1) (Right to Personal Liberty and Security) and Article 24 (Right to Equal Protection), although it found violations of both.*⁸⁰

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Healthcare Plan

The State shall provide Mr. Olivera Fuentes with free psychiatric or psychological treatment to address the mental suffering and emotional damage of over more than 18 years.⁸¹ The State must provide this treatment to Mr. Olivera Fuentes no later than three months after this judgment, and this treatment must include medication, transportation, and all other related expenses.⁸²

⁷⁵ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 125-126.

⁷⁶ *Id.* ¶ 127.

⁷⁷ *Id.* ¶¶ 127-128.

⁷⁸ *Id.*

⁷⁹ *Id.* ¶ 128.

⁸⁰ *Id.* ¶ 129.

⁸¹ Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 139-140.

⁸² *Id.* ¶ 140.

2. Publication

Within six months of this judgment, the State must publish, in the Official Gazette and in a nationally distributed media outlet, the official summary of this judgment.⁸³ Additionally, the entire judgment must be available for a full year on the State's Ministry of Justice and Human Rights website.⁸⁴ Lastly, the State must also create an informational booklet regarding the judgment which is to be accessible on two of the State's social networks.⁸⁵

3. Guarantees of Non-Repetition

The State must submit to the Court, for the next five years, an annual report of their progress implementing a public policy which advocates for LGBTQ rights.⁸⁶ Within two years of this judgment the State must promote this public policy via an annual media campaign promoting in society the respect, the rights, and the non-discrimination of the LGBTQ community.⁸⁷

The State must also submit an annual report of its progress in implementing LGBTQ anti-discrimination training to both administrative authorities and judicial bodies for the next five years.⁸⁸ The state has a year to create the pedagogical plan for this training.⁸⁹ Moreover, the State must also create a manual with the LGBTQ anti-discrimination standards utilized in Inter-American cases.⁹⁰

The State must submit to the Court, for the next five years, an annual progress report of promoting the rights of LGBTQ consumers.⁹¹ To promote this public policy the State must require companies to train workers and security guards in anti-discrimination for their LGBTQ consumers.⁹² In addition to the training the State must also monitor these companies to

⁸³ *Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 145.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.* ¶ 153.

⁸⁷ *Id.*

⁸⁸ *Id.* ¶ 155.

⁸⁹ *Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 155.

⁹⁰ *Id.*

⁹¹ *Id.* ¶ 156.

⁹² *Id.* ¶¶ 156-157.

ensure they comply with the Inter-American standards of non-discrimination of the LGBTQ community.⁹³

B. Compensation

The Court awarded the following amounts:

1. Non-Pecuniary Damages

Non-pecuniary damages were granted to Mr. Olivera Fuentes in account of the time elapsed and to compensate for the suffering he experienced.⁹⁴ The Court ordered the State to grant Mr. Olivera Fuentes \$15,000 in non-pecuniary damages.⁹⁵

2. Costs and Expenses

The Court ordered reimbursement of \$15,000 to DEMUS, for expenses related to travel, attorney's salaries, Mr. Olivera Fuentes' psychological support, and all other expenses incurred from their legal defense.⁹⁶ The Court, also ordered the reimbursement of \$10,000 to Synergía, for expenses related to the preparation and representation of Mr. Olivera Fuentes in the Inter-American Court.⁹⁷

3. Reimbursement of Expenses to the Legal Assistance Fund for the Victims of the Inter-American Court

The Court ordered the reimbursement of \$5,560.07 to the Legal Assistance Fund for the Victims of the Inter-American Court, which assists in covering the expenses of victims who lack the resources to bring their case upon the Court.⁹⁸

4. Total Compensation (including Costs and Expenses ordered):

\$45,560.07 USD

⁹³ *Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 156-157.

⁹⁴ *Id.* ¶ 167.

⁹⁵ *Id.*

⁹⁶ *Id.* ¶¶ 168, 173.

⁹⁷ *Id.* ¶¶ 169, 173.

⁹⁸ *Id.* ¶¶ 174, 176.

C. Deadlines

Mr. Olivera should receive mental health treatment within three months of the judgment.⁹⁹ The State must publish the judgment and reimburse the Legal Assistance Fund for the Victims of the Inter-American Court within six months of this judgment.¹⁰⁰ The State must pay the compensation amounts for non-pecuniary damages and cost and expenses and create an anti-discrimination training plan for its government employees, both within one year of this judgment.¹⁰¹ Each year for five years following the judgment, the State must submit a report updating the Court on its progress in implementing anti-discrimination policy with respect to LGBTQ rights, LGBTQ consumers' rights, and a government training program.¹⁰² The State should promote their LGBTQ rights media campaign within two years of the judgment.¹⁰³

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

⁹⁹ *Olivera Fuentes v. Peru*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 140.

¹⁰⁰ *Id.* ¶¶ 145, 176.

¹⁰¹ *Id.* ¶¶ 155, 177.

¹⁰² *Id.* ¶¶ 153, 155-156.

¹⁰³ *Id.* ¶ 153.

2. Decisions on Merits, Reparations and Costs

Olivera Fuentes v. Peru, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 484. (Feb. 4, 2023).

3. Provisional Measures

[None]

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

Olivera Fuentes v. Peru, Admissibility Report, Report No. 172/17, Inter-Am. Comm'n H.R., Case No. 1718.11, (Dec. 28, 2017).

3. Provisional Measures

[None]

4. Report on Merits

Olivera Fuentes v. Peru, Report on Merits, Report No. 304/20, Inter-Am. Comm'n H.R., Case No. 13.505, (Oct. 29, 2020).

5. Application to the Court

Olivera Fuentes v. Peru, Petition to the Court, Inter-Am, Comm'n H.R., Case No. 13.505, (June 4, 2021).

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