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REPORT No. 79/24
PETITION 1030-15
REPORT ON INADMISSIBILITY

CRISTINA ANDREA NOLAZCO
ARGENTINA

Approved electronically by the Commission on June 9, 2024.

Cite as: IACHR, Report No. 79/24. Petition 1030-15. Inadmissibility.
Cristina Andrea Nolzco. Argentina. June 9, 2024.

I. PETITION DATA

Petitioning party:	Teresa Marlene Casa Martin and Miguel Ángel Dib
Alleged victim	Cristina Andrea Nolzco
State denounced:	Argentina ¹
Rights invoked:	Articles 5 (personal integrity), 8 (right to a fair trial), ² 12 (freedom of conscience and religion), and 25 (judicial protection) of the American Convention on Human Rights, ³ read in conjunction with Article 1.1 (obligation to respect rights) thereof

II. PROCESSING WITH THE IACHR⁴

Presentation of the petition:	May 12, 2015
Additional information received during the review stage:	May 23, 2016 ⁵
Notification to the State of the petition:	November 12, 2021
First reply by the State:	April 29, 2022
Notification of possible archiving of case:	August 4, 2020
Reply by the petitioning party to the notification of possible archiving:	August 12, 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 (instrument of ratification deposited on September 5, 1984)

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

Duplication of proceedings and international res judicata:	No
Rights declared admissible:	None
Exhaustion of domestic remedies or admissibility of an exception:	Yes
Timeliness of presentation:	Yes

V. POSITION OF THE PARTIES PARTES

1. The alleged victim, Cristina Nolzco, suffered a stroke, for which, according to the petitioning party, she required treatment in a specialized hospital. However, the welfare association of which she was a member refused to provide that treatment despite an amparo judgment in her favor, obtained by her mother.

¹ As provided in Article 17.2.a of the Rules of Procedure of the Commission, Commissioner Andrea Pochak, an Argentine national, did not participate in the discussion or the decision of the instant case.

² Although the petitioner does not expressly invoke this Article of the American Convention on Human Rights, an in-depth reading of the petition and the additional observations make evident that it is a right allegedly violated by the State.

³ Hereinafter “the American Convention” or “the Convention.”

⁴ The observations of each party were duly forwarded to the other.

⁵ The petitioning party replied to additional questions of the Commission on May 9, 2016.

In this context, and considering that Cristina Nolzco is a person with disability stemming from her stroke, the petitioning party argues that the Argentine State is internationally responsible for not having established the mechanisms necessary to ensure that the alleged victim would receive appropriate medical care and not ensuring enforcement of the judgment in her favor, leaving Cristina Nolzco without health care coverage.

Allegations of the petitioning party

2. The petitioning party provides limited context for the facts, so that the information provided in this section of the Report was obtained from that party's short recital and from the copies of national judgments it provided.

3. In June 2009, Ms. Cristina Nolzco, 25 years of age, presented to the hospital *Sanatorios Caminos*, in the city of Posadas, [Argentina] with symptoms of drowsiness, listlessness, and urinary incontinence, but walking and talking normally. Subsequently, on September 9, 2009, a neurologist of that hospital decided to hospitalize the alleged victim for a week.

4. During that week, Cristina Nolzco underwent various diagnostic tests, such as CT scans and magnetic resonance imaging (MRIs). By these means, a stroke was detected,⁶ which, according to the doctors, she had suffered before hospitalization. Given these results, and because the alleged victim's symptoms were worsening, it was decided to extend her hospitalization in the intensive care unit of the aforesaid hospital for three months, during which a tracheostomy⁷ and then a gastrostomy⁸ had to be performed.

5. However, the petitioning party maintains that the aforesaid hospital did not have the necessary equipment for the diagnostic tests, for which reason the mother of the alleged victim, Ms. Casa Martin, through inquiries in that hospital, learned that her daughter possibly suffered from "*severe encephalopathy of unknown etiology (origin)*," and they recommended in-home care owing to possible intrahospital infections she might contract, or that she be cared for in a specialized care facility, suggesting the Specialized Neurological Pathologies Rehabilitation Center: the FLENI institute, in the city of Buenos Aires.

6. It should be noted that, through information found in the file, it was learned that Cristina Nolzco was declared a person with disability in August 2011, and that Ms. Casa Martin was appointed her representative.

7. Through efforts by the partner of Ms. Casa Martin, the alleged victim was a member of the Welfare Association of Truck Drivers and Workers, and Automotive Freight Transport Personnel (*Obra Social de Conductores Camioneros y Obreros y Empleados del Transporte Automotor de Cargas Generales*) of [the city of] Misiones (hereinafter "the Welfare Association") and the Mutual Society of Truck Drivers and Workers, and General Freight Transport, Logistics, and Services Personnel (*Asociación Mutual de Choferes de Camiones Obreros y Empleados del Transporte de Cargas Generales, Logísticas y Servicios*) of Misiones (hereinafter "the Mutual Society").⁹ Therefore, the petitioning party sought coverage of Cristina Nolzco's medical costs and costs of hospitalization in the FLENI institute from these associations. The Commission does not have specific information as to how it requested it or what it indicated, only that on February 21, 2011, Ms. Casa Martin approached the director of the Welfare Association, who refused to cover the costs.

⁶ This information was obtained from the August 2013 decision issued by the Federal Civil, Commercial, Labor, and Contentious Administrative Court of First Instance. The copy of this judgment was provided by the petitioning party.

⁷ According to the health information service provided by the National Library of Medicine of the United States "MedlinePlus", a tracheostomy is a surgical procedure to create an opening through the neck into the trachea (windpipe). A tube is most often placed through this opening to provide an airway and to remove secretions from the lungs. Accessed at the MedlinePlus website and revised on April 23, 2024, <https://medlineplus.gov/english/ency/article/002955.htm>

⁸ According to MedlinePlus, this is the placement of a feeding tube through the skin and stomach wall. It goes directly to the stomach. Accessed at the MedlinePlus website and revised on April 24, 2024. <https://medlineplus.gov/spanish/ency/article/002937.htm>. Click on translate to English.

⁹ Argentina has a system through which trade unions provide health care assistance for their members.

8. What happened next is not clear from the petitioning party's narrative, nor does the State clarify this point, but the Commission notes that Cristina Nolzco was receiving in-home care, and it is not established whether Ms. Casa Martin was paying all costs or whether she had some type of financial assistance.

9. Not receiving an affirmative reply from the Welfare Association or the Mutual Society, Ms. Casa Martin filed for a self-enforcing measure (*medida autosatisfactiva*)¹⁰ against these entities, as Case No. 483/12, requesting an order for the transfer, hospitalization, and FLENI institute accommodation costs to be covered for Cristina Nolzco. Ms. Casa Martin also brought an amparo action in the local regular courts, as Case No. 26/13, against Sanatorio Caminos, the Welfare Association and the Mutual Society, heard by Civil and Commercial Court 5 of the city of Posadas,¹¹ which declared that it did not have competence, and forwarded the case to the federal jurisdiction. The date this occurred is not known.

10. So, the cases of the self-enforcing measure and the amparo action were merged¹² when they were forwarded to the federal jurisdiction, and were considered by the Federal Civil, Commercial, Labor, and Contentious Administrative Court of First Instance. Before this court, Ms. Casa Martin argued that although the alleged victim was receiving in-home care, Ms. Casa Martin did not have the "*the necessary assistance to keep Cristina Andrea stable and alive [...]*."

11. For its part, the Welfare Association argued before the aforesaid court that the requested treatment in the FLENI institute was beyond its means owing to its limited financial resources, which were used to cover the health care needs of all its members. Moreover, the request was not medically justified, and was only a "whim" of the alleged victim's mother and the doctor who suggested the treatment, who would profit from Cristina Nolzco's hospitalization. It therefore maintained that it had fulfilled its corresponding obligations, offering the alleged victim weekly medical care, medicines, and nursing care.

12. The Mutual Society argued before the aforesaid court that it had no legal obligation whatsoever with regard to Cristina Nolzco, explaining that the mutual benefits and services contracted for did not include those requested by Ms. Casa Martin, still less referral to and hospitalization in a specialized rehabilitation center.

13. The Federal Court of First Instance issued its judgment on August 9, 2013, and considered that the action should be brought only against the Welfare Association, to which end it declared the Mutual Society's lack of standing to be sued. However, it decided that it would be "*more effective and efficient for Cristina Andrea Nolzco to receive rehabilitation treatment in a specialized institution,*" for which reason it granted the alleged victim's request for amparo and a self-enforcement measure, requiring the Welfare Association to cover 100% of the alleged victim's neurological rehabilitation treatment in the FLENI institute for whatever time was agreed among the parties and the Institute. The court also considered the Welfare Association's arguments not substantiated or well-reasoned, "*still more so if it is taken into account that Cristina Andrea Nolzco's case meets the requirements of and warrants the integral habilitation and*

¹⁰ According to the website of the Argentine Public Information System, "*the self-enforcing mechanism is an urgent non-precautionary solution, to be employed in extremis, whose purpose is to provide an adequate jurisdictional response to a situation calling for prompt and expeditious intervention by the judicial body. It is not a precautionary measure, since there are significant differences between these two measures. The self-enforcing measure, once issued, exhausts the process, whereas the precautionary measure does not in itself do so. It requires at least some adversarial debate, whereas the precautionary measure may be issued inaudita altera parte [without hearing the other party], and the decision issued in the case of the self-enforcing measure is final, acquiring therefore, the status of res judicata, this not being the case with the precautionary measure.*" Accessed on May 1, 2024 at: www.saij.gov.ar/medidas-cautelares-medidas-autosatisfactivas-suy0022062/123456789-0abc-defg2602-200ysoiramus#:~:text=Las%20medidas%20autosatisfactivas%20son%20una,expedita%20intervención%20del%20órgano%20judicial.

¹¹ The document containing the motion for reconsideration of the denied special federal appeal, found in the virtual file and submitted by the petitioning party, contains the petitioner's narrative indicating: "*the case was instituted in the provincial courts, the Civil and Commercial Court of First Instance No. 5 of the city of Posadas having intervened, and subsequently, owing to issues of competence, was forwarded to the Federal Court of the city of Posadas.*"

¹² The case files were merged "*by operation of the evident relationship between the two cases in the terms of Article 188 CPCCN [Argentine Code of Civil and Commercial Procedure] and for the purposes of the provisions of Article 194 of the CPCCN.*" This information was obtained from the copy forwarded by the petitioning party of the decision of August 2013, issued by the Federal Civil, Commercial, Labor, and Contentious Administrative Court of First Instance.

rehabilitation protection established and governed by the regulatory bundle whose subjects are persons with disabilities, e.g., the provisions of Law 24.901 and its Regulatory Decree No. 1.193/98, whose provisions the defendant Welfare Association cannot ignore.”

14. The Welfare Association brought an appeal against this judgment, but it was declared untimely. The Commission does not have the dates, or the court that so ruled.

15. However, despite the judgment in favor of the alleged victim, the Welfare Association proceeded to cancel the membership of Ms. Casa Martin’s partner because he had been dismissed on April 29, 2013,¹³ and, therefore, to cancel Cristina Nolzco’s membership, ceasing to cover her medical expenses. In view of this, on October 18, 2013,¹⁴ the petitioning party filed a motion for enforcement of judgment with the Federal Court of the Judiciary of the Nation – it does not indicate the name of that court, which decided in favor of Cristina Nolzco – the petitioning party does not give the date. Therefore, the Welfare Association appealed the decision with the Federal Chamber of Posadas, which, on May 15, 2014, overturned the lower court’s decision, emphasizing that: (a) Cristina Nolzco’s membership of the Welfare Association was derived from the union membership of her mother’s partner, and that, as of the time of his dismissal, his family lost the right to that membership; (b) this dismissal took place on April 29, 2013, a date prior to the judgment in favor of the alleged victim; and (c) the Federal Judge of First Instance, in his judgment of August 9, 2013, should have taken into account the documentary evidence establishing the dismissal of Ms. Casa Martin’s partner.

16. Against this decision, Ms. Casa Martin filed a special federal appeal with the Federal Chamber of Appeals, arguing violations of the Constitution and of international rights because she already had a firm judgment that was not enforced. However, that appeal was denied on July 10, 2014,¹⁵ of which the petitioning party was notified on July 31, 2014. This led the petitioner to file a motion for reconsideration with the Supreme Court of Justice of the Nation, arguing violations of Cristina Nolzco’s constitutional guarantees and right to health. However, the Supreme Court denied this motion, of which the petitioner was notified on November 20, 2014.

17. The petitioner considers that the Argentine State has international responsibility because it had not put in place the necessary protection mechanisms and mechanisms for enforcement of the firm judgment that would have enabled Cristina Nolzco to access an appropriate center for the treatment of her pathology.

18. The Commission notes that the petitioning party maintains that it tried repeatedly to obtain care for Cristina Nolzco by sending letters and complaints to the Office of the Superintendent of Health Care Services, but that it received no reply whatsoever. However, the petitioner does not provide more information in that regard, nor dates.

19. In a communication of May 23, 2016, the petitioning party reports that Cristina Nolzco had been admitted to the FLENI Escobar Institute, in Buenos Aires, and that *“that care is paid for by the IOMA welfare association of the province of Buenos Aires [Obra Social de la Provincia de Buenos Aires – IOMA] through the IPSM social welfare institute of Misiones [Instituto de Previsión Social de Misiones – IPSM].”* Neither the petitioning party nor the State explain the reasons why the alleged victim was admitted to the FLENI institute, who allegedly was paying the costs of this therapy, or the date on which she allegedly began to receive it.

¹³ Information found in the judgment of the Judiciary of the Nation of May 15, 2015, reference 23000483/2012/CA/. This copy was submitted by the petitioning party.

¹⁴ Date found in the document containing the motion for reconsideration of the denied special federal appeal, found in the virtual file and submitted by the petitioning party.

¹⁵ Date found in the document containing the motion for reconsideration of the denied special federal appeal, found in the virtual file and submitted by the petitioning party.

20. On August 12, 2020, in view of a notification by the IACHR that the instant case was to be archived, the petitioner indicated that she was interested in continuing with the processing of the petition. Although she did not provide additional updated information or legal arguments in that document.

Allegations of the Argentine State

21. The State, for its part, has only presented one report in the processing of the instant petition – a short eight-page brief without annexes. In this reply, it alleges that the grounds for lodging this instant petition do not subsist. To that end, it notes that the petitioner’s original complaint was based primarily on the alleged responsibility of the Argentine State, through the judiciary and the Office of the Superintendent of Health Care Services, for not having guaranteed and ensured the right to health care services, allegedly violating their duty of oversight by not considering the reiterated judicial and administrative claims aimed at obtaining appropriate hospital treatment for Cristina Nolzco; and also for leaving her without health care coverage and not having in place the mechanisms necessary to enable the alleged victim to access a medically and technically more complex hospital center.

22. However, the State points to the communication of May 23, 2016, in which the petitioning party reported that Cristina Nolzco was then receiving care in the FLENI institute in Escobar, Province of Buenos Aires. This would show that the original ground for the petition no longer subsists. The State also notes that said medical care in the institute, as the petitioning party itself acknowledges, is being paid for by the welfare association of the province of Buenos Aires (IOMA) and the Social Welfare Institute of Misiones (IPSM). Therefore, the State maintains that the aim of the petition is satisfied with the coverage provided to Cristina Nolzco in the FLENI institute. In that same communication, it notes that, in the petition lodged with the Commission, the claim for medical care was being made to a welfare association not of the non-public sector, “*and that the services being provided are managed by public social security entities of the provinces of Buenos Aires and Misiones.*”

23. The State further indicates that although Ms. Casa Martin maintains that she had made various complaints to the Office of the Superintendent of Health Care Services, the petitioning party did not provide them to the Commission.

24. The State also maintains that the petitioning party has not adduced arguments regarding other alleged constitutional grievances or judicial actions. It states that neither has the petitioning party reported any claim for damages, and, in this context, the State considers that Article 46.1.a) of the American Convention would apply, since the available domestic remedies have not been exhausted with regard to claims for damages.

25. In conclusion, the State requests the IACHR, in accordance with Article 48.1.b) of the American Convention¹⁶ and Article 42.1 of its Rules of Procedure,¹⁷ to declare the petition inadmissible and to order the archiving of the instant case.

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

26. To evaluate the adequacy of the remedies available under domestic law, the Commission usually establishes the specific claim that has been raised, and then identifies the judicial remedies provided under the domestic legal system that were available and adequate to consider that particular claim. That is, it evaluates, precisely, the extent to which those domestic remedies are adequate and effectiveness to afford a genuine opportunity for national authorities to remedy and resolve the alleged violation of human rights,

¹⁶ Article 48: 1. When the Commission receives a petition or communication alleging violation of any of the rights protected by this Convention, it shall proceed as follows: [...] b) *After the information has been received, or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition or communication still exist. If they do not, the Commission shall order the record to be closed.*

¹⁷ Article 42. Archiving of petitions and cases: At any time during the proceedings, the Commission may decide to archive the file when it verifies that the grounds for the petition or case do not exist or subsist. The Commission may also decide to archive the case [...].

before inter-American system can be approached.¹⁸ In the instant case, the petitioning party maintains that the State did not fulfill its duty to protect Cristina Nolzco because it did not ensure the enforcement of a favorable judgment that ordered the welfare association of which she was a member to cover the costs of treatment in a specialized medical center. The petitioning party argues that this lack of oversight and failure to enforce the judgment resulted in the denial of the alleged victim's right to access health.

27. This Commission notes that Ms. Casa Martin instituted legal proceedings for a self-enforcement measure and an amparo action against the Welfare Association and the Mutual Society, seeking coverage of the medical costs in the FLENI institute for Cristina Nolzco. The cases were merged and transferred to the federal jurisdiction. Then, on August 9, 2013, the Federal Civil, Commercial, Labor, and Contentious Administration Court of First Instance decided that the Welfare Association was solely responsible and should cover the costs of the treatment in the aforesaid Institute. The Welfare Association, however, proceeded to cancel Cristina Nolzco's membership and refused to pay, arguing that the partner of the alleged victim's mother had been dismissed and therefore ceased to be a member. Therefore, on October 18, 2013, the petitioning party filed a motion for enforcement of judgment, which was decided in its favor – on a date not known to the Commission. Following an appeal by the opposing party, on May 15, 2014, the Federal Chamber of Posadas reversed the decision of the court of first instance, for which reason the Welfare Association was no longer responsible for paying for the treatment. So the petitioner filed a special federal appeal with the Federal Chamber of Appeals, which was denied on July 10, 2014. Subsequently, she filed a motion for reversal with the Supreme Court of Justice of the Nation, which was also denied, of which she was notified on November 20, 2014.

28. As for the petitioning party's allegations regarding the various complaints it made to the Office of the Superintendent of Health Care Services to address the lack of medical care for Cristina Nolzco in the FLENI institute, this Commission does not find a detailed description of said complaints that would enable it to consider them in the instant report.

29. The State, for its part, maintains that the petitioner has not provided information on the possibility of bringing of an action for damages, which, in its view, would make the petition inadmissible under Article 46.1.a) of the American Convention. However, Argentina does not explain why this would be an adequate and effective remedy in the instant case which might, at the time, potentially have addressed the health care needs of the alleged victim. Neither does the State question that the judicial remedies that the petitioning party in fact exhausted were not adequate and effective to address the facts denounced. On the contrary, the Commission notes that, ultimately, the merits of these remedies were duly considered and decided by domestic courts.

30. It is important to remember that at no time did the petitioning party mention contentious administrative remedies or actions to seek compensation for damages. Therefore, the State's above-mentioned argument is without consequence for the analysis of the instant case.

31. Based on the above information, the Commission considers that, for purposes of analysis of the exhaustion of domestic remedies, the decision of the Supreme Court of Justice of the Nation, of which the petitioning party was notified on November 20, 2014, would be that exhausting domestic remedies, and, therefore, the requirement established in Article 46.1.a) of the American Convention is satisfied. Additionally, since the petition was lodged with the IACHR on May 12, 2015, the Commission considers that the instant matter also meets the timeliness requirement established in Article 46.1.b) of the American Convention.

¹⁸ IACHR, Report No. 56/08, Petition 11.602. Admissibility. Workers Dismissed from Petróleos Del Perú (Petroperú) Northwest –Talara Area. Peru. July 24, 2008, par. 58. IACHR, Report No. 279/21. Petition 2106-12. Admissibility. Huitosachi, Mogótavo and Bacajipare Communities of the Rarámuri Indigenous Peoples. Mexico. October 29, 2021, par. 29; IACHR, Report No. Report No. 89/21, Petition 5-12, Mine Workers of Cananea and Their Families. Mexico. March 28, 2021, par. 32; IACHR, Report No. 173/23. Petition 118-12. Admissibility. Family of Jaime Guzmán Errázuris and Christian Edwards del Río. Argentina. August 20, 2023, par. 19 [at the time of this translation, the Report was available only in Spanish]. IACHR, Report No. 70/23. Petition 1771-14. Admissibility. National Union of Former Political Prisoners and Exiles of Bolivia. Bolivia. June 7, 2023, par. 23. [at the time of this translation, the Report was available only in Spanish]

VII. COLORABLE CLAIM

32. For purposes of admissibility, the Commission must decide whether the facts alleged may tend to establish a violation of rights in the terms of Article 47(b) of the American Convention, or whether the petition is “manifestly groundless” or “obviously out of order,” in accordance with subparagraph (c) of that article. The criterion for evaluating these requirements differs from that used to decide on the merits of a petition. Additionally, within the framework of its mandate, the Commission has competence to declare a petition admissible when it refers to domestic proceedings that may violate rights guaranteed by the American Convention. That is, in accordance with the aforesaid conventional provisions, under Article 34 of the Rules of Procedure of the Commission, the analysis of admissibility focuses on the verification of those requirements, which refer to the existence of elements which, if proven, would tend to establish a violation of the American Convention.

33. In the past, the IACHR has addressed in general terms the admissibility of cases related to the possible violation of the human right to health stemming from the refusal by a welfare association to defray medical costs¹⁹; and considers it important to note that the States have a duty to regulate and oversee entities that provide health care services, including direct providers of health care services, such as hospitals and blood banks, as well as entities that manage contributions that enable a patient to receive a specific service.²⁰

34. In the instant matter, as mentioned in paragraph 2 above and *passim*, the Commission has noted that there are important points regarding which the parties do not provide sufficient information. That said, the Commission does have elements that enable it to consider that:

a) Cristina Andrea Nolzco is a woman with disability stemming from severe encephalopathy of unknown etiology;

b) At the time of presentation of the petition, the alleged victim was receiving specific types of health care services covered by the Welfare Association through the union membership of Ms. Casa Martin’s partner;

c) The mother of the alleged victim, upon advice from medical personnel of the Sanatorios Caminos hospital, learned that her daughter required specific therapies offered by the FLENI institute in Buenos Aires;

d) The Welfare Association and the Mutual Society refused to cover these therapies requested by Cristina Nolzco’s mother, for which reason, she brought an action in the domestic courts in which she obtained a judgment in her favor, issued by the Federal Court of First Instance on August 9, 2013, which indicated that the Welfare Association did have an obligation to cover the treatment;

e) The Welfare Association brought an appeal against this decision and, ultimately, by judgment of July 10, 2014, the favorable judgment was reversed because the Federal Chamber of Appeals considered that the Welfare Association was not responsible for covering this health care service. The petitioning party subsequently brought appeals against this judgment, all of which were denied;

f) The petitioning party indicates, in May 2016, exactly one year after the lodging of the petition, without further explanation, that the alleged victim was in fact receiving therapy in the FLENI institute;

g) Subsequently, the State, in its only report, of April 2022, reaffirms that, at that time, the alleged victim continued to be a patient in the FLENI institute, and maintains that therefore, this proved that for at

¹⁹ See for example: IACHR, Report No. 229/22. Petition 2648-18. Admissibility. Z.I.F. Argentina. August 27, 2022; and IACHR, Report No. 282/23. Petition 2053-18. Admissibility. I.I.I. and Rodrigo Vacca Iburguren. Argentina. October 31, 2023.

²⁰ IACHR, Report No. 107/19, Case 13.039. Merits. Martina Rebeca Vera Rojas. Chile. October 5, 2018, par. 48.

least a continuous five-year period, she had been receiving the therapies that she was demanding in her initial petition to the IACHR in 2015; and

h) The petitioning party does not contest this fact nor does it offer arguments or elements of information that could serve as basis for considering that the alleged victim was not receiving some type of health care service through the Mutual Society and the Welfare Association in the years prior to her admission to the FLENI institute, nor that would make it possible to establish that in the period between the favorable judgment of 2013 and the date on which she effectively began to receive the requested treatments in the aforesaid institute, there had been any specific damage to the alleged victim's health.

35. In view of these considerations, the Commission concludes that the grounds on which the petition was initially based do not subsist, and that no arguments or facts have been adduced that would tend to establish autonomous violations of the American Convention the merits of which it would be incumbent upon the Commission to analyze. Therefore, the petition is inadmissible in the terms of Article 47 of the American Convention, and the Commission proceeds to archive it in accordance with the provisions of Article 48.1.b) of the American Convention and Article 42.1 of its Rules of Procedure.

VIII. DECISION

1. To declare the instant petition inadmissible.
2. To notify the parties of this decision, and to publish it and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 9th day of the month of June, 2024.
(Signed:) Roberta Clarke, President; Edgar Stuardo Ralón Orellana (dissident vote), Arif Bulkan, and Gloria Monique de Mees, Commissioners.