

TECHNICAL INFORMATION SHEET
CASE 12.813 BLANCA OLIVIA CONTRERAS VITAL
FRIENDLY SETTLEMENT REPORT No. 81/15
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim(s): Blanca Olivia Contreras Vital

Petitioner(s): Blanca Olivia Contreras Vital, José de Jesús Esqueda Díaz

State: Mexico

Beginning of the negotiation date: May 27, 2011

FSA signature date: October 5, 2012

Report on Admissibility: 13/11, published on March 23, 2011

Report on Friendly Settlement Agreement: 81/15, published on October 28, 2015

Estimated length of the negotiation phase: 4 years

Associated Rapporteurship: Persons Deprived Of Liberty

Topics: Persons Deprived of Liberty/ Criminal due process

Facts: In Report No. 81/15 of October 28, 2015, the IACHR approved the friendly settlement agreement between the parties on October 5, 2012, for the redress of violations to the right to a fair trial of Blanca Olivia Contreras Vital and Roberto Clemente Álvarez Alvarado, who did not have adequate defense counsel and, consequently, received arbitrary convictions, which ran afoul of the American Convention. The victims in this case were deprived of liberty at the time the petition was lodged, and subsequently regained their freedom, inasmuch as they served their entire sentences. Therefore, the purpose of the petition and of the friendly settlement agreement was to obtain compensation for the damages caused.

Rights declared admissible: The Commission concluded that it was competent to take up the instant case, that the petition was admissible in relation to Articles 7 (right to personal liberty) and 8 (right to a fair trial) of the American Convention, in connection with Article 1(1) thereof, and that the petition met the requirements set forth in Articles 46 and 47 of that instrument. The commission also decided to notify parties and to publish its report in its annual report.

II. PROCEDURAL ACTIVITY

1. The IACHR requested updated information from the parties on October 20, 2016; September 27, 2017; and July 18, August 27, 2018 and July 12, 2019.

2. The State provided information on August 17, 2018, July 9, 2019, and August 14, 2019.

3. The petitioners submitted information on March 10, 2016 and September 27, 2017. The petitioners did not submit information in 2018 or 2019.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement clause	State of compliance
COMPREHENSIVE REPARATION FOR INJURIES CAUSED	
VII.1 Compensatory damages	
FIRST. Based on the case law of the Inter-American System for the Protection of Human Rights, the State will disburse the sum of \$336,000.00 (three hundred thirty-six thousand Mexican pesos 00/100) to Mr. Roberto Clemente Álvarez Alvarado for the comprehensive reparation of harm and for housing assistance.	Total¹
SECOND. Based on the case law of the Inter-American System for the Protection of Human Rights, the State will disburse the sum of \$382,000.00 (three hundred eighty-two thousand Mexican pesos 00/100) to Mrs. Blanca Olivia Contreras Vital for the comprehensive reparation of harm and for housing assistance.	Total²
THIRD. The compensation sums to which the victims are entitled will be paid by the State within 30 business days of the signing of this Agreement, through the Human Rights Defense and Promotion Unit of the SEGOB.	Total³
VII. 2. Measures of Satisfaction and Guarantees of Non-Repetition	
VII.2.1 Mrs. Blanca Olivia Contreras Vital	
VII.2.1.1 Housing Support FIRST. The Human Rights Defense and Promotion Unit and the Bureau of Human Rights and Democracy will take the necessary steps to enroll Mrs. Blanca Olivia Contreras Vital in the Tu Casa program of the National Affordable Housing Trust Fund at the Zacatecas Office of the Ministry of Social Development. This program grants subsidies to low-income Mexican households living below the poverty line with inadequate housing quality and space, in order for them to purchase, build, expand, or improve their housing.	Total⁴
VII.2.1.2 Psychotherapeutic Treatment for JCC FIRST. The Human Rights Defense and Promotion Unit and the Bureau of Human Rights and Democracy will take the necessary steps before the Office of the Ombudsman for Crime Victim Services to obtain psychological services for Mrs. Blanca Olivia Contreras Vital's son, the minor child JCC, at their home or at the nearest Victim Services facility, as decided by the victim and her son.	Total⁵
VII.2.1.2 Educational Scholarship for JCC FIRST. - The Human Rights Defense and Promotion Unit and the Bureau of Human Rights and Democracy will take the necessary steps before the	Total⁶

¹ IACHR, Report No. 81/15, Case 12.813, Friendly Settlement, Blanca Olivia Contreras Vital et al., Mexico, October 28, 2015.

² IACHR, Report No. 81/15, Case 12.813, Friendly Settlement, Blanca Olivia Contreras Vital et al., Mexico, October 28, 2015.

³ IACHR, Report No. 81/15, Case 12.813, Friendly Settlement, Blanca Olivia Contreras Vital et al., Mexico, October 28, 2015.

⁴ See IACHR, 2019 Annual Report, Chapter II, Section G. Friendly Settlements. Available at <http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap2-en.pdf>

⁵ IACHR, Report No. 81/15, Case 12.813, Friendly Settlement, Blanca Olivia Contreras Vital et al., Mexico, October 28, 2015.

⁶ IACHR, Report No. 81/15, Case 12.813, Friendly Settlement, Blanca Olivia Contreras Vital et al., Mexico, October 28, 2015.

<p>local</p> <p>Ministry of Public Education office in the State of Zacatecas (OSFAE) and before the Ministry of Education and Culture in the State of Zacatecas in order for the latter agency to provide an educational scholarship to Mrs. Blanca Olivia Contreras Vital's son, the minor child JCC, of at least \$150.00 (one hundred fifty Mexican pesos 00/100) and, at the discretion of the State Secretary of Education and Culture, up to \$300.00 (three hundred Mexican pesos 00/100). This sum shall be disbursed monthly until the conclusion of his secondary education, and shall be subject to the conditions stipulated by the Ministry of Education and Culture in the State of Zacatecas.</p>	
<p>VII.2.1.4 Self-Employment Training</p> <p>FIRST. The Human Rights Defense and Promotion Unit and the Bureau of Human Rights and Democracy will take the necessary steps before the National Employment Service of Zacatecas to enroll Mrs. Blanca Olivia Contreras Vital in the <i>Bécate</i> sub-program of the Ministry of Labor and Social Welfare for self-employment training.</p>	Total⁷
<p>VII.2.2 Mr. Roberto Clemente Álvarez Alvarado</p> <p>VII.2.2.1 Housing Support</p> <p>FIRST. The Human Rights Defense and Promotion Unit and the Bureau of Human Rights and Democracy will take the necessary steps to enroll Mr. Roberto Clemente Álvarez Alvarado in the <i>Tu Casa</i> program of the National Affordable Housing Trust Fund at the Aguascalientes Office of the Ministry of Social Development. This program grants subsidies to low-income Mexican households living below the poverty line with inadequate housing quality and space, in order for them to purchase, build, expand, or improve their housing</p>	Total⁸
<p>VII.2.2.2 Self-Employment Training</p> <p>FIRST. The Human Rights Defense and Promotion Unit and the Bureau of Human Rights and Democracy will take the necessary steps before the National Employment Service of Aguascalientes to enroll Mr. Roberto Clemente Álvarez Alvarado in the <i>Bécate</i> sub-program of the Ministry of Labor and Social Welfare for self-employment training.</p>	Total⁹

IV. LEVEL OF COMPLIANCE OF THE CASE

4. The Commission declared full compliance with the case and ceased monitoring the friendly settlement agreement in the 2019 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The payments corresponding to the amounts awarded as comprehensive reparation for the injuries caused compensatory damages and housing support were made;
- Educational scholarships were awarded to the son of one of the victims;

⁷ IACHR, Report No. 81/15, Case 12.813, Friendly Settlement, Blanca Olivia Contreras Vital et al., Mexico, October 28, 2015.

⁸ See IACHR, 2019 Annual Report, Chapter II, Section G. Friendly Settlements. Available at <http://www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap2-en.pdf>

⁹ IACHR, Report No. 81/15, Case 12.813, Friendly Settlement, Blanca Olivia Contreras Vital et al., Mexico, October 28, 2015.

- Psychotherapeutic treatment was provided to the son of one of the victims;
- A vocational training course specializing in customer service was provided under the *Bécate* sub-program to one of the beneficiaries of the agreement, for which she received financial support and was hired by a local company;
- Support was provided for obtaining housing for Ms. Blanca Olivia Contreras Vital;
- Support was provided for obtaining housing for Mr. Roberto Clemente Álvarez Alvarado.