

TECHNICAL INFORMATION SHEET
CASE 13.011 GRACIELA RAMOS ROCHA AND FAMILY
FRIENDLY SETTLEMENT REPORT No.197/20
TOTAL COMPLIANCE
(ARGENTINA)

I. SUMMARY OF THE CASE

Victim (s): Graciela Ramos Rocha and family

Petitioner (s): Stella Maris Martínez

State: Argentina

Negotiation start date: April 4, 2019

FSA Signature Date: May 29, 2020

Admissibility Report N°: 62/15

Friendly Settlement Agreement Report N°: 197/20, published on July 12, 2020

Estimated duration of the negotiation phase: 1 year, 2 months

Related Rapporteurship: Rapporteurship on the Rights of Women/Rapporteurship on the Rights of Persons Deprived of Liberty/Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights

Topics: Guarantees of Judicial Protection/Poverty and Human Rights/Principle of Legality and Retroactivity/Gender-Based Violence/Right to Housing

Facts: The petitioners indicated that in 2001, Mrs. Graciela Ramos Rocha was pregnant and nearly indigent, with three minor children, one of whom has a severe disability. A victim of domestic violence, Mrs. Ramos Rocha reportedly entered a vacant house seeking refuge. The petitioners alleged that Graciela Ramos Rocha's conduct did not rise to the level of criminality, unlawfulness, and guilt, and that therefore the sentence was imposed in violation of the principle of legality. The victim was conditionally sentenced to one year in prison, having been found criminally liable for the crime of squatting.

Rights declared admissible: On October 26, 2015, the IACHR declared the petition admissible in relation to Articles 8 (right to a fair trial), 9 (principle of legality and freedom from ex post facto laws), and 25 (right to judicial protection) of the American Convention in connection with the obligations established in articles 1(1) and 2 of the same instrument.

II. PROCEDURAL ACTIVITY

1. On May 29, 2020, the parties signed a friendly settlement agreement.
2. On July 12, 2020, the Commission approved the agreement signed by the parties, by means of Report No.197/20.

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

Clause of the Agreement	Status of Implementation
A. Housing situation	
1. The Government of the Province of Mendoza undertakes to hand over to Mrs. Graciela Ramos Rocha possession and ownership of the home [in the] Province of Mendoza, consisting of a total area of ONE HUNDRED FORTY-SIX SQUARE METERS FORTY SQUARE CENTIMETERS (146, 40), AS PER CADASTRAL NOMENCLATURE No. XXX, which was awarded by means of Resolution No. XXX, dated September 11, 2018. The property will be turned over to the petitioner by right, without or her family group being responsible for any kind of payment, and with no type of debts or encumbrances.	Total¹
2. The Government of the Province of Mendoza turns over the renovated and refurbished property, in accordance with the guidelines duly indicated in the architectural technical report prepared by the National Public Defender's Office (<i>Defensoría General de la Nación</i>), which is attached hereto. These guidelines are aimed at ensuring living conditions that are satisfactory for the family and adequate for the health of C.M.	Total²
3. Ownership must be turned over to Mrs. Graciela Ramos Rocha within a maximum period of 15 days from the signing of this document, by means of a Notarization performed by General Government Clerk's Office of the Province of Mendoza.	Total³
4. Mrs. Graciela Ramos Rocha must initiate the procedures for the registration and transfer of ownership of the aforementioned property with the I.P.V. The processing of the deed will be done at no cost to the petitioner, and the provincial government must collaborate so that the deed can be processed in the shortest time possible. Once these procedures have been completed and the IACHR's adoption of the report under Article 49 of the American Convention on Human Rights has been notified, the Government of Mendoza will provide the deed to the petitioner.	Total⁴
5. The transfer of individuals and possessions to the property in question will be the responsibility of the petitioner, who must notify the authorities of the Province of Mendoza at least 48 hours beforehand.	Total⁵
B. School and social integration	
1. The Government of the Province of Mendoza undertakes to ensure the right to education of the school-age members of the family group in their new location, within the framework of current regulations. Specifically, this means ensuring their access to school within a radius of the home described above and assisting the petitioner and her family group in whatever is necessary for enrollment and in all other associated procedures. For that	Total⁶

¹ See IACHR, Annual Report 2021, Chapter II, Section F: Progress and Setbacks in the Negotiation and Implementation of Friendly Settlement Agreements, Available at: <https://www.oas.org/es/cidh/docs/anual/2021/capitulos/IA2021cap2-es.pdf>.

² See IACHR, Annual Report 2021, Chapter II, Section F: Progress and Setbacks in the Negotiation and Implementation of Friendly Settlement Agreements, Available at: <https://www.oas.org/es/cidh/docs/anual/2021/capitulos/IA2021cap2-es.pdf>.

³ IACHR, Report No. 197/20, Case 13.011. Friendly Settlement. Graciela Ramos Rocha and family. Argentina. July 12, 2020. <http://www.oas.org/es/cidh/decisiones/2020/arsa13011es.pdf>

⁴ See IACHR, Annual Report 2021, Chapter II, Section F: Progress and Setbacks in the Negotiation and Implementation of Friendly Settlement Agreements, Available at: <https://www.oas.org/es/cidh/docs/anual/2021/capitulos/IA2021cap2-es.pdf>.

⁵ IACHR, Report No. 197/20, Case 13.011. Friendly Settlement. Graciela Ramos Rocha and family. Argentina. July 12, 2020. <http://www.oas.org/es/cidh/decisiones/2020/arsa13011es.pdf>

⁶ IACHR, Report No. 197/20, Case 13.011. Friendly Settlement. Graciela Ramos Rocha and family. Argentina. July 12, 2020. <http://www.oas.org/es/cidh/decisiones/2020/arsa13011es.pdf>

<p>purpose, on the day she takes possession of the property, the relevant data of the members of the family will be collected; this will allow for the involvement of the General Directorate of Schools of the Province of Mendoza, which will notify the petitioner of the requirements and procedures that the members of the household must follow to begin schooling.</p>	
<p>2. The Government of the Province of Mendoza undertakes to make available to the petitioner existing opportunities for recreational, community, and cultural activities in the area. It is up to the interested party to go through any relevant enrollment procedures, with the support of the Sub-Secretary of Sports of the Province of Mendoza.</p>	<p>Total⁷</p>
<p>C. Medical assistance</p>	
<p>1. The Government of the Province of Mendoza assumes the commitment for existing public health providers to provide medical assistance—immediately, effectively, and in accordance with current regulations—for Mrs. Ramos Rocha and her family group, made up of C.M., M.L.O.R., I.M.M.O.R., S.A.O.R., and S.A.O.R. Any treatments that are required must be provided for as long as necessary, and must include medications and other directly related resources, with the intervention of the Sub-Secretary of Health so that access to services is guaranteed, as well as the intervention of the Director of Attention to People with Disabilities, to ensure the Total exercise of the rights of the young woman with disabilities.</p>	<p>Total⁸</p>

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the 2021 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State formally turned over ownership of a property to the petitioner, Graciela Ramos.
- The State ensured access to school within a radius of the home of the petitioner and her family group, for the purposes of enrollment and all other related procedures.
- All the necessary work to refurbish and recondition the property delivered to Mrs. Ramos Rocha was carried out.
- The property transfer deed was signed in favor of Mrs. Ramos Rocha.

⁷ IACHR, Report No. 197/20, Case 13.011. Friendly Settlement. Graciela Ramos Rocha and family. Argentina. July 12, 2020. <http://www.oas.org/es/cidh/decisiones/2020/arsa13011es.pdf>

⁸ IACHR, Report No. 197/20, Case 13.011. Friendly Settlement. Graciela Ramos Rocha and family. Argentina. July 12, 2020. <http://www.oas.org/es/cidh/decisiones/2020/arsa13011es.pdf>