

OEA/Ser.L/V/II.156
Doc. 34
October 28, 2015
Original: Spanish

REPORT No. 81/15

CASE 12.813

REPORT ON FRIENDLY SETTLEMENT

BLANCA OLIVIA CONTRERAS VITAL ET AL
MEXICO

Approved by the Commission at its session No.2054 held in October, 28 2015
156 Regular Period of Sessions

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



REPORT No. 81/15
CASE 12.813
FRIENDLY SETTLEMENT
BLANCA OLIVIA CONTRERAS VITAL ET AL
MEXICO
OCTOBER 28, 2015¹

I. SUMMARY

1. On June 9, 2004, the Inter-American Commission on Human Rights (hereinafter "Inter-American Commission," "Commission" or "IACHR") received a complaint from José de Jesús Esqueda Díaz, federal public defender assigned to the One-Judge Court of the XXIII Circuit in Zacatecas (hereinafter "petitioner"), on behalf of Blanca Olivia Contreras Vital, José Antonio Martínez Jiménez, Roberto Clemente Álvarez Alvarado, Juan Gerardo Murillo Murillo, and José Eduardo Martínez de Luna (hereinafter the "alleged victims"), against Mexico (hereinafter "Mexican State," "Mexico" or "State"). According to the petitioner, the alleged victims' right to a defense was not respected during preliminary investigations against them.

2. On March 23, 2011, the IACHR issued Admissibility Report No. 13/11 for the alleged violation of the rights enshrined in Articles 7 and 8 of the American Convention, in conjunction with Article 1.1 thereof, to the detriment of Blanca Olivia Contreras Vital and Roberto Clemente Álvarez Alvarado. It declared the petition inadmissible with respect to the alleged violation of Articles 2 and 25 of the American Convention; it also found that in light of Article 46.1.b of the Convention, the petition was inadmissible with regard to José Antonio Martínez Jiménez, Gerardo Murillo Murillo, and José Eduardo Martínez Luna.

3. After negotiations facilitated by the IACHR, the parties signed a friendly settlement agreement on October 5, 2012.

4. In accordance with Article 49 of the Convention and Article 40.5 of the Commission's Rules of Procedure, this friendly settlement report presents an overview of the facts alleged by the petitioners and of the friendly settlement agreement. Having reviewed the agreements undertaken by the parties and their compliance with the principles of the Convention, the Commission has decided to approve this report, notify the parties, publish it, and include it in its Annual Report to the General Assembly of the Organization of American States.

II. PROCESSING BY THE COMMISSION

5. On March 23, 2011, the IACHR issued Admissibility Report No. 13/11. It notified both parties on April 14, 2011, and offered to facilitate a friendly settlement process.

6. On April 27, 2011, the State presented information on the undertaking of internal consultations for a possible friendly settlement, which was forwarded to the petitioner.

7. The petitioner submitted his claims for reparation on May 3, May 18, and June 1, 2011. This information was forwarded to the state.

8. The parties held a working meeting in Mexico on May 27, 2011.

¹ As provided in Article 17.2.a of the Commission's Rules of Procedure, Commissioner José de Jesús Orozco, a Mexican national, did not take part in the discussion or decision of this case.

9. The petitioner presented additional information on July 6 and August 26, 2011, which was forwarded to the State.

10. On November 15 and December 8, 2011 the petitioner asserted that the State had not put forward any serious proposal for an agreement, and requested the termination of the friendly settlement proceedings. This information was forwarded to the State.

11. The State reiterated its willingness to continue with the negotiations toward a friendly settlement on January 30, 2012, which was forwarded to the petitioner.

12. On February 7, 2012, the petitioner again requested the termination of the friendly settlement process.

13. On February 8, 2012, the IACHR concluded its involvement in the friendly settlement procedure and decided to continue processing the petition. Nevertheless, the parties continued the negotiations in Mexico and signed a friendly settlement agreement on October 1, 2012.

14. On August 13, 2014, the State submitted additional information, which was forwarded to the petitioner.

15. On October 7, 2015, the petitioner submitted additional information, which was forwarded to the State.

16. The State submitted additional information on October 13, 2015, which was forwarded to the petitioner.

III. FACTS ALLEGED

17. The petitioner alleged that during the criminal trial proceedings against Blanca Olivia Contreras Vital and Roberto Clemente Álvarez Alvarado, their right to an adequate defense was violated and therefore their convictions were arbitrary and contrary to the American Convention.

18. According to the petitioner, the alleged victims were the subjects of a preliminary investigation for the alleged commission of various crimes. Those investigations reportedly resulted in convictions in both cases. The petitioner asserts that during the proceedings, the victims were not able to communicate freely, privately, and on a timely basis with their defense attorneys before making their initial statements to the Office of the Public Prosecutor.

19. The petitioner alleged that legal assistance for the victims had not been secured with the adequate time and means for them to be able to defend themselves. The petitioner asserted that the failure to appoint the public defender prior to the initial statement and the fact that the defense attorney was unable to hold a private meeting with the defendants prior to the initial statement had infringed upon the right to adequate legal assistance.

20. Blanca Olivia Contreras Vital was convicted of a drug-related offense, specifically, the purchase of cocaine hydrochloride, on August 30, 2002, by the First District Court of Zacatecas. On October 29, 2002, the One-Judge Court of the Twenty-Third Circuit upheld the conviction. On February 13, 2003, the First Three-Judge Court of the Twenty-Third Circuit denied the direct appeal for constitutional protection [*recurso de amparo directo*] (No. 674/2002), filed on her behalf against the second instance decision. On May 21, 2003, the First Chamber of the Supreme Court upheld the decision issued in the appeal for constitutional

protection (direct *amparo* review 426/2003). On June 23, 2005, the First Three-Judge Court of the Twenty-Third Circuit dismissed the appeal for recognition of innocence filed on her behalf as groundless.

21. Roberto Clemente Alvarez Alvarado was convicted of a drug-related offense, specifically, narcotics possession with the intent to engage in one of the acts provided for in Article 194 of the Federal Criminal Code, on February 19, 2003, by the Third District Court for the State of Aguascalientes. The conviction was affirmed on April 4, 2003, by the One-Judge Court of the Twenty-Third Circuit. On October 9, 2003, the First Three-Judge Court of the Twenty-Third Circuit denied the direct appeal for constitutional protection (No. 254/2003) filed on his behalf against the second instance decision. On April 19, 2004, he received notice that the Supreme Court had dismissed the appeal for direct *amparo* review filed against the last decision on grounds of inadmissibility.

22. According to the petitioner, the case law changed because the Supreme Court, in appeal for constitutional protection No. 1236/2004, recognized that a private interview between the defense attorney and the accused was part of the accused's right to a defense. However, he clarifies that this direct appeal was not filed on behalf of the alleged victims in this petition, but rather on behalf of a third party and therefore the decision in that case did not benefit his clients.

23. The petitioner alleges that the victims in this case were in custody at the time the petition was filed, and were later released upon the completion of their sentences. Accordingly, the purpose of the petition and the negotiation of the friendly settlement agreement were to obtain damages for the harm caused.

IV. FRIENDLY SETTLEMENT

24. On October 5, 2012, the parties signed the friendly settlement agreement, whereby the State agreed to implement several measures of reparation in the following terms:

FRIENDLY SETTLEMENT AGREEMENT Case 12.813 Blanca Olivia Contreras Vital et al.

Friendly settlement agreement of Case 12.813, Blanca Olivia Contreras Vital et al., currently pending before the Inter-American Commission on Human Rights, between the Mexican State, represented by **Max Alberto Diener Sala**, Undersecretary of Legal Affairs and Human Rights, and **Omeheira López Reyna**, Head of the Human Rights Defense and Promotion Unit, both of the Ministry of Internal Affairs, and **Juan Manuel Gómez Robledo**, Undersecretary of Multilateral Affairs and Human Rights, and **Alejandro Negrín Muñoz**, Director General of Human Rights and Democracy, both of the Ministry of Foreign Affairs; and the victims, **Blanca Olivia Contreras Vital**, appearing on her own behalf and on behalf of her son **JCC**, as well as **Roberto Clemente Álvarez Alvarado**, appearing on his own behalf, and **José de Jesús Esqueda Díaz**, representative of the victims.

I. PURPOSE

The purpose of this document is to establish the terms of the friendly settlement of *Case 12.813 Blanca Olivia Contreras Vital et al.*, currently pending before the Inter-American Commission on Human Rights (IACHR), based on the Mexican State's acknowledgement of its international responsibility for the acts reflected in Admissibility Report No. 13/11, approved by the IACHR on March 23, 2011, as well as to agree on the measures of reparation and the manner in which they will be implemented and supervised.

II. JURISDICTION OF THE INTER-AMERICAN SYSTEM FOR THE PROTECTION OF

HUMAN RIGHTS

FIRST.- Mexico has been a State Party to the American Convention on Human Rights (ACHR) since March 24, 1981, and accepted the contentious jurisdiction of the Inter-American Court of Human Rights (Inter-American Court) on December 16, 1998.

SECOND.- This Agreement is based on Articles 33, 41(f), 48.1.f and 49 of the ACHR, which establish the jurisdiction of the IACHR to hear and decide matters related to compliance with the international obligations recognized therein, and authorize the IACHR to monitor cases submitted for its consideration in which the parties have decided to reach a friendly settlement.

III. PROCESSING OF THE CASE BY THE INTER-AMERICAN SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS

FIRST.- On July 9, 2004, the IACHR received a complaint from José de Jesús Esqueda Díaz, alleging irregularities in the criminal case prosecuted against Blanca Olivia Contreras Vital and Roberto Clemente Álvarez Alvarado for drug offenses that resulted in their convictions and sentences of ten and five years in prison, respectively, of which they served eight and four years.

SECOND.- On March 23, 2011, the IACHR approved Admissibility Report No. 13/11, in which it admitted the petition of Blanca Olivia Contreras Vital et al. for processing, registered it under case number 12.813, and informed the parties that it would proceed to examine the merits of the alleged violation of the rights and obligations enshrined in Articles 7 (right to personal liberty) and 8 (right to a fair trial) of the ACHR, in relation to the obligations contained in Article 1.1 thereof.

THIRD.- In view of the above-stated facts, and based on the ACHR, the parties have expressed their interest in signing this friendly settlement agreement.

IV. FACTUAL BASIS FOR THE AGREEMENT

FIRST.- The parties agree that the facts underlying this Agreement, and therefore the facts for which the Mexican State acknowledges responsibility, are those set forth in Admissibility Report No. 13/11 of the IACHR, in particular, paragraphs 44-49.

V. ASSERTIONS OF THE STATE

THE MEXICAN STATE

FIRST.- The State expresses its broadest and most absolute commitment to the observance, respect, and promotion of human rights.

SECOND.- In accordance with Article 48.f of the ACHR, as well as Article 40 of the Rules of Procedure of the IACHR, the Mexican State expresses its absolute willingness to resolve this matter through a friendly settlement procedure and fully comply with every item in this Agreement.

THIRD.- The State agrees to comply with this Agreement, in strict adherence to its international obligations and through a plan that is conducive to dialogue and the involvement of the beneficiaries in the actions undertaken to that end.

FOURTH.- Without prejudice to the responsibility of the State as a whole and the different branches and bodies thereof, the Ministry of Internal Affairs (SEGOB) and the Ministry of Foreign Affairs (SRE) will coordinate actions for compliance with this Agreement.

VI. REPRESENTATIONS

THE MINISTRY OF INTERNAL AFFAIRS

FIRST.- Its representatives state that, in accordance with Articles 1, 26, and 27(XII) and (XIII) of the Federal Public Administration Act, the SEGOB is an agency of the Federal Executive Branch, which is responsible, among other matters, for conducting the domestic policy of the Federal Executive that is not expressly assigned to another agency, as well as for monitoring compliance with the constitution by State authorities, especially with respect to individual guarantees, and for ordering the necessary administrative measures to that end.

SECOND.- The Undersecretary of Legal Affairs and Human Rights, Max Alberto Diener Saia, pursuant to Articles 2(A)(III) and 6(XII) of the Internal Regulations of the Ministry of Internal Affairs, has the authority, *inter alia*, to sign documents related to the exercise of its powers.

THIRD.- The Head of the Human Rights Defense and Promotion Unit, Omeheira López Reyna, pursuant to Articles 2(B)(XIII) and 21(VI) of the Internal Regulations of the Ministry of Internal Affairs, has the authority to follow the recommendations made by international human rights bodies whose competence, procedures, and decisions are recognized by the Mexican State.

FOURTH.- The Human Rights Defense and Promotion Unit has sufficient resources to handle the obligations arising from this Agreement.

FIFTH.- It states that its domicile for all legal purposes of this Agreement is Bucareli No. 99; Colonia Juárez, Delegación Cuauhtémoc, código postal 06600, Federal District of Mexico City.

THE MINISTRY OF FOREIGN AFFAIRS

FIRST.- Its representatives state that, in accordance with Articles 1, 26, and 28(I) and (III) of the Federal Public Administration Act, the Ministry of Foreign Affairs is an agency of the Federal Executive Branch, which is responsible, *inter alia*, for promoting, fostering, and ensuring the coordination of foreign policy with the Federal Executive Branch, as well as participating in the international bodies to which the Mexican government belongs.

SECOND.- The Office of the Undersecretary of Multilateral Affairs and Human Rights, pursuant to Article 8(III), (VIII), and (X), and Article 29(XI) of the Internal Regulations of the Ministry of Foreign Affairs, is authorized to represent the Ministry, signing agreements related to the exercise of its powers and of the Administrative Units under its responsibility, including receiving and processing complaints and denunciations filed against the Mexican

State before international human rights bodies, as well as to represent the government of Mexico in litigation or proceedings arising therefrom, and to promote the adoption of measures necessary to resolve those complaints or denunciations in accordance with the law.

THIRD.- The Bureau of Human Rights and Democracy, in accordance with Article 29(XI) of the Internal Regulations of the Ministry of Foreign Affairs, has the power to receive and process complaints and denunciations filed against the Mexican State before international human rights bodies, represent the government of Mexico in litigation or proceedings arising therefrom, and promote the adoption of measures necessary to resolve those complaints or denunciations in accordance with the law.

FOURTH.- It states that its domicile for all legal purposes of this Agreement is Avenida Juárez No. 20, Colonia Centro, Delegación Cuauhtémoc, código postal 06010, Federal District of Mexico City.

THE VICTIMS

FIRST.- Blanca Olivia Contreras Vital is Mexican, of legal age, and appears freely at this proceeding on her own behalf and on behalf of her son, the minor child JCC,² of whom she has custody.

SECOND.- Roberto Clemente Álvarez Alvarado is Mexican, of legal age, and appears freely at this proceeding on his own behalf.

THIRD.- José de Jesús Esqueda Díaz, federal public defender assigned to the city of Zacatecas, Zacatecas, is acting as the representative of Blanca Olivia Contreras Vital and Roberto Clemente Álvarez Alvarado in this Agreement.

FOURTH.- Blanca Olivia Contreras Vital states that her legal domicile for purposes of this Agreement is [...].

FIFTH.- Roberto Clemente Álvarez Alvarado states that his legal domicile for purposes of this Agreement is [...].

SIXTH.- José de Jesús Esqueda Díaz states that his legal domicile for purposes of this Agreement is Edificio Sede del Poder Judicial de la Federación, Torre B, Primer Piso, Héroes de Chapultepec No. 1202, Ciudad Gobierno, código postal 98160, Zacatecas, Zacatecas.

THE PARTIES

FIRST.- Mutually acknowledge the legal capacity they exercise and with which they personally appear to sign this Agreement.

SECOND.- It is their wish to resolve *Case 12.813 Blanca Olivia Contreras Vital et al.* through a friendly settlement procedure, as stipulated in this Agreement, which, once signed, shall be forwarded to the IACHR for the respective verification and monitoring.

² The IACHR has kept his identity confidential because he is a minor.

THIRD.- In order to accomplish the purpose of this Agreement, the parties agree to pursue terms of settlement in full adherence to the inter-American standards, giving priority to the rights of the victims. Accordingly, they have jointly devised a plan that meets the relevant international standards.

COMPREHENSIVE REPARATION OF HARM

The State and the petitioners, in view of the case law of the Inter-American Court, agree to the comprehensive reparation of the victim under the following terms:

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.

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.

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.

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.

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.

VII.2.1.3 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 local 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.

VII.2.1.4 Self-Employment Training

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 *Bécate* sub-program of the Ministry of Labor and Social Welfare for self-employment training.

VII.2.2 Mr. Roberto Clemente Álvarez Alvarado

VII.2.2.1 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 Mr. Roberto Clemente Álvarez Alvarado in the *Tu Casa* 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.

VII.2.2.2 Self-Employment Training

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 *Bécate* sub-program of the Ministry of Labor and Social Welfare for self-employment training.

VII. MONITORING OF COMPLIANCE WITH THE FRIENDLY SETTLEMENT AGREEMENT

FIRST.- The petitioners expresses (sic) their express agreement and acceptance of the commitments undertaken by the Mexican State for the resolution of this case, and acknowledge the institutional efforts of the authorities to provide a suitable and timely response for the implementation of the reparations that are the subject of this Agreement.

SECOND.- Based on Article 40 of its Rules of Procedure, it is incumbent upon the IACHR to monitor compliance with this Agreement, and it is the responsibility of the Ministry of Foreign Affairs to provide all information requested of the State by the IACHR, to be furnished by the competent authorities.

THIRD.- This Agreement will enter into force on the day of its signature, and will terminate upon full performance of the agreements contained herein.

FOURTH.- The parties shall submit any question or dispute regarding the interpretation of the Agreement to the decision of the IACHR, which will request the compliance reports it deems pertinent.

Having read and accepted this agreement, and with full knowledge of its legal scope and content, the parties sign seven copies of this document, at the margin and at the bottom of the page, in the city of Zacatecas, on October 5, 2012.

V. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

25. The IACHR reiterates that under Articles 48.1.f and 49 of the Convention, the aim of this procedure is “reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.” The agreement to undertake these proceedings reflects the State’s good faith to achieve the purposes and objectives of the Convention by virtue of the principle of *pacta sunt servanda*, whereby the States must fulfill their treaty obligations in good faith. It also wishes to underscore that the friendly settlement procedure provided for in the Convention allows for individual cases to be settled in a non-adversarial manner, and it has proven, in cases involving numerous countries, to be an important vehicle for settlement that can be used by both parties.

26. On August 13, 2014, the State reported that the petitioner stated that he had lost contact with the beneficiaries of the friendly settlement agreement, after the implementation of the agreement was underway. The State provided a copy of a document, signed and sealed by the petitioner, requesting that compliance with the friendly settlement agreement be considered satisfied. That information was forwarded to the petitioner for his observations.

27. In a communication dated October 6, 2015, the petitioner stated that the beneficiaries in fact received payment of the financial sum established in the friendly settlement agreement. In the same communication, the petitioner indicated that the beneficiary’s son had begun receiving the scholarship money in the stipulated amount, and that initial steps had been taken for the housing and employment assistance. However, the petitioner stated that after the implementation of these measures, he lost contact with the beneficiaries, who did not demonstrate further interest in continuing with any follow-up. He stated that he did not receive any response to his attempts to communicate with them. Accordingly, the petitioner agreed to have the Commission to make a decision with respect to the agreement and finalize the matter in the petition and case system.

28. On October 13, 2015, the State submitted updated information related to compliance with the agreement. The State indicated that on November 23, 2012, the compensatory damages were paid out to both victims, in the amounts specified in clause VII.1 of the friendly settlement agreement, for the comprehensive reparation of harm and for housing support. The State provided copies of the payment receipts and check issuance records.

29. The State reported in the same communication on the psychological services that Mrs. Blanca Contreras and her son JCC reportedly received from the Crime Victim Services Center of Guanajuato, from October 2012 to May 10, 2013. According to the information provided by the State, on October 13, 2012, the beneficiary and the institution PROVICTIMA signed a contract for the provision of therapeutic services, specifying treatment of 12 psychotherapy sessions to be held once every 15 days. The beneficiary was informed that missing more than 3 consecutive sessions would interrupt the provision of treatment. The medical report provided to the Commission states that the beneficiary attended 5 of the 9 scheduled sessions. The 4 remaining sessions were either canceled or the beneficiary did not show up for the appointments.

30. The State further reported in that communication that Mrs. Blanca Olivia Contreras took part in a training course through the work practicum of the *Bécate* sub-program, specializing in customer service, for which she received financial support. She was reportedly hired by a local company in October 2012. With regard to Mr. Roberto Clemente Álvarez, the State reported that he attended the National Employment Service of Aguascalientes on two occasions, where he was provided with an orientation on the programs

available at the time. However, because none of the programs coincided with his work interests, he reportedly did not make use of the other training programs available.

31. Finally, the State reported on the agreements signed for the implementation of measures VII.2.1.1. and VII.2.2.1, which established the conditions and ways to provide the most effective housing support to Blanca Olivia Contreras and Roberto Clemente Alvarez, and designated the office and staff person in charge of implementing the measure. On this point, it must be noted that the Commission did not observe any information that would enable it to evaluate the enrollment of the beneficiaries in the *Tu Casa* program and confirm that they had accessed the support established in those clauses on housing.

32. In view of the information provided by the parties, the Commission has sufficient evidence to find that the object of the controversy that gave rise to the petition has ended. In addition, the IACHR has sufficient evidence to conclude that the State fulfilled the agreements relating to the compensatory damages (VII.1); psychotherapeutic treatment (VII.2.1.2); educational scholarship (VII.2.1.3), and training for self-employment (VII.2.1.4 and VII.2.2.2), and therefore, it is appropriate to declare that the State has complied with them.

33. The IACHR notes that initial steps were taken to implement items VII.2.1.1. and VII.2.2.1 of the agreement, on housing support through the *Tu Casa* program; however, given that it lacks sufficient evidence, it will abstain from declaring them fully complied with, and will therefore continue to monitor those agreements.

34. In view of the foregoing, the IACHR declares that items VII.1; VII.2.1.2; VII.2.1.3, VII.2.1.4, and VII.2.2.2 of the agreement have been complied with in full. At the same time, it finds that the other items remain pending, and therefore it will continue to monitor compliance with agreements VII.2.1.1. and VII.2.2.1 in its Annual Report to the OAS General Assembly.

VII. CONCLUSIONS

1. Based on the foregoing considerations and in accordance with the procedure set forth in Articles 48(1)(f) and 49 of the American Convention, the Commission wishes to reiterate its deep appreciation for the efforts made by the parties as well as its satisfaction that a friendly settlement has been reached in this case based on respect for human rights and consistent with the object and purpose of the American Convention.

2. By virtue of the considerations and conclusions set forth in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the agreement that the parties signed on October 5, 2012.
2. To declare that items VII.1, VII.2.1.2, VII.2.1.3, VII.2.1.4, and VII.2.2.2 of the agreement that the parties signed on October 5, 2012 have been complied with in full.
3. To continue to supervise compliance with pending agreements VII.2.1.1. and VII.2.2.1 undertaken by the State of Mexico. To this end, remind the parties of their commitment to report periodically to the IACHR regarding compliance.
4. To make this report public and include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 28 day of the month of October, 2015.
(Signed): Rose-Marie Belle Antoine, President; Felipe González, Rosa María Ortiz, Tracy Robinson, and Paulo Vannuchi, Commissioners.