

TECHNICAL INFORMATION SHEET
CASE 12.847 VICENTA SÁNCHEZ VALDIVIESO
FRIENDLY SETTLEMENT REPORT No. 16/16
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim(s): Vicenta Sánchez Valdivieso
Petitioner(s): Juan Carlos Santiago Sánchez and Isidro Santiago Sánchez
State: Mexico
Beginning of the negotiation date: February 2012
FSA signature date: September 25, 2012
Report on Admissibility N°: 159/11 published on November 2, 2011
Report on Friendly Settlement Agreement N°: 16/16, published on April 14, 2016
Estimated length of the negotiation phase: 4 years
Associated rapporteurship: N/A
Topics: Due process/Judicial guarantees

Facts: The case refers to the violation of the human rights of Vicenta Sánchez Valdivieso, a Zapoteca indigenous woman, as a result of the failure to implement a labor-related ruling issued for her benefit on August 13, 1999, which had sentenced the employer to pay 97,827.60 Mexican pesos. In view of the failure to make this payment, a lien had been placed on the motor vehicle of the debtor and Ms. Esther Jiménez Guerra was appointed as depository of the asset; afterwards, on March 2, 2000, the employer with a group of persons had gone to the house of the depository of the lien and had violently seized the car. Because of the above, Vicenta Sánchez had filed criminal proceedings for theft on March 3, 2000, and, as part of these proceedings, a warrant of arrest had been issued against Santana Lopez, but he had not been arrested, because he had been chosen to be an electoral candidate in the federal elections.

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 5 (right to humane treatment), 8 (right to a fair trial), and 25 (right to judicial protection) of the American Convention, in connection with Articles 1(1) and 2 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. On September 25, 2012, the parties signed a friendly settlement agreement.
2. On April 14, 2016, the Commission approved the agreement signed by the parties, by means of Report No.16/16.

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

Clause of the Agreement	Status of Implementation
<p>SECOND. The State commits to providing, in accordance with the Inter-American Court of Human Rights' case law, as comprehensive redress for harm caused, a total of \$498,927.00 Mexican pesos (four hundred and ninety-eight thousand, nine hundred and twenty-seven and 00/100).</p> <p>The amount of \$378,927.00 Mexican pesos (three hundred and seventy-eight thousand, nine hundred and twenty-seven and 00/100) will be paid by the Secretariat of the Interior, via the Unit for the Promotion and Defense of Human Rights, by means of delivery of the pertinent commercial documents within 30 business days as from the signature of this friendly settlement agreement.</p> <p>The amount of \$120,000.00 Mexican pesos (one hundred and twenty thousand and 00/100) will be paid by the Government of the State of Oaxaca, via the Office for Human Rights Assistance, by means of delivery of the pertinent commercial documents within 30 business days as from the signature of this friendly settlement agreement.</p>	Total¹
<p>THIRD. The Mexican State commits to including Ms. Vicenta Sánchez Valdivieso in the following programs offered by the government of the State of Oaxaca:</p>	
1) "Productive program" under the Institute for Employment Training and Productivity of the State of Oaxaca.	Total²
2) Seed program and job training stipend.	Total³
3) Medical insurance through the State of Oaxaca's public insurance program.	Total⁴
4) Housing improvement support.	Total⁵
5) Educational stipends for children between the ages of 4 and 14.	Total⁶

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.

¹ IACHR, Report No. 16/16, Case 12.847, Friendly Settlement, Vicenta Sanchez Valdivieso, Mexico.

² IACHR, Report No. 16/16, Case 12.847, Friendly Settlement, Vicenta Sanchez Valdivieso, Mexico.

³ IACHR, Report No. 16/16, Case 12.847, Friendly Settlement, Vicenta Sanchez Valdivieso, Mexico.

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

⁵ 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>.

⁶ IACHR, Report No. 16/16, Case 12.847, Friendly Settlement, Vicenta Sanchez Valdivieso, Mexico.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- Two checks payable to Ms. Sanchez Valdivieso were delivered: one check issued by the government of Oaxaca in the amount of one hundred and twenty thousand Mexican pesos (MX\$120,000.00), as well as a check issued by the Secretariat of the Interior in the amount of three hundred and seventy-eight thousand nine hundred and twenty-seven Mexican pesos (MX\$378,927.00).
- On December 10, 2012, the government of Oaxaca furnished property to the victim and her family under the “Self-Employed Occupational Initiative” that included a chicken rotisserie machine for Ms. Vicenta Sánchez Valdivieso and equipment to start her own business, “Rosticería Ña Vicenta.”
- Training was provided to the petitioners in the use and operation of the chicken rotisserie, in keeping with the plan for self-employment. The seed program is focused on business project development through the financing of activities to help launch entrepreneurial endeavors.
- Checks to pay for scholarships were given to the petitioner's relatives.
- The State provided support for housing improvements in the amount of \$15,000.00 pesos (fifteen thousand Mexican pesos).