

TECHNICAL INFORMATION SHEET
PETITION 161-02 PAULINA DEL CARMEN RAMÍREZ JACINTO
FRIENDLY SETTLEMENT REPORT N° 21/07
TOTAL COMPLIANCE
(MEXICO)

I. SUMMARY OF THE CASE

Victim (s): Paulina del Carmen Ramírez Jacinto

Petitioner (s): *Centro de Derechos Reproductivos* (Center for Reproductive Rights) and Alaide Foppa which later accredited the *Grupo de Información en Reproducción Elegida* (Reproductive Choice Information Group (GIRE) as joint petitioner

State: Mexico

Report on Friendly Settlement Agreement No.: **21/07**, published on March 9, 2007.

Related Rapporteurship: Rights of Women/Rights of Children

Topics: Humane Treatment/ Personal Liberty/ Judicial Guarantees/Right to Privacy/Freedom of Conscience and Religion/Rights of the Child/ Judicial protection/Sexual violence

Facts: The petitioners alleged that on July 31, 1999, Paulina del Carmen Ramírez Jacinto, then fourteen years of age, was raped while she was in her home. The incident was immediately reported to the agency of the Public Prosecution Service (MP) specializing in sexual crimes and domestic violence. The petitioners also claim that the Public Prosecution Service did not inform either Paulina del Carmen Ramírez Jacinto or her mother about the existence of emergency oral contraceptives and the rape resulted in a pregnancy. The petitioners alleged that under Article 136 of the Baja California Criminal Code, Paulina del Carmen Ramírez Jacinto was entitled to a legal abortion, subject to the authorization of the Public Prosecution Service, since rape cases are one of the exceptions in which abortion is legal. However, despite insisting upon the procedure to which she was entitled, different representatives of the Public Prosecutor's Office and of the hospitals to which Paulina Ramírez Jacinto was admitted, raised various administrative and psychological objections, imparting false information concerning the procedure and its consequences in order to influence her decision. In the end, the abortion operation was not performed.

Rights Alleged: The petitioners alleged that the State of Mexico was responsible for violation of the rights enshrined in Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 11 (right to privacy), 12 (freedom of conscience and religion), 19 (right to the child) and 25 (right to judicial protection) of the American Convention on Human Rights. As well as the rights protected by Articles 1, 2, 4, 7 and 9 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the right protected in Article 10 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the rights protected by Articles 9, 17 and 24 of the International Covenant on Civil and Political Rights, the rights protected in Articles 3 and 12 of the Universal Declaration on Human Rights, the right protected in Article 12 of the Convention on the Elimination of All Forms of Discrimination Against Women, and the rights protected in Articles 19, 37 and 39 of the Convention on the Rights of the Child.

II. PROCEDURAL ACTIVITY

1. On March 8, 2006, during the IACHR's 124th Period of Ordinary Sessions, the parties signed a friendly settlement agreement.

2. On March 9, 2007, the IACHR approved the friendly settlement agreement signed by the parties in Report No.21/07.

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

Agreement Clause	Status of Compliance
ONE.-	
The Government of Baja California shall hand over, on March 4, 2006, as consequential damages covering the legal expenses incurred in processing the case and the medical expenses incurred by Paulina del Carmen Ramírez Jacinto and I. R. J. (sic) as a result of the incident, the amount of \$60,000 (sixty thousand pesos).	Total¹
TWO.-	
Paulina del Carmen Ramírez Jacinto acknowledges that the Government of Baja California gave to her, in June and August 2001, as assistance for maintenance expenses and on necessities and school supplies, the amount of \$114,000 (one hundred and fourteen thousand pesos).	Total²
THREE.-	
Paulina del Carmen Ramírez Jacinto acknowledges that the Government of Baja California gave to her, in June 2001, as support for housing expenses, the amount of \$220,000 (two hundred and twenty thousand pesos).	Total³
FOUR.-	
Both Paulina del Carmen Ramírez Jacinto and I. R. J. (sic) shall be provided with health services by the Social Services and Security Institute of the Government and Municipal Workers of Baja California State (ISSSTECALI), in which they are both enrolled as of March 13, 2006. For this purpose, the head of ISSSTECALI's Department of Enrollments and Entitlements shall be the agent of record on behalf of the Government of Baja California. Said health services shall be given to Paulina del Carmen Ramírez Jacinto and to I. R. J. (sic) on a continuous and permanent basis until I. R. J. (sic) reaches adult age or, should I. R. J. (sic) decide to pursue higher or university studies, until he concludes his higher education.	Total⁴
FIVE.-	
Psychological care for I. R. J. (sic) and Paulina Ramírez Jacinto shall be provided by the specialists of the Mental Health Center of the Baja California State Health Secretariat. For this purpose, they shall be assigned an account executive and they may avail themselves of those services whenever needed at any time following the	Total⁵

¹ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

² See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

³ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

⁴ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

⁵ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

<p>signature of this agreement. The account executive to be appointed on March 13, 2006, shall be the head of the Psychology Department of the Mental Health Center, who shall receive them at the premises of that Center (Calle 11 & Río Papaloapan S/N, Fraccionamiento Viña Verde, in Mexicali, Baja California).</p>	
<p>SIX.- The Government of Baja California shall provide I. R. J., at the start of each academic year, with school supplies, enrollment fees, and textbooks up to and including the high school level. For this purpose, it will grant, in coupons, at the start of each school year, the amount of \$5,290 (five thousand two hundred and ninety pesos), through the offices of the State Secretariat for Education and Social Welfare.</p> <p>The school supplies to be given to I. R. J. (sic) are those set out in the “List of school supplies” (Annex 1) and any others added to that list over time by the State Secretariat for Education and Social Welfare.</p> <p>In order for these items to be provided on a timely basis, Paulina del Carmen Ramírez Jacinto shall report to the offices of the relevant school level section in the two weeks prior to the start of the corresponding school year, so she can be given the aforesaid amount.</p> <p>The Government of Baja California agrees to provide I. R. J. (sic), should he decide to continue with higher or university studies following the conclusion of his high school or vocational education, with the corresponding studies at a public institution. The support shall consist of enrollment fees, transportation, and academic supplies for as long as he continues to obtain passing grades in his studies. This support shall increase over time in accordance with the needs of I. R. J. (sic) and taking into consideration the inflation index published by the Bank of Mexico.</p>	<p>Total⁶</p>
<p>SEVEN.- On January 15, 2006, the Government of Baja California handed over, as a one-time concession, a computer and printer.</p>	<p>Total⁷</p>
<p>EIGHT.- On March 4 the Government of Baja California will hand over the sum of \$20,000.00 (twenty thousand pesos) through the State Social Development Secretariat’s Productive Projects program, to help Paulina del Carmen Ramírez Jacinto in setting up a microenterprise. In implementing this project, she will receive direct assistance from the aforesaid Productive Projects office.</p> <p>These advisory services shall be provided by the productive projects director of the Social Development Secretariat, at its premises located on the second floor of the executive branch building (Calzada Independencia No. 994, Civic and Commercial Center, Mexicali, Baja California). This assistance shall be provided in three-hour sessions over four weeks (for a total of four sessions) and shall commence once this agreement has been signed.</p>	<p>Total⁸</p>
<p>NINE.-</p>	

⁶ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

⁷ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

⁸ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

The Government of Baja California shall deliver to Paulina Ramírez on March 31, 2006, the sum of \$265,000 (two hundred and sixty-five thousand pesos) as a one-off payment for moral damages.	Total⁹
TEN.-	
The Government of Baja California made a Public Acknowledgement of Responsibility in accordance with the terms set out in the documents attached to this agreement, published in the local newspapers <i>La Voz de la Frontera</i> and <i>La Crónica</i> on December 30, 2005, (Annex 2) as well as in the Official Gazette of the State of Baja California on February 10, 2006 (Annex 3).	Total¹⁰
ELEVEN.-	
The Government of Baja California, through the Directorate of Legislative Studies and Projects, shall submit to and promote before the State Congress the legislative proposals submitted by the petitioners and agreed on with the state government.	Total¹¹
For this purpose a working committee was set up, consisting of both parties; this committee is currently working on a final proposal, which is to be presented no later than the last day of April, 2006. Once the legislative proposal agreed on by the parties has been made available, it will be submitted to the Baja California State Congress on May 16, 2006 (Annex 4; draft under analysis by the parties).	Total¹²
As regards the proposed amendment of Article 79 of the Regulations of the Organic Law of the Office of the Attorney General for Justice and the proposed circular from the Health Secretariat, the Government of the State of Baja California agrees, within the confines of its competence and powers, to begin the corresponding legal formalities as requested by the petitioners during the first half of April 2006 (Annexes 5 and 6).	Total¹³
Additionally, the local government agrees to schedule the training courses to be taken by the petitioners, as agreed on at the technical analysis meeting held in Mexicali, Baja California, on January 12, 2006.	Total¹⁴
TWELVE.-	
The Mexican State, through the Health Secretariat, agrees to:	
1. Conduct a national survey, involving state representation, to assess the enforcement of Official Mexican Standard NOM 190-SSA1-1999 regarding medical assistance in cases of domestic violence, and to measure progress with the implementation of the National Program for the Prevention and Attention of Domestic and Sexual Violence against Women.	Total¹⁵
2. Update the aforesaid Official Standard, to expand its goals and scope and to expressly include sexual violence occurring outside the family context. To this end, the petitioners shall be given the preliminary draft of the amendments to the Standard, so they can present whatever comments they deem relevant to the National Consultative Committee for Standardization and Disease Control and Prevention.	Total¹⁶

⁹ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

¹⁰ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

¹¹ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

¹² See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

¹³ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

¹⁴ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendation of the IACHR, paras. 833-844.

¹⁵ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendation of the IACHR, paras. 833-844.

¹⁶ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendation of the IACHR, paras. 833-844.

3. Draw up and deliver a circular from the federal Health Secretariat to the state health services and other agencies of the same sector, in order to strengthen their commitment toward ending violations of the right of women to the legal termination of a pregnancy, to be sent out no later than the second half of March 2006.	Total¹⁷
4. Through the National Center for Gender Equality and Reproductive Health, conduct a review of books, indexed scientific articles, postgraduate theses, and documented governmental and civil society reports dealing with abortion in Mexico, in order to prepare an analysis of the information that exists and detect also the lack of it, to be delivered to the petitioners in November 2006.	Total¹⁸

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2012.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The Government of Baja California paid \$ 114,000 Mexican pesos to Paulina del Carmen Ramírez as support for living expenses.
- The Government of Baja California paid Paulina del Carmen Ramírez, as housing support, the amount of \$ 220,000 Mexican pesos.
- The Government of Baja California issued a Public Acknowledgement of Responsibility, published in *La Voz de la Frontera* and in *La Crónica* newspaper, locally circulated newspapers on December 30, 2005, as well as in the Official Gazette of the State of Baja California on February 10, 2006.
- The Government of Baja California delivered the amount of \$ 60,000 Mexican pesos to Paulina del Carmen Ramírez for consequential damages.
- Paulina del Carmen Ramírez Jacinto and I. R. J. were enrolled in the Social Services and Security Institute of the Government and Municipal Workers of the State of Baja California), in addition to having been granted health services
- The Government delivered Paulina del Carmen Ramírez Jacinto the channeling order through which psychological support services are made available to her and her son in the agreed terms.
- The Government of Baja California paid on September 5, 2006 to Paulina del Carmen Ramírez Jacinto the amount of \$ 5,290.00 that covers the expenses of school supplies, registration fees and textbooks for her son, corresponding to the 2006-2007 school year
- The Government delivered a computer with a printer.
- The government paid the sum of 20,000 Mexican pesos through the Productive Projects program of the Secretary of Social Development of the State as a contribution for Paulina to develop a micro-enterprise.
- The Government of Baja California paid the amount of \$ 265,000 Mexican pesos to Paulina del Carmen Ramírez as a single reparation for moral damages.
- The Government of Baja California paid the amount of school support to Paulina del Carmen Ramírez, as well as the school kit containing a backpack, and various school supplies.

¹⁷ See IACHR, Report No. 21/07, Petition 161-02, Friendly Settlement, Paulina del Carmen Ramírez Jacinto v. Mexico, March 9, 2007.

¹⁸ See IACHR, Annual Report 2012, Chapter III, Section D: Status of Compliance with Recommendation of the IACHR, paras. 833-844.

- Order Number CU-001188-2009, regarding the Opinion over Land Use issued by the Department of Urban Control of the XIX City Hall of Mexicali, Baja California, was delivered to Paulina del Carmen Ramírez Jacinto. Likewise, the Governor of the State of Baja California provided 100 waterproofing sheets as “roofing material”.

B. Structural outcomes of the case:

- On October 13, 2006, the amendment to article 79 of the Regulations of the Organic Law of the Attorney General of the State of Baja California was published in the Official Gazette of the State of Baja California, as well as the proposal for a Circular for the Ministry of Health, and on October 4, 2006, the Circular was issued with legal effect as of that date.

- The Federal Secretariat of Health sent the Health Secretaries of 31 federal entities and the Federal District, the General Coordinator of the IMSS Opportunities Program, the Medical Assistant Director General of the ISSSTE, the Director of Medical Benefits of the IMSS and the Director General of Coordination and Development of Federal Hospitals, the circular order calling for the development and implementation of the guidelines and procedures necessary to guarantee the timely exercise of the right of every woman to the legal termination of pregnancy.

- The State conducted training with health personnel and the Office of the Attorney General in charge of the Agency on sexual crimes.

- The Mexican State conducted a national survey with state representativeness to evaluate the application of NOM 190-SSA1-1999 regarding medical treatment for family violence. In addition, the State updated its objective and its scope, explicitly addressing sexual violence that occurs outside the family context.

- The State moved forward with the implementation of the National Program for Prevention and Assistance in cases of Family and Sexual Violence Against Women. The State carried out the review of books, indexed scientific articles, postgraduate theses and documented reports of government and civil organizations on the issue of abortion in Mexico, in order to assess the existing information and to detect gaps in the information.