

TECHNICAL INFORMATION SHEET
CASE 12.942 EMILIA MORALES CAMPOS
FRIENDLY SETTLEMENT REPORT No. [71/19](#)
TOTAL COMPLIANCE
(COSTA RICA)

I. SUMMARY OF THE CASE

Victim(s): Emilia Morales Campos
Petitioner(s): Emilia Morales Campos
State: Costa Rica
Date negotiations began: September 3, 2015
Date the FSA was signed: July 20, 2018
Friendly Settlement Report No. [71/19](#), published May 15, 2019
Estimated length of the negotiations: 4 years
Rapporteurship involved: Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights
Topics: Housing/ right to be heard/ protection/ poverty and extreme poverty/ equality and non-discrimination/ conditions for a decent life/ development and human rights

Facts: This case concerns violations of the right to judicial protection, to the detriment of Emilia Morales, in the processing of her application for a family housing voucher in 1991; at the time the Admissibility Report¹ was issued, this matter had still not been resolved. The petitioner alleged that as a result thereof, she and her daughter had been living in perilous conditions for years, which particularly undermined the health and rights of both.

Rights declared admissible: The Commission concluded that it was competent to examine the claim of alleged violation of Articles 5 (humane treatment), 8 (right to a fair trial), 19 (rights of the child), 25 (judicial protection), and 26 (progressive development) of the American Convention on Human Rights (hereinafter, “the American Convention”), all in keeping with the general obligation to respect and ensure rights, as provided for in Articles 1(1) and 2 thereof.

II. PROCEDURAL ACTIVITY

1. The IACHR published the friendly settlement report on May 15, 2019, certifying total compliance with the agreement.

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

Clause of the Agreement	Status of compliance
ACKNOWLEDGEMENT BY THE COSTA RICAN STATE The Costa Rican State enters into the instant friendly settlement agreement with the petitioner (Emilia Morales Campos) (based on	

¹ See Report on Admissibility No. 19/14 of April 3, 2014, Case No. 12.492 – Emilia Morales Campos and Jennifer Emilia Morales Campos v. Costa Rica.

<p>Articles 5, 8, 19, 25, and 26 of the American Convention, in connection with its Articles 1(1) and 2), because of the particular and exceptional situation of Case 12.942, which took place prior to the current development of the National Housing Finance System (SNFV) of Costa Rica. Specifically, the Special Housing Commission (<i>Comisión Especial de Vivienda</i>) did not ensure for Ms. Emilia Morales Campos improved state mechanisms, guidance, or accompaniment regarding temporary and permanent housing relief [...]</p>	<p>Declarative clause</p>
<p>INDIVIDUAL REPARATION MEASURE</p> <p>I. One reparation measure is the Costa Rican State's acknowledgement, through the Ministry of Foreign Relations and Worship, of the close collaboration of petitioner Emilia Morales Campos, age 63, in this process, her activism from a human rights-based perspective, consistently upholding the principle of legality and the democratic system of Costa Rica in order to solidify the friendly settlement of Case 12.942.</p>	<p>Declarative clause</p>
<p>II. The second reparation measure is awarding a house to her under the Family Housing Voucher system of the SFNV, which will be built on Plot No. 4 of the La Cedeña Street housing project. The petitioner chose and accepted this plot of land based on the particular profile thereof, as described below:</p> <ul style="list-style-type: none"> • Excellent climate and housing growth • Proximity to public medical services (EBAIS of Grecia) • Based on Ms. Emilia Morales' health conditions and age, and in anticipation of the possibility of her using a wheelchair to move around, access to this property is viable • Location in an area of good access for a person without a vehicle • Proximity to bus stops. However, bus service at the present time does not run frequently because of the extension of the public road known as "La Cedeña" to the public road known as "Los Rosales," in Puente Piedra of Grecia. Nonetheless, as to the issue of public transportation, the petitioners have consented because this is a temporary situation, stemming from the extension of the public thoroughfare. <p>Once Banco Hipotecario de la Vivienda approves the Family Housing Voucher for Ms. Emilia Morales Campos, and after submitting the construction permits, Cartago Mutual Savings and Loan will formally approve the case so the petitioner is able to purchase the real property registered to the sector of Alajuela real property folio 525479-000, which will be sold to her by the Housing Development Foundation (<i>Fundación Promotora de Vivienda</i>). Additionally, once the construction permits are approved, construction of the house will move forward. Ms. Emilia Morales will acquire the property in keeping with the provisions of Law 7052, and the construction will conform to the statutory provisions governing the rules of the Family Housing Voucher program and the rules that have been approved by the Housing</p>	<p>Total²</p>

² IACHR, Report No. 71/19, Case 12.942, Friendly Settlement, Emilia Morales Campos, Costa Rica, May 15, 2019. Available at: <http://www.oas.org/en/iachr/decisions/2019/CRSA12942EN.pdf>

<p>Mortgage Bank. Once the house is built on the property cited above, in compliance with the Law of Equal Opportunities for Persons with Disability (Law 7600), the housing issue of petitioner Emilia Morales Campos will be definitively resolved.</p>	
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IV. LEVEL OF COMPLIANCE OF THE CASE

2. In its report on the friendly settlement agreement, the IACHR decided to declare total compliance with clause II of the agreement concerning the individual reparation measure.

3. In view of the foregoing, the IACHR declared total compliance with the friendly settlement agreement and, consequently, has decided to cease supervision of compliance therewith.

IV. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State acknowledged responsibility for what had happened.
- The State built a house for the victim and transferred ownership thereof to her.