

Furlan and Family v. Argentina

ABSTRACT¹

This case is about a poor kid who was severely injured while playing in an abandoned facility of the Argentinean Army. In the aftermath of the incident, the victim suffered from serious psychological disorders and physical disability. The Court found Argentina in violation of the Convention because it failed to provide the victim justice and because it did not adequately take into account his disability and low socio-economic status in the domestic proceedings and decisions regarding compensation.

I. FACTS

A. Chronology of Events

December 21, 1988: Sebastián Claus Furlan (“Sebastián”), an active fourteen-year-old, goes to an open field next to his house to play.² His house is in a low-income area and his family is poor.³ He lives with his father, Mr. Danilo Pedro Furlan (“Mr. Danilo Furlan”), his mother, Ms. Susana Fernández (“Ms. Fernández”), and his siblings, Ms. Sabina Ava Furlan (“Ms. Furlan”) and Mr. Claudio Edwin Furlan (“Mr. Claudio Furlan”).⁴ The field belongs to the Argentinean Army, but the grounds are abandoned and there is no barrier blocking access.⁵ Children often frequent the field to play on the dirt mounds, wooden planks, and other equipment that is left behind.⁶

When Sebastián arrives to the field, he hangs from a piece of equipment that weighs between forty-five to fifty kilograms.⁷ It falls on his

1. Michelle Gonzalez, Author; Emily Williams, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 246, ¶ 72 (Aug. 31, 2012).

3. *Id.* ¶ 71.

4. *Id.*

5. *Id.*

6. *Id.* ¶ 72.

7. *Id.*

head and renders him unconscious.⁸ Sebastián is taken to the hospital where he is pronounced in a coma.⁹

January 23, 1989: Sebastián is discharged from the hospital,¹⁰ but the trauma from the accident leads to a mental disorder that causes cognitive and motor impairments and “personality deterioration” – none of which can be cured.¹¹ He can no longer participate in his favorite activities, such as swimming, basketball, and karate.¹²

August 31, 1989: Sebastián throws himself from the second floor of a building in an attempted suicide.¹³ He survives and is taken to the hospital where he is diagnosed with severe depression, as he is experiencing irritation, crying spells, and feelings of worthlessness.¹⁴ The doctors also discover that Sebastián has tried to kill himself before.¹⁵

1990: Sebastián returns to school, but is extremely aggressive towards females and displays other types of disruptive behavior.¹⁶

December 18, 1990: Mr. Danilo Furlan, Sebastián’s father, files a claim in civil court against Argentina for damages resulting from Sebastián’s accident.¹⁷

February 3, 1994: Sebastián, now nineteen years old, punches his eighty-four-year-old grandmother in the face, causing injuries to her face and right arm.¹⁸ His uncle calls the police and a warrant is issued.¹⁹

February 28, 1994: Sebastián goes to the police station that executed the warrant and a psychiatric exam is performed on him to determine whether he is a danger to himself or others.²⁰ The assessment determines that he

8. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 72.

9. *Id.* ¶ 73.

10. *Id.* ¶ 74.

11. *Id.* ¶ 75.

12. *Id.*

13. *Id.* ¶ 76.

14. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 76.

15. *Id.*

16. *Id.* ¶ 77.

17. *Id.* ¶ 78.

18. *Id.* ¶ 106.

19. *Id.*

20. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 107.

is unable to comprehend the consequences of his actions and control his rage.²¹ Doctors suggest he be admitted to a “specialized facility.”²²

March 1, 1994: A judge dismisses Sebastián’s warrant and orders him to be admitted to the facility and a new assessment to be performed.²³

March 2, 1994: Sebastián is admitted to the facility,²⁴ where he undergoes continuous mental health assessments, as well as other psychiatric treatments.²⁵

May 19, 1994: A judge orders the immediate release of Sebastián, contingent on continued psychiatric treatment at the same facility he was previously admitted.²⁶

February 27, 1996: The court finally orders the 1990 civil complaint to be served on the defendant – Ministry of Defense, General Staff of the Army (“EMGE”).²⁷

September 3, 1996: EMGE submits a response to the civil complaint more than four months after the deadline.²⁸

October 24, 1996: The Juvenile Defender’s Office (*Asesoría de Menores*) notifies the court that it cannot represent Sebastián, because he turned eighteen and is no longer considered a juvenile.²⁹ However, the office begins representation of Sebastián’s siblings, Ms. Furlan, and Mr. Claudio Furlan.³⁰

May 8, 1997: A settlement hearing is scheduled, but only Sebastián and his attorney appear.³¹ No representative of EMGE is present;³² therefore,

21. *Id.*

22. *Id.*

23. *Id.* ¶ 108.

24. *Id.*

25. *Id.* ¶¶ 109-10.

26. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 110.

27. *Id.* ¶ 85.

28. *Id.* ¶ 187.

29. *Id.* ¶ 86.

30. *Id.*

31. *Id.* ¶ 88.

32. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 88.

the hearing is cancelled.³³

February 12, 1998: A hearing is set to receive Sebastián's testimony by cross-examination.³⁴ However, EMGE does not attend, thereby forfeiting its right to cross-examination and preventing Sebastián from being heard.³⁵

March 2, 2000: After two and a half years, the court certifies that all evidence has been produced.³⁶

September 7, 2000: The court rules that the State was negligent in maintaining the open field where Sebastián was injured,³⁷ specifying that the State is responsible for seventy percent of the damages and Sebastián is responsible for the other thirty percent, since he voluntarily entered the field.³⁸ The court affirms the decision on appeal.³⁹

May 30, 2001: The court orders Sebastián be paid 130,000 Argentine pesos (approximately \$8,403.90 USD).⁴⁰

March 12, 2003: Sebastián receives approximately 38,300 pesos (approximately \$2,475.92 USD) of the 130,000 Argentine pesos he was awarded.⁴¹

B. Other Relevant Facts

Sebastián's accident changes his entire family structure.⁴² Mr. Pedro Furlan can no longer work because he spends most of his time taking care of Sebastián; Ms. Fernández works longer hours to compensate for lost income; and Ms. Furlan and Mr. Claudio Furlan begin to work and take on adult roles to help the family.⁴³ Eventually, Mr. Pedro Furlan and Ms.

33. *Id.* ¶ 232.

34. *Id.*

35. *Id.*

36. *Id.* ¶ 97.

37. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 99.

38. Furlan and family v. Argentina, Admissibility Report, Report No. 17/06, Inter-Am. Comm'n H.R., Case No. 12.539, ¶ 3 (March 2, 2006).

39. *Id.*

40. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 102, 105. The conversion was calculated at www.xe.com.

41. *Id.* ¶ 105. The conversion was calculated at www.xe.com.

42. *Id.* ¶ 252.

43. *Id.* ¶ 247.

Fernández divorce, which affects the children greatly and strains their relationship with their parents.⁴⁴ Ms. Furlan begins to live with her mother, away from her father and brother and no longer speaks to them.⁴⁵ As of 2012, Sebastián sells perfumes for income and has never had a formal job.⁴⁶ Sebastián lives with his partner, Ms. Laura Alicia Sarto (“Ms. Sarto”), and their two sons.⁴⁷ The household income consists of Sebastián’s disability pension and the small revenue he earns from perfume sales.⁴⁸ Sebastián still suffers from a multitude of mental and physical problems as a result of his accident, which makes everyday activities extremely difficult.⁴⁹ Additionally, Sebastián suffers from depression, “feelings of guilt,” and suicidal thoughts.⁵⁰

II. PROCEDURAL HISTORY

A. Before the Commission

July 18, 2001: Mr. Pedro Furlan submits a petition to the Commission⁵¹ alleging the State court proceedings were unduly delayed and the compensation the court awarded is not proportionate to the State’s responsibility for the severe harm to his son.⁵²

March 2, 2006: After years of exchanging information, the Commission approves Admissibility Report 17/06.⁵³ Contrary to the State’s position, the Commission concludes that the victim has proper standing⁵⁴ and there was “unwarranted delay” in the State court proceedings.⁵⁵ As a result, it is not necessary for the petitioners to exhaust all domestic remedies at the admissibility stage.⁵⁶

October 21, 2010: The Commission issues Report on the Merits No. 111/

44. *Id.* ¶ 263.

45. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 264.

46. *Id.* ¶ 116.

47. *Id.* ¶ 117.

48. *Id.*

49. *Id.* ¶¶ 118-19.

50. *Id.* ¶ 120.

51. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 1.

52. Furlan and family v. Argentina, Admissibility Report, Report No. 17/06, Inter-Am. Comm’n H.R., Case No. 12.539, ¶ 3 (March 2, 2006).

53. *See generally*, Furlan and family v. Argentina, Admissibility Report.

54. *Id.* ¶ 31.

55. *Id.* ¶ 41.

56. *Id.*

10.⁵⁷ The Commission concludes the State has violated Article 8(1) (Right to Be Heard Within a Reasonable Time), Article 25(1) (Right of Recourse Before a Competent Court), Article 5(1) (Right to Physical, Mental, and Moral Integrity), and Article 19 (Rights of the Child) of the American Convention.⁵⁸ The Commission recommends full reparation be made to Sebastián and his family, the State ensure Sebastián has access to medical attention, and that due process is followed.⁵⁹

B. Before the Court

May 23, 2011: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁶⁰

1. Violations Alleged by Commission⁶¹

Article 5(1) (Right to Physical, Mental, and Moral Integrity)
 Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)
 Article 19 (Rights of the Child)
 Article 25(1) (Right of Recourse Before a Competent Court)
 Article 25(2)(c) (Remedies Must Be Enforced)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁶²

Same Violations Alleged by Commission, plus:

Article 8(2)(e) (Right to Assistance by Counsel Provided by State)
 Article 21 (Right to Property)
 Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination)

57. Furlan and family v. Argentina, Report on Merits, Report No. 111/10, Inter-Am. Comm'n H.R., Case No. 12.539 (Mar. 15, 2011).

58. *Id.* ¶ 151.

59. *Id.* "Recommendations" ¶¶ 1-4.

60. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 6.

61. *Id.* ¶ 3.

62. *Id.* ¶ 5; Ms. Maria Fernanda López Puleio and Mr. Andrés Mariño are the representatives of Sebastián and the Furlan family. *Id.*

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

October 28, 2011: The State files three preliminary objections: (1) failure to exhaust domestic remedies, (2) lack of jurisdiction, and (3) violation of the “right to defense of the State.”⁶³ The Court rejects the State’s first objection because the State failed to assert its claims at the correct procedural stage.⁶⁴ The Court rejects the State’s second objection because the State asserted a lack of jurisdiction objection over Article 21 (Right to Property), and the Court concluded that the objection is only applicable when the Court must review the State’s economic policy.⁶⁵ Here, the Court is not asked to review the State’s economic policy.⁶⁶ Finally, the Court rejects the State’s third objection because the State knew of “facts supporting the violation.”⁶⁷ The Court reasons that the State was on notice of the proceedings from the outset and had the ability to “express its position” at any stage necessary.⁶⁸

February 27 and 28, 2012: Action Program for Equality and Social Inclusion (*Programa de Acción por la Igualdad y la Inclusión Social*; “PAIIS”), University of Los Andes (*Universidad de Los Andes*), Colombia’s Faculty of Law, and Mr. Ezekiel Heffes submit *amicus curiae* briefs.⁶⁹

III. MERITS

A. Composition of the Court⁷⁰

Diego García-Sayán, President
 Manuel E. Ventura Robles, Vice-President
 Margarete May Macaulay, Judge
 Rhadys Abreu Blondet, Judge
 Alberto Pérez Pérez, Judge

63. *Id.* ¶ 7.

64. *Id.* ¶ 29.

65. *Id.* ¶ 43.

66. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 43.

67. *Id.* ¶ 56.

68. *Id.* ¶ 59.

69. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 11-12.

70. Judge Leonardo A. Franco, an Argentinean national, is unable to participate per Article 19(1) of the Rules of Procedure of the Court: “a Judge who is a national of the respondent State cannot participate in the hearing and deliberation.” *Id.* n.1.

Eduardo Vio Grossi, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

August 31, 2012: The Court issues its Judgment on Preliminary Objections, Merits, Reparations and Costs.⁷¹

The Court found unanimously that the State had violated:

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), in relation to Articles 19 and 1(1) of the Convention, to the detriment of Sebastián,⁷² because:

*The Court looked to the following elements established by the European Court of Human Rights to determine whether the duration of the proceedings was unreasonable:*⁷³ (1) complexity of the case, (2) conduct of the parties, (3) conduct of the authorities, and (4) “what [was] at stake” for the plaintiff.⁷⁴ *Civil proceedings in the State are not complex per se, and Sebastián’s case was no different.*⁷⁵ *There were no witnesses, evidence, facts, or issues justifying the proceedings to take twelve years.*⁷⁶ *Additionally, the Court found that the petitioners acted diligently and reasonably,⁷⁷ and had the typical procedure for civil cases been followed, the case would have only lasted nine months.*⁷⁸ *Furthermore, the Court found a “lack of diligence” from the judges presiding over the civil case who allowed seven years to pass before collecting evidence.*⁷⁹ *The defendant, EMGE, also contributed to the delay in proceedings by taking months to*

71. *Id.*

72. *Id.* ¶ 204.

73. *Id.* ¶ 152; Furlan and family v. Argentina, Report on Merits, Report No. 111/10, Inter-Am. Comm’n H.R., Case No. 12.539, ¶¶ 100-101 (Mar. 15, 2011).

74. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 152.

75. *Id.* ¶ 159; Furlan and family v. Argentina, Report on Merits, ¶ 102.

76. Furlan and Family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 159; Furlan and family v. Argentina, Report on Merits, ¶ 102.

77. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 168, 175.

78. *Id.* ¶ 172.

79. *Id.* ¶ 182.

*produce an answer and refusing to attend the settlement hearing.*⁸⁰ *Considering this, the State did not demonstrate that the delay was attributable to anyone other than its own authorities.*⁸¹ *Finally, the Court noted that had the proceedings been punctual, Sebastián’s quality of life would be significantly improved.*⁸² *Importantly, the State was aware of Sebastián’s multiple suicide attempts and that his situation needed urgent attention.*⁸³ *As such, the Court concluded that the stakes for Sebastián were extremely high and the delay in proceedings denied him the timely treatment he needed, resulted in the irreversible impairments.*⁸⁴

Articles 25(1) (Right to Recourse Before a Competent Court), 25(2)(c) (Remedies Must Be Enforced), and 21(Right to Property), in relation to Article 1(1) of the Convention, to the detriment of Sebastián,⁸⁵ because:

*Sebastián should have received 130,000 pesos (approximately \$8,403.90 USD), as was awarded to him by judgment, rather than the 38,000 (approximately \$2,475.92 USD) he received.*⁸⁶ *The authorities knew his family had limited financial resources, and because he was a person with disabilities, this heightens the State’s duty to ensure he was adequately provided for.*⁸⁷ *The Court ruled that the domestic court’s judgment was not effective and did not meet the standard necessary to protect and compensate victims whose rights have been infringed upon.*⁸⁸ *Additionally, the Court noted that while the right to property is not absolute,*⁸⁹ *in the current case there was a correlation between effective judicial protection and the right to property.*⁹⁰ *Sebastián received no other pecuniary or non-pecuniary damages that may have “softened the impact” of only receiving 38,000 pesos.*⁹¹ *Not giving him the full amount awarded, especially considering he was a “vulnerable person with limited resources,” called*

80. *Id.* ¶ 187.

81. *Id.* ¶ 190.

82. *Id.* ¶ 197.

83. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 199-200.

84. *Id.* ¶ 203.

85. *Id.* “Declares,” ¶ 2.

86. *Id.* ¶ 214. The conversion was calculated at www.xe.com.

87. *Id.* ¶¶ 215-16.

88. *Id.* ¶¶ 217, 219.

89. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 220.

90. *Id.* ¶ 222.

91. *Id.*

for a greater justification than what was given by the State.⁹²

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), in relation to Articles 19 and 1(1) of the Convention, to the detriment of Sebastián,⁹³ because:

The Convention on the Rights of Persons with Disabilities provides that children with disabilities shall be heard in any proceeding affecting them when they are capable of expressing their views.⁹⁴ The State court should have “seriously considered” Sebastián’s views when deciding the facts of the case and rendering its judgment.⁹⁵ However, the judge did not hear Sebastián’s testimony at any stage of the trial,⁹⁶ as evidenced by EMGE failing to attend the settlement agreement and neglecting to perform a cross-examination of Sebastián.⁹⁷

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), in relation to Articles 19 and 1(1) of the Convention, to the detriment of Mr. Claus Furlan,⁹⁸ because:

Per the Argentine Civil Code, minors shall be represented by the Juvenile Defender’s Office, and by any other necessary representatives.⁹⁹ The Juvenile Defender’s Office had the ability to fully intervene in any case or matter and require authorities to adopt specific measures.¹⁰⁰ However, the judge in Sebastián’s hearing failed to notify the Juvenile Defender’s Office of Sebastián’s needs as a minor with disabilities.¹⁰¹ Had the Juvenile Defender’s Office aided Sebastián in his proceeding, he would have been less vulnerable and his family would not have suffered as much financially.¹⁰²

92. *Id.*

93. *Id.* “Declares,” ¶ 1.

94. *Id.* ¶¶ 229-30.

95. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 230.

96. *Id.* ¶ 232.

97. *Id.*

98. *Id.* “Declares,” ¶ 1.

99. *Id.* ¶ 237.

100. *Id.* ¶ 238.

101. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 240.

102. *Id.* ¶ 243.

Articles 5(1) (Right to Physical, Mental, and Moral Integrity), 8(1) (Right to a Hearing Within a Reasonable Time by a Competent and Independent Tribunal), and 25 (Right to Judicial Protection), in relation to Article 1(1) of the Convention, to the detriment of Mr. Pedro Furlan, Ms. Fernández, Mr. Claudio Furlan, and Ms. Furlan,¹⁰³ because:

*Mr. Pedro Furlan spent the majority of his time taking care of Sebastián and being actively involved in his litigation.*¹⁰⁴ *Additionally, he began suffering from a “neurotic personality” disorder with psychopathic behaviors caused by extreme stress.*¹⁰⁵ *Accordingly, Ms. Fernández was forced to work to prevent the family from losing everything they owned.*¹⁰⁶ *All of this ultimately resulted in Mr. Pedro Furlan and Ms. Fernández’s divorce.*¹⁰⁷ *Their other son, Mr. Claudio Furlan, was traumatized by his brother’s accident and the family’s separation.*¹⁰⁸ *He stopped participating in activities he enjoyed to help take care of his brother and even changed his school schedule from full time to nights only, and decided to live near his brother in case of emergency.*¹⁰⁹ *Similarly, Ms. Furlan suffered from her parents’ divorce and from lack of attention, since her family spent all their energy caring for Sebastián.*¹¹⁰ *She stopped speaking to her father out of resentment.*¹¹¹ *Per the United Nations Convention on the Rights of Persons with Disabilities, persons who live in poverty and are disabled shall receive assistance from the State with disability-related expenses, but the Furlan family did not receive any support from the State.*¹¹²

Articles 5(1) (Right to Physical, Mental, and Moral Integrity), 8(1) (Right to a Hearing Within a Reasonable Time by a Competent and Independent Tribunal), 21 (Right to Property), 25(1) (Right to a Recourse Before a Competent Court), and 25(2)(c) (Remedies Must Be Enforced) and 19 (Rights of the Child), in relation to Article 1(1) of the Convention, to the detriment of Sebastián,¹¹³ because:

103. *Id.* “Declares,” ¶ 5.

104. *Id.*

105. *Id.* ¶ 260.

106. *Id.* ¶ 262.

107. Furlan and family v. the Republic of Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 262.

108. *Id.* ¶ 263.

109. *Id.*

110. *Id.* ¶ 264.

111. *Id.*

112. *Id.* ¶¶ 254-55.

113. Furlan and family v. the Republic of Argentina, Preliminary Objections, Merits, Reparations and Costs, “Declares,” ¶ 6.

There was a de facto discrimination associated with the State's violation of Articles of the Convention, which establishes that¹¹⁴ minors and people with disabilities shall enjoy the same access to justice and efficient legal processes as those who do not face disadvantages.¹¹⁵

C. Dissenting and Concurring Opinions

1. Concurring Opinion of Judge Margarette May Macaulay

In a separate opinion, Judge Macaulay analyzed the State's duty regarding the right to health and social security.¹¹⁶ She stated that, per the "principle of non-discrimination," there needs to be additional protective measures in cases involving people with disabilities.¹¹⁷ Ultimately she concluded that the State violated Article 26 (Duty to Progressively Develop Economic, Social, and Cultural Rights), in relation to Articles 5 (Right to Humane Treatment) and 1(1) (Obligation of Non-Discrimination) of the American Convention, to the detriment of Sebastián.¹¹⁸

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Judgment as a Form of Reparation

The Court indicated that the Judgment itself should be understood as a form of reparation.¹¹⁹

114. *Id.*

115. *Id.* ¶ 268.

116. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, Concurring Opinion of Judge Margarette May Macaulay, Inter-Am. Ct. H.R. (ser. C) No. 246, ¶ 1 (Aug. 31, 2012).

117. *Id.* ¶ 15.

118. *Id.*

119. Furlan and family v. the Argentina, Preliminary Objections, Merits, Reparations and Costs, "Orders," ¶ 1.

2. Provide Medical, Psychological, and Psychiatric Treatment for Victims

The State must provide medical, psychological, and psychiatric treatment to the victim's family free of charge through the State's health care services.¹²⁰ The treatment must be on a case-by-case basis, tailored to each member of the family and their individual needs.¹²¹ The location of the facility should be near their home.¹²²

3. Establish an Interdisciplinary Group

The State must establish a multidisciplinary structure to rehabilitate Sebastián in the areas of education, society, and work.¹²³ This group should consider Sebastián's opinions to determine appropriate avenues he can take to better his life.¹²⁴

4. Issue Publications

The State must publish the official summary of the Judgment in the Official Gazette and in a national newspaper, and publish the full Judgment online.¹²⁵

5. Legislative Reform

The State must implement laws that will allow for access to health and social security benefits.¹²⁶ When a person is diagnosed with a serious problem related to a disability, the State must ensure that person and his/her family are provided with a manual that outlines their rights, benefits, and how to access them, as well as information on institutions.¹²⁷

B. Compensation

The Court awarded the following amounts:

120. *Id.* ¶ 284.
121. *Id.*
122. *Id.*
123. *Id.* ¶ 288.
124. *Id.*
125. *Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs*, ¶ 290.
126. *Id.* ¶ 295.
127. *Id.*

1. Pecuniary Damages

The Court awarded \$30,000 to Mr. Pedro Furlan for loss of wages as well as \$6,000 for consequential damages.¹²⁸ The Court also awarded \$3,000 to Ms. Fernández for consequential damages.¹²⁹

2. Non-Pecuniary Damages

The Court awarded \$60,000 to Sebastián, \$30,000 to Mr. Pedro Furlan, and \$15,000 each to Ms. Fernández, Mr. Claudio Furlan, and Ms. Furlan.¹³⁰

3. Costs and Expenses

The State must pay \$3,500 to Mr. Pedro Furlan for the costs related to the case before the Commission.¹³¹ The State must reimburse the Victim's Legal Assistance Fund \$13,547.87 for expenses relating to the public hearing.¹³²

4. Total Compensation (including Costs and Expenses ordered):

\$ 191,047.87

C. Deadlines

The State must reimburse the Victim's Legal Assistance fund within 90 days of the Judgment.¹³³

The State must pay Mr. Pedro Furlan the costs related to the case before the Commission within one year of the Judgment.¹³⁴

The State must comply with the publishing orders within six months of it being issued.¹³⁵

Victims who intend to use State health services must notify the State within six months of the judgment.¹³⁶

128. *Id.* ¶ 316.

129. *Id.*

130. *Id.* ¶ 321.

131. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 325.

132. *Id.* ¶ 328.

133. *Id.*

134. *Id.* ¶ 325.

135. *Id.* "And Orders," ¶ 4.

136. *Id.* ¶ 284.

The State must submit yearly reports for three years on the legislative reform and the multidisciplinary group created for Sebastián.¹³⁷

The State must submit a report on compliance within one year of the Judgment.¹³⁸

The State must pay pecuniary and non-pecuniary damages within one year of the Judgment.¹³⁹

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Furlan & Family v. the Republic of Argentina, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 246 \(Aug. 31, 2012\).](#)

[Furlan & Family v. the Republic of Argentina, Preliminary Objections, Merits, Reparations and Costs, Concurring Opinion of Judge Margarette May Macaulay, Inter-Am. Ct. H.R. \(ser. C\) No. 246 \(Aug. 31, 2012\).](#)

[Furlan & Family v. the Republic of Argentina, Preliminary Objections, Merits, Reparations and Costs, Abstract, Inter-Am. Ct. H.R. \(ser. C\) No. 246 \(Aug. 31, 2012\).](#)

137. Furlan and family v. Argentina, Preliminary Objections, Merits, Reparations and Costs, ¶ 288.

138. *Id.* “And Orders,” ¶ 7.

139. *Id.* ¶ 329.

3. Provisional Measures

[Furlan & Family v. the Republic of Argentina, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Nov. 23, 2011\).](#)

[Furlan & Family v. the Republic of Argentina, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 24, 2012\).](#)

[Furlan & Family v. the Republic of Argentina, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 26, 2015\).](#)

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Furlan & Family v. the Republic of Argentina, Admissibility Report, Report No. 17/06, Inter-Am. Comm'n H.R., Case No. 12.539 \(March 2, 2006\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Furlan & Family v. the Republic of Argentina, Report on Merits, Report No. 111/10, Inter-Am. Comm'n H.R., Case No. 12.539 \(Mar. 15, 2011\).](#)

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