

Proposals for analysis
and monitoring of the
“Cotton Field” case
sentence, regarding
human rights violations
committed by the
Mexican State.

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Inter-American Court of Human Rights,
Case of Gonzalez et al. (“Cotton Field”) vs. Mexico.
Judgement of November 16, 2009 (Preliminary
Objection, Merits, Reparations and Costs).

**Cotton Field. Proposals for analysis and monitoring of the
“Cotton Field” case sentence, regarding human rights
violations committed by the Mexican State.**

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On December 10, 2009, the day that commemorates ratification of the Universal Declaration of Human Rights, the Inter-American Court of Human Rights (Court) issued the judgement of the “Cotton Field” case, condemning the Mexican State for violating the human rights of three women who were disappeared, tortured (the Court uses the terms ‘battered’ and ‘abused’), and murdered in Ciudad Juarez, Mexico, as well as for the violation of the human rights of their mothers and next of kin.

The case is symbolic for several reasons, five of which are listed below:

1. The Mexican State is condemned for violating human rights and its international responsibility is determined, in the inter-American context, for failure to comply with its obligations, in regards to events relating to the three victims and their next of kin, in a context of violence against women that has been documented in Ciudad Juarez since 1993.
2. As a case that is still in force, marked by impunity in the national context and by a long process of seven years before the Inter-American System, it is an historic sentence that defines actions for the reparation of damages for the people directly aggrieved in the case, as well as measures of non-repetition. In other words, it prescribes the reform of institutions and the authorities, programs for prevention and attention, and even public policies for the general population, in order to achieve social change in the State so that human rights become a reality in Ciudad Juarez.
3. The Court confirmed its jurisdiction for judging potential violations of human rights and the obligations outlined in the Inter-American Convention for the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará), and with this, the rights of women are reaffirmed as human rights, universal, inalienable and justiciable.
4. The Court consolidated the concepts and methodology of employing a gender perspective in legal interpretation. It also confirmed that gender is an essential consideration in evaluating the actions that States must take to repair damages and comply with their obligations.

5. The arguments employed in the case in regard to women's right to a life free from violence, the analysis carried out from a gender perspective, and the reparation measures defined in the judgement, have a direct impact on Ciudad Juarez, and a potential impact on Mexico, the inter-American region and the world.

Nevertheless, the sentence is not the final point in the legal process. The sentencing only marks the beginning of the next critical stage – ensuring that the orders for reparation of damages are effectively complied with. This is an opportune and important moment to adopt this sentence as a legal and political tool for reflection and action at the local, regional and international levels, with a view to make the Court's orders a reality and also to advance beyond the Court's decision.

The objective of this publication is to aid closer understanding of the contents and monitoring of the judgement. Points and proposals that seek to facilitate analysis and debate of the sentence are highlighted. However, principally, it seeks to encourage action by civil organisations on the issue, but also by all organisations and individuals that want to bring about social change within the human rights framework. Detailed monitoring is required to guarantee that the sentence is complied with in the time and manner dictated by the Court.

Cases presented before any tribunal are processes that relate almost exclusively to the parties directly involved. In this case, the responsibility to sustain the proceedings fell to the victims and their representatives, the Inter-American Commission on Human Rights (IACHR or Commission) and representatives of the Mexican State. Once the judgement is published, diffusion of the nature of the sentence and monitoring compliance must be a public task with broad participation. In this case, it is particularly necessary to widen the base of social participation for two reasons. Firstly, due to the fact that compliance in this context must be carried out at a number of different levels, in Ciudad Juarez, in Chihuahua and in the whole of Mexico. Compliance at these three levels requires the development of public policies, programs and specific actions involving diverse sectors and professions, and also technical vigilance and coverage of what has been undertaken. The second reason is that due to the fact that evaluation of sentence compliance is to be undertaken by the Court itself over the next three years, and that this evaluation requires the documentation and analysis of all local actions relevant to the criteria established in this judgement. Such documentation and analysis will definitely require extensive social participation.

As civil organisations from Ciudad Juarez and members of the Network Committee of Women of Ciudad Juarez (RMM, Red Mesa de Mujeres de Ciudad Juarez), we adopt this judgement as our own and demand its compliance in order to guarantee that in our city such crimes are never to be repeated. As organisational and individual members of the Latin American

and Caribbean Committee for the Defense of Women's Rights (CLADEM, Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer) and as part of the group of representative organisations before the Court, we consider it both important and urgent that more people and institutions join the debate and participate in the monitoring of legal actions that guarantee the rights of women, and in particular, in relation to this case.

We call on organisations and individuals from any part of the world to monitor this sentence, as it is of universal interest that women are guaranteed their full right to life, liberty, personal integrity and access to justice. We invite those individuals and organisations in the American continent, as colleagues in the Inter-American System, to undertake extensive monitoring to ensure that no State neglects their obligations and duties to respect, protect and guarantee human rights, and, in particular, the rights of women.

In Mexico, specifically in Chihuahua and Ciudad Juarez, we urge organizations and individuals to work together to monitor in detail that the sentence is complied with, and at the same time generate information and document actions in order to raise international awareness of what is being done at the local level. In this way, our actions can help ensure compliance with the sentence in the time and manner established by the Court.

We propose four key actions in order to ensure that the sentence is effectively complied with:

1. Engaging in further debate and analysis around the general and technical elements of each of the sentence's resolutions. These may be directed towards the sharing of experiences and programs with other countries already facing similar provisions to those ordered by the Court. Alternatively, general analysis and observations should be made as to the framework developed in the sentence, and its merits and any omissions. The implementation of the sentence requires further debate regarding some concepts and above all, the best methodology to employ in order to render the judgement most effective.
2. Document and generate information around the orders issued by the Court in regard to the Mexican State, so that their monitoring can be recorded, which will in turn provide the Court with access to better resources in order to undertake an appropriate evaluation of compliance with the sentence.
3. Disseminate the content of the judgement and report on the debate generated and actions taken relating to the sentence and its compliance through the media, in academic spaces and citizen networks.
4. Demand, in the instance of any non-compliance with the stipulated timeframe or substance of the Court's orders, that the State comply fully with the orders of the sentence, through letters, public mobilizations, written analysis and debate, solidarity actions and other forms of advocacy.

The complete text of the judgement is included as an attachment in the CD. The CD also contains other documents relating to the case. These documents are included because they were cited in the judgement or because they are relevant to the general context of women's human rights violations committed in Ciudad Juarez. Based on the conviction that information will contribute to debate and action, a website on the sentence has been set up: www.campoalgodonero.org.mx. The site will include reflections and proposals, as well as provide a forum for sentence monitoring.

This document has eleven sections. It begins with information on the participants in the case and the judicial process. It is often easy to lose sight of the protagonists themselves. In international trials that last several years and involve many different people and institutions. For this reason, this document begins with a brief introduction of the victims Esmeralda, Claudia Ivette and Laura Berenice, as well as their mothers and other next of kin.

The grave violations of human rights committed against them, as well as their dignity, resistance and strength in demanding justice, are the principal reasons that we now have this sentence, as well as new resources that allow us to advance in the construction of human rights. By naming the victims we also seek to recognize and pay tribute to them.

The civil organizations that conducted the cases before the Inter-American Human Rights System are then introduced, along with the institutions of this System, in order to clarify their function and scope.

Subsequently, the structure and general content of the judgement is described. In order to facilitate analysis of the judgement, a timeline is included that enables the reader to locate the events and debates analyzed within the framework of the sentence. An exegesis of the context of the case and the elements presented for discussion before the Court is then provided. Finally, the resolutions issued by the Court are outlined in detail, these being the most important aspect of the judgement in terms of future debate and monitoring. These resolutions determine the actions that need to be taken and, only if they are effectively complied with, can we ensure that justice is done and that the demand of: "not one woman more!"* is made a reality.

* The most widespread phrase used in relation to the disappearances and homicides of women in Ciudad Juarez has been: "¡Ni una muerta mas!" (Not one woman's death more!) Nevertheless, we consider that this phrase does not make reference to the discriminatory context of the violence against women in which the crimes have been committed. For this reason, in Ciudad Juarez it has been decided to use the phrase: "¡Ni una asesinada más!" (Not one murdered woman more).

Esmeralda Herrera Monreal was 14 years old when she disappeared. She had arrived in Ciudad Juárez two months before with her mother, siblings and cousins. New to the city she had not yet made friends and worked as a domestic employee. Her family was soon to celebrate her fifteenth birthday. Esmeralda was excited about the party, and wanted to continue with her studies in order to obtain a good job that would allow her to help support her mother and family.

Laura Berenice Ramos Monárrez was 17 years old when she disappeared. She studied at the Allende secondary school, where young girls had already been disappeared and murdered. She also worked in the “Fogueiras” restaurant. She liked to go out and have fun but also wanted to study in order to provide herself with better opportunities in life.

Claudia Ivette González was 20 years old when she disappeared. She had worked in the LEAR 173 maquiladora for three years. She was reserved and didn't go out much. In her spare time she helped her family to care for their children. These responsibilities sometimes caused her to arrive a little late to work, despite living very close to her workplace. The day that she disappeared she arrived two minutes late to her shift, and for this reason the guard did not let her enter the factory.

Irma, Benita and Josefina. Mothers and family members, also aggrieved.

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Irma Monreal Jaime, Esmeralda's mother, migrated with her children to Ciudad Juarez in search of better opportunities in life. She works in a maquila. She has raised a close and supportive family. However, the harassment by the authorities and other people that she and her family have suffered, due to her demand for justice for the disappearance and murder of Esmeralda, has caused several of her sons to seek safety outside the country. Without being a part of any civil organization, Irma's determination and understanding of institutional processes and the law, have allowed her to seek ways, both locally and at the inter-American level, to investigate and address the wrongs she has suffered.

Benita Monárrez Salgado, Laura Berenice's mother, was actively involved in demanding justice for the crimes her daughter suffered. She created a civil organization, "Integración de Madres por Juarez" (Integration of Mothers for Juarez), and from there undertook projects and activities to denounce and monitor in detail the actions taken by the authorities in relation to the cases of violence against women. As a result of her activism, Benita and her family were increasingly and frequently harassed. The harassment included the theft of documents and equipment being used by her organization to monitor the investigations. Upon recognizing that her life and the lives of her family were in danger she sought political asylum in the United States, which was granted in 2009.

Josefina González Rodríguez, Claudia Ivette's mother, is a worker in a maquila. She is from Ciudad Juarez and is part of a united family that consists of her parents, three daughters and a son. She was actively involved in the search for her daughter and joined with other local civil organizations in order to seek truth and justice in regard to Claudia Ivette's murder; a crime that has caused her and her family so much pain.

The demand for justice has not only resulted in grave acts of personal harassment for these three families. They have also been subjected to defamation and harassment by some local media organizations. These media organizations, from the outset and to the current time, have carried out a campaign asserting that the mothers and civil women's human rights organizations are profiting from this situation. They have also claimed that the femicide is a myth created and perpetuated by the women.

The actions of each of these women are admirable. The loss of a daughter

under such circumstances, together with the subsequent harassment and all in a context of complete impunity has had serious consequences, not only on their person and their families, but also for their life projects. To sustain oneself throughout a lengthy judicial process requires great tenacity and determination, and to do so in the international system is also an act of conscientiousness and generosity. By seeking a solution to systemic misogyny and personal pain within a legal and institutional framework, rather than resorting to a cycle of vengeance, these women evidence a consciousness of the wider social context of the crimes they have been victims of. Their generosity is demonstrated in their fight to establish precedents for the lives and liberty of all women and for better human relations.

In the criteria of the Court, it is presumed that the victims' next of kin are also victims because of the suffering those crimes have caused them. Moreover, in this case, the mothers and their families have been the direct victims of violations by the Mexican State due to the State's breach of its obligations to investigation and non-discrimination in relation to the crimes. This in turn has resulted in a failure to guarantee the families' right to justice and legal protection, as well as the violation of their right to personal integrity through the harassment they have suffered.

The petition to investigate violations of human rights was presented to the Inter-American Commission on Human Rights (CIDH) individually by the mothers of three of the girls and women whose bodies were found in the Cotton Field. They claimed violations against their daughters, themselves and their next of kin. The investigation and the sentence of this matter in this instance are therefore restricted to these three cases. Nevertheless, as a result of the fact that the case relates to human rights violations and because of the context in which these violations were committed, the sentence has far broader implications as:

1. It recognizes that the violence against women seen in Ciudad Juarez since 1993 is a structural violation of human rights for which the Mexican State is responsible.
2. It establishes orders for reparation that include measures of non-repetition, in such a way that the onus falls on the State to take all necessary actions to ensure that similar crimes are not repeated. It also establishes reparation measures that include acknowledgement of and the undertaking of concrete actions in relation to, cases registered since 1993.

During the trial of the case, an important debate arose in regard to this last issue. At that time, the representative organizations requested that the Commission and the Court extend the number of victims included in the investigation of human rights violations in the case. There were eight bodies found in the Cotton Field, but only three mothers presented a petition to the Commission to investigate the cases of their three daughters. The Court was asked to expand the number of victims and investigate the cases of the eight women whose bodies were found in the Cotton Field within the framework of the matter.

Later in the process, in 2006, the identity of the majority of the bodies found in the Cotton Field was ascertained. In the face of grave irregularities in the process of the identification of the bodies, and at the mothers' request, the Argentine Forensic Anthropology Team (EAAF, Equipo Argentino de Antropología Forense) undertook the necessary inspections for the full identification of the victims, in order to ensure objectivity. To date, the EAAF has determined that the bodies found at Cotton Field are: Esmeralda Herrera Monreal, Laura

Berenice Ramos Monárrez, María de los Ángeles Acosta Ramirez, Mayra Juliana Reyes Solis, Merlín Elizabeth Rodríguez Sáenz, María Rocina Galicia and a woman who remains unidentified. The identification of Claudia Ivette González was made by the Mexican authorities alone.

At the beginning of the enquiries into the case and up until 2006, three of the bodies found in the Cotton Field had been assigned the identities of Guadalupe Luna de la Rosa, Bárbara Aracely Martínez Ramos and Verónica Martínez Hernández. To date, these first two women still remain missing, while it has been confirmed that the lifeless body of Verónica Martínez was found in 2002 on a different plot of public land. Her identification was made by chance, as her vertebrate column was found and recovered from the Ciudad Juarez School of Medicine (Escuela de Medicina de Ciudad Juarez) by the EAAF.

In this way, once the petition was presented before the Court, it was requested that the number of victims be expanded from three to eleven in the Cotton Field investigation. The victims were now being defined not only in reference to the eight bodies found, but also to include the other women, their next of kin, who had been victims of negligence and the incorrect identification of the bodies. Moreover, it was argued that these irregularities characterized the complexity of the human rights violations committed against women in Ciudad Juarez. Even though the eleven victims had disappeared on different dates and in different locations, the facts bound them together in the Cotton Field case.

The Court decided to not expand the number of victims considered by the case, arguing that it did not have the jurisdiction to expand the information relating to the facts nor to the victims that were not established in the petition presented by the Commission. The Court stated that despite the representative organizations' application to the Commission, in the preliminary investigation proceedings that were carried out in this case, all the necessary procedural stages in the process were not fulfilled. As a result the Court found that the Commission was unable to present those aspects in sufficient detail in its petition. For this reason, this sentence refers exclusively to the three victims whose mothers directly presented the petition before the Commission.

Nevertheless, the Court accepted that the cases of the other women were sufficiently relevant to the cases at hand, in order to take them into account in its evaluation of the context of violence against women in which the crimes occurred. The Court also stated that the decision not to expand the number of victims did not prevent these victims' next of kin from subsequently presenting their cases before the inter-American system for investigation into potential human rights violations, should they so wish.

It is also important to state that, while the direct victims and their next of kin are referred to here, the impunity surrounding these crimes and also their repetition cause harm to society and to future generations that also requires reparation and in this way the measures that guarantee non-repetition are particularly important.

Before the Inter-American Court of Human Rights (Court), Mrs Irma Monreal Jaime (mother of Esmeralda Herrera Monreal) was represented by the organizations: National Association of Democratic Lawyers (ANAD, Asociación Nacional de Abogados Democráticos A.C.) and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM, Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer). Mrs Josefina González Rodríguez (mother of Claudia Ivette González) and Mrs Benita Monárrez Salgado (mother of Laura Berenice Ramos Monárrez) were represented by the Citizen Network for Non-Violence and Human Dignity (Red Ciudadana de No Violencia y por la Dignidad Humana) and the Center for Women's Integral Development (CEDIMAC, Centro para el Desarrollo Integral de la Mujer A.C.). As requested by the Court, Sonia Torres Hernández was appointed the common intervener for these four organizations.

The Court also made allowance for a key mechanism through which civil organizations, universities and individuals that were not part of the case could participate and assist the judicial process, through the presentation of a document entitled *amicus curiae* (friend of the court – amici curiae in plural). This provided technical information regarding the context of the crimes and other information that was considered relevant to the case. This document was designed to advise and assist the Court in its decisions.

Due to its relevance not only for Ciudad Juarez and Mexico, but also for the international community that has monitored the grave acts of violence against women committed since the 1990s, this case has enjoyed the support of many different organizations, university groups and civil institutions. These groups also presented briefs under *amicus curiae*, providing the Court with relevant further information and legal lines of argument relating to the case.

The Court received thirteen *amicus curiae* briefs, some of which were presented jointly by civil organizations and university programs, others by groups of students, networks of civil organizations and even by individuals. These reflect the interest that the case generated both in its proceeding before the Court, in Ciudad Juarez, Mexico and also in numerous other countries throughout the world. They similarly evidence a spirit of solidarity and a broad and collective desire to guarantee the human rights of all people in all corners of the world. They also show global recognition of the importance of providing States with

better tools to guarantee democracy and human development. The groups and individuals that submitted *amicus curiae* were:

1. International Reproductive and Sexual Health Law Program of the Faculty of Law at the University of Toronto (IRSHL Program) and the Center for Justice and International Law (CEJIL).
2. Track Impunity Always (TRIAL) and the World Organization Against Torture (OMCT, Organización Mundial contra la Tortura).
3. A group of grant holders at the Institute of Judicial Investigations at the National Autonomous University of Mexico (Instituto de Investigaciones Jurídicas, UNAM).
4. A Human Rights Group from the Postgraduate Division of the UNAM.
5. Women's Link Worldwide.
6. Network of Women from Ciudad Juarez (Red de Mujeres de Ciudad Juarez, A.C.)
7. Global Justice and Human Rights Program of the University of the Andes.
8. Human Rights Program and the Masters in Human Rights at the Ibero-American University of Mexico (Universidad Iberoamericana de Mexico).
9. Human Rights Watch.
10. Horvitz & Levy LLP.
11. International Commission of Jurists (Comisión Internacional de Juristas).
12. Amnesty International.
13. Center of Human Rights and the School of Law at Essex University, the International Centre for Transitional Justice and Redress.

The support and monitoring role that civil organizations and individuals are able to play in relation to the processes of both the Commission and the Court are envisaged in their regulations. In the promotion and protection of human rights all efforts and actions are important as is demonstrated by these contributions.

The collaboration of individuals, organizations and local, national and international institutions is particularly important in monitoring compliance with the sentence. There are a number of ways to monitor compliance. One option would be in coordination with the organizations that represented the case. Alternatively, monitoring could be undertaken by women's human rights organizations and networks in Ciudad Juarez and Chihuahua, or, an approach could be to submit *amicus curiae*, at the relevant and allocated times, directly to the Court.

Human rights treaties, have as their object and purpose the protection of the human rights of individuals. Rather than the protection of the rights of States themselves, the legal order established by human rights instruments, creates obligations for signatory States to the individuals under their jurisdiction. In this respect, in human rights treaties States do not have the protection of their own interests at stake, but rather a common interest in the protection of every human being. Human rights treaties are applied under criteria of collective guarantee and their internationality results in the common agreement of a shared responsibility to guarantee the human rights of all individuals in the world.

States ratify these treaties in acts of full sovereignty and autonomy, and have the legal duty to comply with their requirements and the decisions derived from their application (for example: the sentence of the Court in this Mexican case), under the principle of good faith.

The doctrine of Universal Human Rights was established by the United Nations (currently made up of more than 190 nations), and is given legal force through the Universal Declaration of Human Rights and many other Conventions, instruments and implementation mechanisms. Countries that have ratified the principal treaties of the United Nations on human rights (civil, political, economic, social and cultural rights; racial discrimination; discrimination against women; rights of the child; migrant workers and their families; disabled persons) are subject to all rules, recommendations and supervision procedures for their compliance. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) has particular importance for this case, as do the recommendations issued by the Committee that supervises this instrument's observance by ratifying States.

Likewise, due to the differing historical, social, economic, political, cultural and geographical characteristics of each continent, regional systems of human rights protection have been, and continue to be, established. Europe, Africa, Asia and America currently have regional human rights protection systems in place.

In the American continent, the Inter-American Human Rights System (Inter-American System) was formally established with the adoption of the American Declaration of the Rights and Duties of Man in 1948. The Declaration was adopted by the nations of the Americas, in the exercise of their sovereignty and within the framework of the Organization of American States (OAS). Since this Declaration, other normative inter-American instruments have been adopted such as the American Convention on Human Rights (American Convention or ACHR), and other protocols and conventions on specific issues that establish obligations for the promotion and protection of human rights. These include mechanisms in order to demand compliance and access to inter-American justice. Among these specialized instruments, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará) has particular importance for the Cotton Field case.

There are two institutions that make up the Inter-American System: the Inter-American Commission on Human Rights (IACHR or Commission), established in 1959 and based in Washington D.C., and the Inter-American Court of Human Rights (Court), established in 1979, with its headquarters in San Jose, Costa Rica. The inter-American conventions on human rights define the responsibilities of these institutions.

The IACHR is a principal and autonomous organ of the OAS, and represents all member nations in the area of human rights. It is made up of seven independent members that carry out their role independently, do not represent nor act in representation of any country in particular, and are elected by the General Assembly. They have diverse powers including actions such as on-site visits to countries and the production of reports with observations on the human rights situation in the region and its countries. The IACHR has three powers that are central to the defense of human rights in the Americas:

1. To receive, analyze, investigate and process complaints or petitions on individual cases which allege human rights violations. These may be from States that are party to the Convention as well as from those that have still not ratified it.
2. To be the only instance, apart from States, that can submit cases to the jurisdiction of the Inter-American Court, and only after investigating each complaint or petition received, and finding that there are concrete elements to suggest that human rights have been violated and that an adequate solution won't be achieved within the State.
3. To act before the Court on cases that it presents, as well as those representing the victims.

The Commission receives individual complaints and petitions for human rights violations in the region. In order to be accepted several requirements

must first be satisfied, including that all means of remedying the situation domestically through the national justice system must have been exhausted. As the Cotton Field case was marked by a systematic context of impunity for violence against women, and due to the characteristics of the national investigations that were initiated, the case merited being presented and investigated without this requirement being technically exhausted.

The Court is an autonomous judicial institution of the OAS, whose objective is the application and interpretation of the American Convention on Human Rights and other inter-American human rights norms. It is formed by jurists of the highest moral standing and of widely recognized competence in the area of Human Rights. The jurists are elected in an individual capacity, by the States that are party to the Convention in the OAS General Assembly.

When the Commission presents a case before the Court, it seeks to determine whether a State is internationally responsible for violating one of the rights established in the Convention. The State is judged as a figure that is made up of its three powers (executive, legislative and judicial) and of a range of levels of administrative organizations (union, states/provinces, and municipalities), independent of whether they are unitary or federated States. In this way, in the case of a federated State such as Mexico, all the federal states are integrated.

In this case, while the crimes occurred in Ciudad Juarez, Chihuahua, the sentence of the Court includes not only Chihuahua State but the whole federation, as well as all societies and institutions that constitute Mexico. In this way, the responsibility not only falls upon the society of the country in which the human rights were violated, but also the community of Inter-American States and the international community. The reparations and orders must be implemented domestically in the country in question, but must also be observed by the international community, through the supervision of the Court that reports to the OAS General Assembly. In other words, all states that have committed voluntarily to respect and guarantee that the human rights of all persons in the inter-American region are respected must ensure that the relevant obligations are complied with.

The sentences of the Court are definitive and not subject to appeal, except in the instance that, if one of the parties is not in agreement with the sense or scope of the sentence, the Court may issue an interpretation. The Court also has the power to supervise the compliance of its sentences. Such supervision occurs through periodic hearings and reports submitted by the convicted State, and this compliance may be contested or questioned by the victims' representatives and the Commission.

During the review of the Cotton Field case, the Court was made up of judges: Cecilia Medina Quiroga (President); Diego García Sayán (Vice President); Manuel E. Ventura Robles (Judge); Margarete May Macualay (Judge); Radhys Abreu Blondet (Judge); and Rosa María Álvarez González

(Judge *ad hoc*). It is important to emphasize that, in regards to the composition of the Court, this case was examined and the sentence issued by the Court that for the first time in its history was presided over by a woman, Judge Cecilia Medina Quiroga.

The sentence of this case is made up of ten sections that outline the judicial process that was brought before the Court. It includes: the background, description of the facts; evidence; arguments presented by all parties; as well as reflections and discussions carried out in the Court in order to reach decisions presented in the operative paragraphs of the Court's ruling. In order to facilitate reading, and considering that all references are included in the document of the sentence (included in the CD attached), citations are not included.

The ten sections that make up the sentence are:

- I. Introduction to the case and purpose of the dispute
 - II. Proceeding before the Court
 - III. Partial acknowledgement of international responsibility
 - IV. Preliminary objection (lack of jurisdiction *rationae materiae* of the Court with regard to the Convention for the Prevention, Punishment and Eradication of Violence against Women, Convention of Belém do Pará)
 - V. Jurisdiction
 - VI. Evidence (that was presented and its assessment)
 - VII. Violence and discrimination against women in this case
 - VIII. Article 11, protection of honor and dignity
 - IX. Reparations
 - X. Operative Paragraphs
- Concurring Opinions

A detailed reading of the whole text of the sentence permits one to become acquainted with the debates and arguments of each of the parties. In particular, in terms of monitoring compliance, it is important to have a detailed understanding of the evidence presented by the State in order to prove that it had complied with its obligations and why the Court considered these to be insufficient. The actions Mexico took were found to be ineffective and therefore the state was held to incur international responsibility for the violations of human rights. It is crucial to be familiar with this line of argument in order to help facilitate the Court's evaluation of Mexico's compliance with the sentence.

Different viewpoints have suggested that, particularly in regard to its reaction to femicide in Ciudad Juarez, the Mexican State has feigned action before the international community and before its own citizens. The State only appea-

red to undertake actions of prevention, investigation and even punishment of violence against women when in reality its actions in no way addressed the structural aspects of the problem. Discouragingly, it appears that Mexico invests more effort in creating and maintaining a good international image than in engaging in actions that would make that image a reality. This sentence, is a process of investigation and analysis within a precise legal framework, and allows us to at last free the issue from the discourses of diplomacy and spin doctoring and actually reveal what Mexico is and is not doing in terms of addressing and eliminating these grave human rights abuses and their effects.

The first and second sections provide a general introduction to the case and the proceedings and identify the actions undertaken during the process. In the third to sixth sections, the formal and procedural elements of the evidence and the two initial approaches taken by the State are analyzed. In terms of the study of women's human rights, the analysis undertaken by the Court in the fourth section regarding the question of its own jurisdiction over the State in regard to violations of obligations established in the Inter-American Convention for the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará), is particularly noteworthy.

The seventh and eighth sections refer to the substantive debates of the case and identify the context and facts to be analyzed. The ninth section is the most important in terms of the discussion and monitoring of the sentence. Relying on factors such as the gravity of the violations detected, and the nature of the evidence provided, it outlines which types of reparations are appropriate for the case and which ones are not. Several requests made by the representative organizations were not accepted, principally due to what the Court considered to be a lack of evidence. This reillustrates that a sound knowledge of the arguments of the State and the evidential requirements is essential in order to help prepare better documentation for the evaluation of compliance with the sentence.

Finally, this document will present the operative paragraphs that contain the summary of the findings established by the Court in the entire proceeding. These include: the findings on jurisdiction, the findings of fact, the human rights violations recognized by the Court, and the orders for the reparation of damages. The concurring judgements of two judges are also included, by which the decision made in full is confirmed. Further observations are added in order to explore some of the debates that were presented at the time of decision-making.

The sentence offers elements for diverse readings and analysis: conceptual, theoretical, methodological, juridical, social and also political. In conclusion, like all human rights sentences, it provides an opportunity for States and their societies to continue advancing respect for and guarantee of human rights. As such this sentence represents a fundamental step towards strengthening the rule of law and democratic institutions, as well as making a broader contribution to human development in Mexico.

Context of the Case According to the Inter-American Court of Human Rights

The Court concluded that a context of violence against women exists in Ciudad Juarez and that it frames the facts analyzed in the case. It stated that since 1993 homicides involving women have increased in the city and that a culture of discrimination against women has been influential in this. The Court found that the State's intentions, methods and response to these crimes evidence that the victims were discriminated against on the basis of their sex. Specific evidence of this discrimination was found in:

- The authorities' inefficient responses and indifferent attitudes to the investigation of these crimes.
- The fact that in cases of female homicides that involved elements of sexual violence, levels of impunity were the highest of all.
- The extraordinarily high levels of violence, including sexual violence involved in the homicides against women. The Court also observed that there is not even any certainty regarding the number of victims and that contradictions exist in the figures presented by the State itself in relation to the number of women murdered in Ciudad Juarez.
- The ongoing perpetuation of violence against women in Ciudad Juarez.

Although the Court cannot attribute responsibility to the State based on the context alone, it stressed the importance of clearly identifying the context of the crimes in order for the State to properly implement the general preventative measures necessary to guarantee the human rights of women and girls in Mexico.

The Court's findings on the context in which the crimes took place are particularly relevant to any analysis of the judgement for three key reasons: i) the conclusion of the Court puts an end to the insistence by Mexican authorities that what has occurred in Ciudad Juarez cannot be construed as violence against women. This is a denial through which they have hitherto sought to avoid responsibility; ii) through its legal analysis of the facts of the Ciudad Juarez case in context, the Court has clearly identified the elements and methodologies that should be used in order to determine what constitutes "violence against women". This sets an important precedent and strengthens the body of jurisprudence being formed around the right of women to a life free from violence; and iii) the wider implications of the Court's findings that the context in which the crimes took place is of relevance in determining the gravity of the violations in the three specific cases.

The way in which the Mexican State sought to prove its assertion that it had indeed complied with its obligations, and, in turn the elements that the Court used to deny that assertion are of particular importance in terms of defining appropriate strategies for monitoring the State's future compliance with the sentence. The reasons for which the Court condemned the State for failing to guarantee the prevention, investigation and punishment of violence against women, in this case are also of wider significance in that they can now be employed to test the effective compliance of any other state with their obligations to guarantee the right of women to a life free from violence.

The existence of violence against women in Ciudad Juarez

Over the past fifteen years, and during the Cotton Field trial, Mexico has repeatedly denied that the crimes that occurred in Ciudad Juarez display characteristics that allow a systematic pattern of human rights violations to be identified. The Mexican State has described the crimes as sad or grave, but has insisted that they be characterized as isolated incidents, and ultimately the responsibility of others and of individuals. It has justified its inaction by reference to various factors including, a general climate of organized crime, poverty and even the geographical location of the city. These factors, it has asserted has hindered it from addressing the crimes and therefore absolves the State from any international responsibility to investigate or duly prevent the violence against women. In the present case for example, whilst the State recognized that in regards to the next of kin of the three assassinated women, the authorities had committed violations of their rights by denying them access to justice, it insisted that these violations had existed "only for a few years" (the first three years of the investigations). In fact the State offered to redress the suffering that these specific violations regarding the next of kin had caused, but on the condition that the remainder of the case against it be closed, as, on its reasoning the crimes of disappearance, torture and murder of the three women had not been committed by agents of the State and therefore were not its responsibility.

Indeed the State's denial of the existence of a pattern of violence against women was blatantly contradictory. Amongst the evidence it presented to the Court were reports and documents that it had submitted before other international instances which clearly recognized the existence of a pattern of disappearances and murders of women in Ciudad Juarez. In particular, before the United Nations CEDAW Committee designed to oversee observance of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Mexican State recognized that these crimes were influenced by a culture of discrimination against women based on an erroneous belief in their inferiority.

It is important to remember that since 2006, in Ciudad Juarez the media, business groups, a university and the authorities have waged a campaign to clean up

the image of the city that continues to date. They consider that the publicizing of the problem of violence against women is harmful to the city's image and its economic opportunities. The campaign has insisted that the femicide is a myth, that the mothers are in some way profiting from the murders of their daughters, and that the civil organizations that support them in their fight for justice are lying and have political motives for damaging the reputation of the city. This assertion is unsustainable. Ciudad Juarez is currently recognized by social organizations as the most dangerous city in the world due to the number of and form of homicides against journalists, youths, police and adult men.

In this context, the conclusion of the Court can be seen as an opportunity to arrive at a wider social understanding of the crimes and implement strategies to ease the degree of social polarization that has developed around the issue. Despite the fact that part of the Mexican Government and certain social groups in Ciudad Juarez consider that the public condemnation of human rights violations is a threat to the State, and constitutes a form of defamation against the city, in reality, it represents the first step towards strengthening both democracy and human and economic development. Such actions also play a crucial role in strengthening the rule of law.

Characteristics that define the pattern of violence against women in Ciudad Juarez.

The controversy regarding rights violations in the Cotton Field case triggered an in-depth analysis of the context of violence against women in Ciudad Juarez, as this context was seen as crucial to and an intrinsic part of the international responsibility for which Mexico was liable. Thus, in accordance with the complaint and the evidence provided by all parties, the Court highlighted various factors that it considered indicative of the existence of violence against women, and the particular complexity of its details in Ciudad Juarez. Whilst it is possible to identify general factors that define violence against women, it is always necessary to examine the detail of each particular case and establish how that detail constitutes violence against women.

The Court took into account the numbers of victims, the conditions of the victims, the particular types and of violence used against them, and the investigative proceedings employed in response to their murders. It also conducted a detailed analysis of the concepts of gender violence and femicide. These last concepts are specific terms with precise meanings that the Court itself has developed through judicial interpretation. Not all violations of human rights committed against a woman constitute an act of violence against women, nor do all such acts necessarily entail a violation of the provisions of the Convention of Belém do Pará.

Numbers

An argument that has been used to indicate that there is indeed a pattern of violence against women in Ciudad Juarez is the sheer numerical magnitude of cases. The Commission and representative organizations sought to prove the existence of violence against women through the significant increase in the number of disappearances and murders of women and girls in Ciudad Juarez. In particular, the Report from the IACHR Rapporteur, which was used as evidence, highlighted that although Ciudad Juarez has been characterized by a pronounced increase in crimes against women and men, the increase relating to women is anomalous in several aspects. These are: 1) in 1993 there was a notable increase in murders of women; 2) the coefficients of homicides of women doubled in relation to homicides of men; and 3) the rate of homicides corresponding to women in Ciudad Juarez is disproportionately greater than that in other border towns in similar circumstances.

The State did not dispute this point and recognized that the number of murders reflect a problem in regard to the situation of violence against women in Ciudad Juarez. Nevertheless, for the purposes of this analysis it is important to recall the Court's recognition of the contradictions and differences in the figures. The Court found that there were considerable discrepancies not only in the tallies of international, national and local civil groups, but also from the official sources themselves. This in itself reflects a violation of the duty to prevent and investigate these crimes, and this lack of transparency regarding the exact number has resulted in a distorted perception of reality. This situation has been exacerbated by the fact that the State has restricted access to the aforementioned information, not only in response to civil requests but also to requests from official human rights institutions. Access to information is an important point to document throughout the monitoring of this sentence.

Finally, the Court noted that definitive and convincing conclusions do not exist in regard to both the number of murders and the number of disappearances of women in Ciudad Juarez, but recognized that despite this lack of exact figures the numbers are certainly alarming. It also acknowledged that although the statistics themselves are of great importance they are not in themselves sufficient to understand the gravity of the problem experienced by some women in Ciudad Juarez.

Victims

In the context of the Ciudad Juarez case it was argued that it was possible to determine a pattern of violence against women, and also a pattern in relation to the characteristics of the women that were disappeared, tortured and murdered. The majority of the reports on these crimes have pointed out the significance of the victims' age as a factor (the victims are young and even girls), class (the victims are mainly women of scarce resources and are either factory workers or

students), and also the fact that most of the victims are migrants. The State has not commented on the characteristics of the victims.

For the purposes of analysis, it is important to note that the identifying of specific characteristics common to the victims in no way suggests that these characteristics were in any way causal to or determinative of the violence they suffered. Nor does it suggest that these are the only relevant conditions or characteristics of the victims, or that they should be stereotyped in any way. The specific characteristics or conditions attached to the victims are relevant, in so far as, as is mentioned in Article 9 of the Convention of Belém do Pará, they are indicative of the women's situation being particularly vulnerable, and it is this vulnerability which places a special and greater onus on States in complying with their obligations.

Types and methods of violence

There are a number of common factors in a considerable proportion of the murders of women in Ciudad Juarez. Abduction was most frequently followed by the women being kept against their will and the victim's families then reporting their disappearance. Commonly after days or months, the victim's bodies were then found on empty lots bearing signs of violence, including rape and other types of sexual abuse, torture and mutilation. The Court found from the evidence submitted that these common factors constituted a recognizable pattern of conduct of violence against women in Ciudad Juarez.

This finding is in stark contrast to the State's contention that the murders of women in Ciudad Juarez were independent of one another, and that consequently, each needed to be considered in terms of its individual circumstances, chronology and nature. Despite this, the State did acknowledge that there was a clear pattern of sexual violence in the crimes, and this acknowledgement coincided with the submissions of the Commission and the representative organizations.

It is important to take into account the Concurring Opinion (the brief annexed to the sentence), delivered by Judge Cecilia Medina Quiroga, in which she found that the particular characteristics of the violence against women identified here constituted a form of torture. The Court itself in its findings did not go quite as far and whilst recognizing that Mexico had an international responsibility to guarantee the right to personal integrity, it did not specifically describe the crimes perpetrated against the victims as torture. This finding limited the international responsibility of the State and illustrates the need to broaden the debate to include a test to identify and prove torture when committed by non-state actors.

Investigation proceedings

The response of the State to the crimes and, in particular, the nature of the investigations it initiated into the disappearances and homicides of women, was also considered a factor that "characterized" the violence against the women in Ciudad Juarez. The Court found that the irregularities in the

investigations and proceedings, the discriminatory attitudes of the authorities to the victims and their families, and the lack of clarification of the facts, taken together created a climate of impunity that was in itself a violation of human rights.

The State recognized several of these facts in an ambiguous and partial manner, but always contended that they did not constitute a state of impunity. It specifically recognized that between 2001 and 2003 irregularities were committed in the investigation and prosecution of the murders of women. They argued that whilst these irregularities were regrettable, since the year 2004 a significant number of perpetrators had been investigated, captured, tried and punished. In particular, with respect to the three cases investigated before the Court, the Mexican State argued that dating from 2004 all irregularities committed had been fully corrected. However, the Court concluded that these corrections had been ineffective.

In fact the State never specified what the irregularities that it recognized actually were. The Court established that in the context of the case the following irregularities were clearly recognizable:

- delay in commencing investigations;
- slowness in the investigations or inactivity in the inquiries;
- negligence and irregularities in the collection of evidence and the identification of the victims;
- loss of information;
- mislaying parts of the victims' bodies under the custody of the Office of Public Prosecutions (Ministerio Publico);
- failing to consider crimes against women as part of a global phenomenon of gender violence;
- absolute inefficacy, incompetency, indifference, insensitivity and negligence on the part of the police responsible for the investigations, as was observed by the United Nations Rapporteur on judicial independence assigned to the matter.

The Court also concluded that the officials of the state of Chihuahua and the municipality of Ciudad Juarez were clearly discriminatory in their attitudes and behaviour, as evidenced by the following facts:

- they openly blamed the victims themselves for their fate, citing the way in which they dressed, the places where they worked, their behaviour, the fact that they were out alone, or a lack of parental care as being relevant to what happened to them;
- they made light of the events and their severity;
- they justified their non-intervention by using sexist stereotypes of the women victims, which characterized them as being immoral, or as being only "common young girls";
- their lack of interest and willingness to deal with and remedy a grave social problem that was also clearly a form of sexist denigration.

In regards to the authorities' attitudes of discrimination, the Mexican State did not make any express acknowledgement. It did however, as already stated, refer to the acknowledgement it made before the CEDAW Committee, that a culture of discrimination against women contributed to the fact that the murders of women in Ciudad Juarez were not initially perceived to be a problem of such magnitude as to require immediate actions by the authorities. This acknowledgement proves that the State had knowledge of the crimes and did not act with sufficient due diligence to prevent them.

The Court found that the lack of transparency regarding the crimes was a common characteristic of the murders of women in Ciudad Juarez and one that had special importance. This lack of transparency was significant not only in regards to the impunity it contributed to, but also because of its connection to discrimination against women. The Court reiterated the Commission's statements in its report on Ciudad Juarez, which concluded that the impunity, by not holding the perpetrators of the crimes accountable, was a tacit confirmation that violence and discrimination are acceptable. It also went further and stated that these crimes are a typical example of the type of sexist offences that impunity can foster, as confirmed by the UN Rapporteur on Extrajudicial Executions when examining the facts.

In this respect, the issue of the lack of reliable figures once again becomes pertinent. There is no certainty as to how many cases of murders of women in Ciudad Juarez are still under investigation, nor how many cases have been resolved by jurisdictional bodies - nor in what manner they have been resolved. Some cases have been resolved by tribunals for minors, which involve different kinds of proceedings and sanctions. Nor is there clarity on the number of convictions or their sanctions. The CEDAW Committee and Mexico's National Human Rights Commission (CNDH) have rejected the State's statements regarding the so-called "concluded" cases as they include cases that were resolved without any judicial foundation, for example, without the accused having been arrested or punished.

The Court also noted that the number of sentences and the punishments imposed are lower for cases of homicides against women with sexual characteristics than they are for homicides in general. The State presented figures relating to advances in the investigation, identification and indictment of the accused, but these were principally for crimes with motives of intra-family violence or common crime, and not those with a sexually violent character. The records document that the accused cited by the State were detained for 5 or 7 years without a final sentence, were still subject to ongoing ministerial investigations, lacked complete records, and had been detained without convincing evidence.

The observations issued by the Office of the Special Prosecutor for the Investigation of Crimes related to the Murders of Women in Ciudad Juarez, on the sanctions imposed on those found guilty of murder are particularly telling. It observed that those found guilty were sentenced to a maximum of 15 years imprisonment, despite the fact that the majority of the crimes were committed

with aggravating circumstances and therefore merited sentences of between 30 and 60 years imprisonment. The Special Prosecutor suggested that this tendency in sentencing revealed the existence of a worrying judicial policy or at least a pattern of action attributable to the Public Prosecutor's Office and that this tendency should be duly reviewed.

Gender based violence

Both the representative organizations and the State recognized that gender was an important characteristic of the violence perpetuated against women in Ciudad Juarez. However, both sides placed different emphases on different elements of the facts and therefore arrived at diverging interpretations and conclusions.

The representative organizations and several reports presented as evidence allege that, although the motives behind the crimes and also the perpetrators of the murders of women in Ciudad Juarez may differ, the gender of the victims and the inequality in gender relations in Mexican society were common factors that influenced the motive, context and form in which the crimes were committed. This line of reasoning clearly establishes the factors which distinguish the crimes as acts of violence against women and not merely as acts of generalized violence.

The Mexican State agreed that the crimes were influenced by a culture of discrimination against women, but it argued that a number of factors existed that lessened any "structural" gender inequality. For example, it contended that a relevant social and structural factor is the change in family roles in Ciudad Juarez, as a result of women working, and principally due to their massive participation in the maquilas. It also declared that the absence of basic public services in marginalized areas in Juarez, together with the existence of drug-trafficking, arms trafficking, general crime, money laundering, and people trafficking due to the fact that it is a border city, were factors that generated violence and social exclusion. The State also named other social characteristics of Ciudad Juarez that it felt were relevant. These included the consumption of drugs, the high rate of school desertion, the presence of "numerous sexual predators", and the fact that "military officials who have participated in armed conflicts" reside in the neighbouring city of El Paso. It is of note that the State did not draw a link, as the Commission had done, between the murders of women in Ciudad Juarez and cases of coercion and abuse of female sex workers or women who were seen to be forced to work in the sex industry.

In the face of these differences in position on the factors that can be said to characterize the violence in Ciudad Juarez, differences crucial to the recognition or non-recognition of Mexico's international responsibility, the Court again adopted the statements of the CEDAW Committee in regard to violence against women in Ciudad Juarez. It highlighted that the gender violence in Ciudad Juarez, including the murders, kidnappings, disappearances and also the situations

of domestic and intra-family violence, were not isolated, sporadic or episodic cases. These incidents constitute a structural problem and are part of a social and cultural phenomenon rooted in the customs and mentality of a culture of gender-based violence and discrimination.

For the purposes of this analysis it is also important to highlight that the Court emphasized that eliding gender violence with broader social violence, hinders the creation of policies and actions directed toward preventing, investigating and punishing gender violence effectively. Focusing on social disintegration without examining how such disintegration specifically and disproportionately affects women is a form of gender-based discrimination against women.

Defining femicide

In the case at hand, the concept of femicide was central to the allegations presented to the Court. The Commission itself did not define the crimes by this term. However, in the brief provided by the representative organizations, in four of the expert witness reports (those presented by Julia Monárrez, Servando Pineda James, Marcela Lagarde y de los Ríos and Clara Jusidman Rapport), in evidence submitted through the national reports of the Chamber of Deputies of the National Congress, in the evidence provided by civil organizations, and in several of the amicus curiae documents, the crimes were indeed classified as femicide.

The State used the term femicide during the public hearing to refer to the “phenomenon that prevails in Juarez” and it also defined the term in several of its official reports presented as evidence. In spite of this, the State objected to the use of the term in its response to the expert reports presented by the representative organizations. In response, the Court observed that in the Mexican legislation, the General Law On the Access of Women to a Life Free from Violence, in effect since 2007, Article 21 defines femicide violence as “the extreme form of gender violence against women, resulting from the violation of their human rights in the public and private sphere, comprising a series of misogynous conducts that can lead to the impunity of the State and society and may culminate in the homicide or other forms of violent death of women.”

The Court decided, in the case at hand, to use the expression “gender-based murders of women”, also known as femicide. It recognized that some or many of the cases in Ciudad Juarez may have been committed for reasons of gender and that most of them took place within a context of violence against women. Nevertheless, the Court decided to refer to them as ‘murders of women’ as it reasoned that, bearing in mind the arguments about the evidence in the case file, it was not necessary or possible to make a final ruling on which murders of women in Ciudad Juarez constituted gender-based murders, other than the murders of the three victims in the case at hand.

For the purposes of analysis it is essential to identify what concepts were disputed and defined by the Court, in order to use them for the broader interpretation and analysis of crimes that could constitute human rights violations. In addition to the concept of femicide or femicide violence, the concepts of misogyny and sexism are also important here.

The trial of the case before the Inter-American Court of Human Rights

The findings of a court and subsequent sentencing are the result of a complex process of legal reasoning that employs well-established methodologies, stages and formalities. The observance of these due processes provides legal security to all parties and protects their right to have their case heard in an objective manner. In turn, this observance of due process, is interpreted as guaranteeing all parties' implicit consent to the Court's findings.

Whilst the requirements of due process are defined for all steps in the proceedings, content and interpretation must of course be adjusted to the characteristics of each case. In this section, the specific subject matter that the Court defined and interpreted for the Cotton Field case is grouped in seven general categories. In each of these, the Court undertook a detailed analysis that resulted in a specific conclusion and these conclusions are expressed in the sentence itself.

As a result, the language used in the following section of this analysis is more technical. It is however a vital discussion to have if one is to understand the reasoning of the Court, and appreciate the context in which compliance monitoring of the sentence will have to be carried out. The concepts and definitions involved in each of the stages are explained here, as is the debate that they generated in the case.

The general categories presented here, also reflect the sequence of the investigation and reasoning followed by the Court during the judicial process in order to reach its resolutions. In its reasoning the Court discussed the following concepts and in that order:

Injured party → Facts → Rights alleged to be violated
→ Obligations and duties of States → Evidence
→ International responsibility for non-compliance with the obligations and duties of the State → Reparation measures.

Injured party

Persons held by the Court to be victims of a violation of a right recognized by the American Convention on Human Rights, and other complementary Conventions, are referred to as “injured parties”. The other “parties” in the trial are the State and the Commission. The representative organizations are also a party but only in so far as they represent the victims.

In this case there was a debate over who were considered to be victims. The Commission, upon presenting its petition to the Court, considered Esmeralda Herrera Monreal, Claudia Ivette González and Laura Berenice Ramos Monárrez as victims, as well as a specified number of their next of kin. The State argued that the only victims were the immediate next of kin of Esmeralda, Claudia Ivette and Laura Berenice. The representative organizations petitioned that, as well as the victims identified by the Commission, the other eight murder victims and their next of kin be included, due to the fact that, as previously discussed, they had also been affected by the facts surrounding the Cotton Field case and the judicial proceedings.

The Court carried out a preliminary analysis in respect to this question and in an order handed down in January 2009, defined the persons it considered as victims in the case as:

- Esmeralda Herrera Monreal and her next of kin: Irma Monreal Jaime (mother), Benigno Herrera Monreal (brother), Adrián Herrera Monreal (brother), Juan Antonio Herrera Monreal (brother), Cecilia Herrera Monreal (sister), Zulema Montijo Monreal (sister), Erick Montijo Monreal (brother), Juana Ballin Castro (sister-in-law).
- Claudia Ivette González and her next of kin: Irma Josefina González Rodríguez (mother), Mayela Banda González (sister), Gema Iris González (sister), Karla Arizbeth Hernández Banda (cousin), Jacqueline Hernández (cousin), Carlos Hernández Llamas (brother-in-law).
- Laura Berenice Ramos Monárrez and her next of kin: Benita Monárrez Salgado (mother), Claudia Ivonne Ramos Monárrez (sister), Daniel Ramos Monárrez (brother), Ramón Antonio Aragón Monárrez (brother), Claudia Dayana Bermúdez Ramos (cousin), Itzel Arely Bermúdez Ramos (cousin), Paola Alexandra Bermúdez Ramos (cousin), Atziri Geraldine Bermúdez Ramos (cousin).

The definition of the “injured party” has important implications for analyzing the crimes in question and determining who has had their rights violated, and consequently for establishing who will benefit from the measures that the Court determines for the reparation of damages caused.

The facts of the case

What events transpired, how they happened, who was involved and when the events occurred are basic questions relating to the facts that were not always agreed upon by the parties in this case. Nor did the parties necessarily interpret the facts in the same way. In the first instance, the Court must determine which facts it will analyze in order to determine whether or not the victims' human rights were violated and whether there was any potential non-compliance of duties on the part of the State.

The framework of the facts within which the discussion is defined, are established in the petition that the Commission submitted to the Court. On the basis of this document the other parties can then decide to accept or dispute the facts. When a State accepts the facts as presented in the complaint, they are taken as established facts for the purposes of the proceedings. When a State does not accept them but they are proved through the evidence and arguments provided by the parties, they are considered to be proven facts. At this time, the Court must firstly define which facts will be analyzed and subsequently determine whether they are proven or established facts.

In the Cotton Field case, the facts in dispute principally related to the State's investigations into the disappearances, torture and murder of Emeralda, Claudia Ivette and Laura Berenice. The State partially acknowledged its international responsibility relating to the facts concerning the investigations and in order to do so, chronologically divided the corresponding facts into two stages. The "first stage" was taken to include from the time of knowledge of the disappearance of the three victims in 2001, until the end of 2003. The "second stage" covered the investigations undertaken from 2004 until 2009. Using this time division, the State acknowledged the set of facts pertaining to the "first stage" that related to the victims and also the facts relating to the effects on the psychological integrity and dignity of the next of kin of the three victims. In relation to this first time period it also recognized the facts of the context relating to violence against women in Ciudad Juarez. In regards to the "second stage", it stated that it did not recognize any violation of rights and considered that it had complied with all its obligations at this time.

In response to this argument, the Commission noted that the State's acknowledgement of responsibility derived from a different interpretation of the facts than that presented in the complaint and in the brief from the representative organizations. Moreover, that the statements of the State went so far as to dispute the actual facts put forward by the Commission and the representative organizations. In this way, the State's acknowledgement of responsibility, did not totally accept the juridical implications flowing from the facts and as a consequence, nor did it accept the relevance of the reparations requested by the parties.

Furthermore, the representative organizations alleged facts that could only be proven with documents that were in the exclusive possession of the State.

The Court requested these documents but the State refused to provide them. For this reason, the Court resolved that for the purposes of the case disputed facts that were demonstrable solely through proof that the State refused to provide, would be accepted as proven facts.

Another aspect of the case that generated controversy and was debated in the course of establishing the facts was the appointment of the former Attorney General of the state of Chihuahua, Arturo Chávez Chávez, to the position of Attorney General of the Republic. Although this appointment occurred in 2009, once the deadline for presenting evidence before the Court had passed, the representative organizations sought to present it as a “supervening fact” (a fact that occurs after the trial has commenced but that nevertheless has a direct relation to the facts of the case). The Court refused to include it for analysis for two reasons: 1) it considered that this act was not in a phenomenological sense linked to the specific facts of the case and, 2) it considered that establishing the responsibility of Mr Chavez Chavez or other public officials was the exclusive task of the State in its national justice system. In this instance the Court’s only function would be to verify whether the State had complied with its obligations to investigate them.

Bearing in mind these considerations the Court accepted the background that contextualizes the case as part of the general facts to be analyzed:

- It broke down this context into the following points: Ciudad Juarez, the phenomenon of murders of women and numbers, the victims, the method of violence, gender-based violence, the allegation of femicide, and the investigation into the murders of women.

The specific facts of the case at hand that the Court decided to analyze were the following:

- The disappearance of the victims Esmeralda Herrera Monreal, Claudia Ivette González and Laura Berenice Ramos Monárrez.
- The first 72 hours after the missing reports were filed.
- The search for the victims before their remains were found.
- Treatment of the victims’ next of kin by the authorities.
- Discovery of the bodies.
- Violence against women in the case at hand.
- Acts taken in regard to prevention and investigation in the case. These acts were classified in the following way: the custody of the crime scene, the collection and handling of evidence, autopsies and identification and return of the victims’ remains; actions taken against suspects and the alleged fabrication of guilty parties; progress in the investigations, the undertaking of each of the investigations in isolation and its alleged impact on creating impunity; the investigation and punishment of public officials involved in the irregularities of the case; and the access provided to the case file and to copies of the file.
- Facts regarding the next of kin. The Court decided to analyze the facts relating to the suffering they experienced as a result of what happened

to the victims, and the facts relating to their search for the truth, as well as those facts relating to the threats, intimidation and harassment they suffered.

Rights alleged to be violated in the case

In the context of the facts of the case, defining the rights in question is also a process that involves different stages of proof and reasoning. The fact that proceedings before the Inter-American System involve distinct instances and diverse stages before each of the two authorities of the System, means that the issue of which of the aggrieved subjects rights have been violated is also a subject of debate.

The legal instruments that were mentioned are: the American Convention on Human Rights (CADH) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará). In the initial petition before the Commission, the American Declaration on the Rights and Duties of Man (American Declaration) was also cited. This instrument was not reintroduced in the later proceedings due to its character as a Declaration. As opposed to Conventions, Declarations do not have a legally binding effect on States. It must be remembered that both the CADH and the Convention of Belém do Pará do have such binding effects and that Mexico had ratified both Conventions.

For this case, and in accordance with the different positions of the parties regarding the rights that they considered to be violated, the Court declared that:

- The dispute had ceased in relation to the violation of Articles 5.1, 8.1, 25.1 of the American Convention, to the detriment of the victims' next of kin based on the violations accepted by the State in the "first stage" of the investigations.
- The dispute subsists concerning the alleged violations of Articles 4, 5, 7, 11 and 19 of the American Convention, in relation to Articles 1.1 and 2 thereof, and of Article 7 of the Convention of Belém do Pará.
- The dispute subsists with regard to the alleged violation of Article 5 of the American Convention for facts that differ from those acknowledged by the State, in relation to the victims' next of kin, as well as in regard to the alleged violation of Articles 8.1 and 25.1 of the Convention, in relation to Articles 1.1 and 2 thereof, with respect to the "second stage" of the investigations.

As a summary of the proceedings, a table is included with the rights alleged to be at issue in the Cotton Field case before the Inter-American System, followed by a textual definition of those. It is interesting to observe how the perception of which rights were alleged to be violated changed throughout the course of the proceedings, and the way in which this change reflects the attitude of the Court, in its effort to investigate and resolve the case in a way which set a benchmark for a higher level of protection.

Rights alleged to be violated in the case

Injured party	Petition to the IACHR	Admission by the IACHR	Complaint by the IACHR to the Court	Representative's brief before the Court	Response of the State	Resolution of the Court on the human rights violated by the Mexican State
	(2002)	(2005)	(2007)	(2008)	(2008)	(2009)
Esmeralda Laura Berenice Claudia Ivette	American Declaration Articles XIV & XVIII	CADH, Arts. 2, 4, 5, 7, 8, 11, 19 & 25 in connection with Art. 1.1	CADH, Arts. 4, 8(1), 19 & 25 in connection with Arts. 1(1) & 2, as well as Art. 7 of the Convention of Belém do Pará	CADH, Arts. 4, 5, 7, 8(1), 11, 19 & 25 in connection with Arts. 1(1) y 2, as well as Art. 7 of the Convention of Belém do Pará, which in turn is in connection with Arts. 8 & 9	Denied any responsibility and rejected the authority of the Court to judge it for violations of the Convention of Belém do Pará	CADH Arts. 4(1), 5(1), 5(2), 7(1) & 19 in relation to the general obligation to guarantee - in particular the duty to prevent and investigate - in relation to Arts. 1(1) & 2 as well as in connection with Art. 7 paragraph b & c of the Convention of Belém do Pará. CADH Arts. 4(1), 5(1), 5(2) y 7(1) in relation to the duty of non-discrimination established in Art. 1(1) of the CADH.
	CADH, Articles 1, 2, 7, 11 & 25 Convention of Belém do Pará, Art. 8, paragraph a, c, d & h & Art. 9	Convention of Belém do Pará Arts. 7, 8 y 9	CADH, Arts. 5.1, 8.1 & 25.	CADH, arts. 5.1, 8.1 & 25	Acknowledged violations of Art 5(1) of the CADH and non-compliance with the duties contained in Arts. 8.1 & 25.1	CADH Arts. 8(1) y 25(1) in relation to 1(1) & 2, as well as in connection to Art. 7 paragraphs b & c of the Convention of Belém do Pará. CADH Art. 5(1) & 5(2) because of suffering caused and harassment in relation to Arts. 1.1 y 2
Familiares						

American Convention on Human Rights (CADH) Ratified by Mexico in 1982 and accepted the litigious jurisdiction of the Court in 1998.

ARTICLE 1(1) (OBLIGATION TO RESPECT RIGHTS)

“The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.”

ARTICLE 2 (DOMESTIC LEGAL EFFECTS)

“Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.”

ARTICLE 4 (RIGHT TO LIFE)

“Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.”

ARTICLE 5 (RIGHT TO HUMANE TREATMENT)

1. “Every person has the right to have his physical, mental, and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person [...].”

ARTICLE 7 (RIGHT TO PERSONAL LIBERTY)

1. “Every person has the right to personal liberty and security.
2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.
3. No one shall be subject to arbitrary arrest or imprisonment. [...].”

ARTICLE 8 (RIGHT TO A FAIR TRIAL)

“Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.”

ARTICLE 11 (RIGHT TO PRIVACY, HONOR AND DIGNITY)

1. “Everyone has the right to have his honor respected and his dignity recognized.
2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.
3. Everyone has the right to the protection of the law against such interference or attacks.”

ARTICLE 19 (RIGHTS OF THE CHILD)

“Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.”

ARTICLE 25 (RIGHT TO JUDICIAL PROTECTION)

“Everyone has the right to simple and prompt recourse, or any other effective recourse, to

a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.”

Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women. (Convention of Belém do Pará).

Ratified by Mexico, 12 November, 1998.

ARTICLE 7

The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

- a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;
- b. apply due diligence to prevent, investigate and impose penalties for violence against women;
- c. include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary;
- d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages

her property;

- e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women;
- f. establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;
- g. establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies; and
- h. adopt such legislative or other measures as may be necessary to give effect to this Convention.

ARTICLE 8

“The States Parties agree to undertake progressively specific measures, including programs:

- a. to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;
- b. to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;
- c. to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;
- d. to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counselling services for all family members where appropriate, and care and custody of the affected children;
- e. to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women;
- f. to provide women who are subjected to violence access to effective readjustment and training programs to enable them to fully participate in public, private and social life;
- g. to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women;
- h. to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes; and
- i. to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence.

ARTICLE 9

“With respect to the adoption of the measures in this Chapter, the States Parties shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socioeconomically disadvantaged, affected by armed conflict or deprived of their freedom.”

Obligations and duties of the State

Conventions and treaties define the human rights of individuals and also establish the obligations and duties of States generated by these rights. Indeed, it is States that must respect, protect and guarantee the rights of every person. In this respect, States must adopt measures so that human rights violations do not occur or do not go unpunished (by action or omission). This applies irrespective of whether the perpetrators are authorities, institutions, individuals, or non-state agents or actors. In this way, human rights violations even when committed by individuals (non-state actors), constitute a form of non-compliance with the human rights obligations of States. However, the responsibility of States is not unlimited. It is dependent on their knowledge of the situation the resources they have to comply with their obligations, and the level of due diligence they have adopted to prevent, investigate and punish the violations and the violators of human rights, among other factors.

The precise delimitation of the obligations and duties that a State has in each particular case was another fundamental point of debate in the judicial proceedings undertaken by the Court. Only by defining these obligations and duties could the Court appropriately evaluate what international responsibility the State has for the proven facts and precisely identify the rights alleged to have been violated. The way in which the Court went about defining the duties in the Cotton Field case is particularly interesting as it was done through integrating the rights established by the two Conventions, the American Convention on Human Rights and the Convention of Belém do Pará. In this respect, the judgement is symbolic in that its analysis relies upon recognition of the specific rights and duties that the victims enjoyed as a result of their gender.

In order to facilitate understanding of the decisions of the Court in this sentence, definitions of the four specific duties that correspond to the rights alleged to have been violated in the Cotton Field case are provided. These duties are: 1) the obligation to respect, 2) the obligation to guarantee – that is subdivided into the obligation to prevention and the obligation to investigation, 3) the obligation to non-discrimination, and 4) the obligation to special protection of children, as two of the three victims in the case were minors.

Obligation to respect rights

Respect is the first international obligation accepted by the States party to the American Convention and in the entire Inter-American Human Rights System. It refers to the obligation to abstain from violating the rights and freedoms defined as inter-American human rights norms. If the State's authorities or powers violate these rights it can then be attributed international responsibility for non-compliance with the obligation to respect rights.

Obligation to guarantee

It is not enough that States abstain from violating rights. It is their imperative obligation to adopt positive and determinable measures according to the particular protection requirements of the subject of the rights, whether due to their personal condition or specific situation. For example, the right to life is a fundamental right to exercise all other rights and the State not only must abstain from arbitrarily depriving the life of any person, but is also required to adopt all appropriate measures to actively protect and preserve the right to life.

In regards to the right to humane treatment, (also alleged to be violated in this case), the State has a duty to prevent and investigate potential acts of torture or other cruel, inhuman or degrading punishment or treatment.

In the case of the right to personal liberty, freedom is always the rule and the limitation or restriction is always the exception. The State must prevent state agents or third parties from infringing on the liberty of individuals, as well as investigating and sanctioning acts committed that are in violation of this right.

Obligation to prevention

Prevention is a duty to guarantee. This duty is defined as an obligation to evidence a certain pattern of preventative behaviour. A State's non-compliance cannot be demonstrated by the mere fact that a right has been violated. The obligation to prevention encapsulates all measures of a legal, political, administrative and cultural nature that: a) promote the safeguard of human rights, b) ensure effective consideration and treatment of potential rights violations as violating acts and as such, c) imply the punishment of those who have committed them, as well as an obligation to compensate victims for harm caused.

As established by the CEDAW Committee, States can also be held responsible for non-compliance with their duties in regard to acts committed by private or third parties, if they do not adopt measures of sufficient diligence to prevent rights violations, or if they do not investigate and punish acts of violence and compensate the victims. This duty is a legal obligation reinforced by that which is established in the Convention of Belém do Pará. This Convention makes clear that in order to comply with the requirement of due diligence in cases of violence against women substantive measures must be adopted. These include, for example:

- To have in place an adequate legal framework for protection.
- To utilize this legal structure and framework in an effective manner.
- To have implemented policies of prevention and practices that permit effective responses to allegations.
- To adopt preventative measures in specific cases in which it is evident that specific women and girls may be victims of violence.

The integral nature of such strategies of prevention implies that States must identify and act in response to risk factors and at the same time strengthen institutions to enable them to provide an effective response to the cases of violence against women.

The Court carried out the investigation of the Cotton Field case in light of the suite of obligations established in the CADH and the Convention of Belém do Pará relating to the obligation to prevention: a) the general obligation to guarantee, b) the obligation to adopt regulations of domestic law, c) the obligation to act with due diligence for the prevention, investigation and punishment of violence against women, d) the obligation to include criminal, civil and administrative norms in domestic legislation, as well as any other norms that are necessary to prevent, punish and eradicate violence against women, and e) adopt appropriate administrative measures where applicable.

Through analysis of compliance with these obligations in the Cotton Field case, the Court defined the extent of Mexico's responsibility in regards to this obligation, and found it responsible for human rights violations committed by individuals.

Obligation to investigation

The obligation to investigate rights violations is derived from the general obligation to guarantee that is established in the CADH and is reinforced in the Convention of Belém do Pará for cases of violence against women. In technical terms, this is an obligation concerning measures to be taken - not of results. It is not a simple formality but rather a serious obligation that must be complied with diligently to prevent impunity and this type of crime being repeated. Impunity, in itself, constitutes a violation of human rights and is evidence of non-compliance with this obligation, as it facilitates repetition of the violations.

Once state authorities have knowledge of an act committed in violation of human rights, it is their duty to initiate a serious, impartial and effective investigation, *ex officio* (without petition) and without delay, by all available legal means. This investigation must be directed at establishing the truth and towards the persecution, arrest, indictment and eventual punishment of all authors of the crimes, especially when they may involve state agents. Even in cases in which the violations are committed by individuals, if the crimes are not duly investigated, the public authorities are in a sense aiding the perpetrators and as such, incur the international responsibility of the State.

In particular, when an attack is motivated by the social condition of the person, it is recognized as discriminatory. In these cases it is particularly important that the investigation is undertaken with vigor and impartiality, for example when the attack has ethno-racial or gender motives. In relation to the Cotton Field case, it is important to continually condemn misogyny and

work towards real societal changes that allow women to trust in the authorities to protect them from threats of gender-based violence.

Obligation to non-discrimination

This duty implies, on one hand, the obligation of the State to abstain from committing acts of discrimination, and on the other, the duty to adopt all appropriate measures in order to ensure that people live free from all discrimination.

The judgement again adopted CEDAW's definition that discrimination against women consists of "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms". It considers that discrimination on the basis of sex is fundamentally exercised against women, and the Convention of Belém do Pará supports this statement in recognizing the historically unequal power relations between women and men.

Discrimination against women and violence against women are tightly linked, and as such CEDAW and the Convention of Belém do Pará are fundamental for the interpretation of this case. The Convention of Belém do Pará defines violence against women as "any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere". It also recognizes that the right of women to a life free from violence includes the right to freedom from all forms of discrimination.

The CEDAW Committee has declared that the definition of discrimination against women includes violence on the basis of sex, in other words, violence directed against women: 1) for being a woman, or 2) that affects women in a disproportionate manner. It has also declared that violence against women is a form of discrimination that seriously impairs the enjoyment of rights and freedoms on an equal standing to men.

In order to analyze compliance of the duty to non-discrimination, the Court defined gender stereotyping as "a preconception of personal attributes, characteristics or roles that correspond or should correspond to either men or women". On this basis, the Court stated that the creation and use of stereotypes becomes one of both the causes and the consequences of gender-based violence against women.

Obligation to special protection of children

Due to their special status, girls and boys have special rights which give rise to specific obligations for the family, society and the State. Moreover, their status requires special protection that must be understood as an additional right that complements all other individual rights recognized by the Convention.

Through the principle of the best interest of the child, the State is obliged to satisfy all the rights of children and adolescents. This obligation must also be implemented in the interpretation of all other human rights when a case concerns minors. In the Cotton Field case, for example, as Esmeralda and Laura Berenice were children, the State was obliged to pay special attention to their needs and rights. Their status as both minors and women, identified them as belonging to a vulnerable group.

This greater vulnerability has already been recognized by the United Nations independent expert for the study of violence against children. In cases of sexual violence, it has confirmed that those that have reached puberty or adolescence are principally affected, and that girls in particular are the most at risk of suffering this type of violence. This and other reports are resources that firmly establish the responsibility of the State and provide tools to measure and detect the risk of the subjects in each case of human rights violations.

Evidence

The facts and the allegations made by each party in relation to them must of course be proven. To this end, parties may present evidence such as pre-existing documents (for example case files from national trials, international reports, national and civil instance reports), as well as testimonies and expert reports that relate to the specific context of the case. Some of the testimonies and expert reports may be presented at the public hearing, but these declarations are principally submitted in the form of affidavits. These affidavits are sworn before a public notary who confirms the identity of the person submitting the evidence to the Court.

Evidence is presented and each of the parties has the right to dispute it. This guarantees that due process is observed and that neither party's case is negatively affected by the presentation of evidence that one of the parties considers to be invalid. When the Court analyzes the case in its entirety, it examines and assesses the evidence in accordance with the principles of legal reasoning, in compliance with the individual requirements of the case, but also taking into account the body of probative evidence available. In other words, it analyzes each piece of evidence in isolation and assigns it a probative value, taking into account: a) that the evidence has been presented in time, b) that the evidence is not disputed nor objected to by the parties, c) that the authenticity of the evidence has not been placed in doubt. In regards to the testimonies and expert reports, the Court evaluates them as being of relevance to the extent in which they reflect upon the object defined by the President of the Court. In the Cotton Field case in particular, the declarations of the victims (in this case only the mothers), were not evaluated in an isolated manner but together with the evidence due to the fact that they were deemed to have an interest in the case.

The State objected to the majority of the testimonies and expert reports presented by the Commission and the representative organizations. The State's rejection of these pieces of evidence were based, variously, upon claims that they did not correspond to the time period at issue in the case, that the sources on which the expert reports were based were not valid, or, that the expertise of the authors of the expert reports was questionable. In spite of this, the Court was seen to accept nearly all the testimonies and expert reports in so far as it evaluated them together with the rest of the evidence.

Between all parties, 23 testimonies and expert reports in affidavit were presented. In addition to this evidence, at the public hearing the testimonies of the three mothers were heard, along with two witnesses presented on behalf of the State, and two experts, one on the part of the State and the other on the part of the Commission.

International responsibility

The State incurred international responsibility in not complying with its duties and obligations to respect, protect and guarantee the human rights of persons under its jurisdiction. The Court made a decision as to whether or not this responsibility existed once it had defined who the injured parties were and what were the facts of the particular case. It analyzed these facts in light of the rights alleged to be violated, the obligations that the State should have complied with in regards to the victims of the case, and on the basis of the evidence presented by all parties.

When a State acknowledges its international responsibility for certain facts, the Court can determine if this acknowledgement is sufficient to proceed – without entering into greater detail on the facts and evidence – and determine the corresponding reparations and costs, or whether to continue to examine the case in detail.

The cases presented to the Court, in so far as they relate to the protection of human rights, are matters of international public order that transcend the will of the parties. For this reason the Court must ensure that a finding of international responsibility is acceptable in terms of the objects of the Inter-American System (to guarantee the respect and protection of the human rights of all persons in the American hemisphere). In this way, the Court's duty is not limited to verifying the formal conditions of the facts, but to analyze them in light of: the nature and gravity of the alleged violations; the demands and interest of justice; the particular circumstances of the specific case; and the attitude and position of the parties.

In the Cotton Field case, the Mexican State accepted, in general terms, the facts of the context relating to violence against women in Ciudad Juarez. It partially acknowledged, that the investigations of the crimes perpetrated against the three victims and the treatment of the next of kin, incurred res-

possibility (only in regard to the “first stage”). In response to this partial acknowledgement, the Court decided to make its findings on the extent of the international responsibility only after having analyzed the case in its entirety.

Reparation measures

It is a principle of international law that any violation of an international obligation that has caused harm must be suitably repaired. Reparation measures are subdivided into various types:

- The obligation to investigate the crimes and identify, judge and, where applicable, punish those responsible for the violations, is held as a reparation measure that includes the right to the truth.
- Measures of satisfaction and guarantees of non-repetition that seek to repair immaterial damages. These are measures that do not have a pecuniary nature and generally are public in their scope or effect.
- Rehabilitation measures. These measures are directly for the victims to repair the damages caused to their personal integrity.
- Compensation. This measure seeks to repair, on one hand, the material damages caused by the crimes to the victims and their next of kin, and the damages caused by violations of rights. On the other hand these measures are designed to repair the immaterial damages such as the moral harm directly caused to the victims.
- The reimbursement of expenses and costs.

In order to define these in each case, the Commission and the representative organizations request those reparation measures they consider to be appropriate in light of the damages caused. It is their duty to express their claims for reparations and costs in the petition, as well as their legal foundation and relevant conclusions. If they do not provide sufficient evidence or arguments to justify the purpose, reasonability, and scope of the reparation measures they seek, through the facts or legal arguments, the Court will not take them into account.

The Court evaluates these requests according to the following criteria:

- They refer directly to the violations declared by the Tribunal.
- They proportionally repair the material and immaterial damages caused.
- Those measures that involve material reparations should not generate increased wealth, but nor should they disadvantage in a way that causes impoverishment.
- Re-establish, in the best way possible, the former situation of the victims before the violation occurred, provided that this does not interfere with the obligation to non-discrimination.

- They are directed at identifying and eliminating the causal factors of discrimination.
- They are adopted from a gender perspective, taking into account the different impacts that violence has on men and women.
- They take into account all legal acts and actions alleged by the State in the records aimed at repairing the damages caused.

The costs and expenses are those expenses that have been incurred for legal representation in the judicial process – remission of reports, attendance at public hearings, etc – and, unlike the compensation measures, are not awarded to those who have been declared victims, as the costs are not a form of compensation but rather a reimbursement of the expenses incurred during the proceeding. Usually they are paid to the person or institutions that have represented the victims. The reimbursement is justified by the need to avoid causing economic disadvantage to those who have not committed a violation. The payment of expenses and costs is the responsibility of the State in cases where it has been condemned as internationally responsible for human rights violations.

In response to the petitions made by the Commission and the representative organizations in regard to Court orders in the Cotton Field case, the Mexican State declared that the reparations requested by the representative organizations were excessive, repetitive and constituted a request for double reparation in that many referred to concepts of violations that it considered to be equivalent. It added that it considered that the request for reparations for each victim and next of kin, as well as for expenses and costs for each of the four representative organizations placed a disproportionate burden on the State. Indeed, it considered these measures to exceed the damages caused. It insisted that individual reparation measures could not refer to the same concept of violation and that the medical, in-kind, economic, psychological and legal support that it had offered the victims' next of kin should be taken into account

In response to this, the Court reasoned that one or more measures could repair a specific damage without it being considered double reparation. It also emphasized the integral character of the concept of reparation and that it involves three essential aspects: 1) the reestablishment of the former situation, 2) the elimination of the effects produced by the violation, and 3) an indemnity as compensation for the damages caused. However, in the first aspect, in a case such as this where the crimes are framed by a situation of structural discrimination, it indicated that the reparations must have a transformative effect on the situation. It stressed that the reparations must have a corrective effect and not only a restitutive effect, as a restitution of the same structural situation of violence and discrimination would not be admissible.

The operative paragraphs of the sentence relate to the various aspects of what was alleged, proved and requested in the proceedings by each of the parties. The operative paragraphs comprise of three aspects: the decisions, declarations and orders. The Mexican State must accept and comply with all of these in the time and manner established by the Court.

As an international court, in this case in the inter-American region, there is no higher instance which would provide Mexico with the possibility to appeal or seek to rectify the findings. It is a definitive sentence within the Inter-American Human Rights System and the actions for its compliance must be carried out by local and national authorities and in the local and national sphere, as specified.

In one year, the Court will rule as to whether Mexico has complied with the orders stipulated and will request further annual reports until 2012. In order to evaluate Mexico's compliance, the Court will require the greatest breadth of information possible in order to determine the progress achieved in the execution of the sentence. Contributing to this pool of information will be a task that will require joint national and international efforts, both in the obtaining of reliable data and in its analysis. Exercising the necessary pressure on the State to ensure that it effectively complies with the orders to the specifications established in the sentence and in accordance with the international human rights standards will be an important part of this challenge.

a) Decisions

The decisions have two points that were relevant for defining the scope of the legal investigation and that mark the scope of its resolutions (previously the Court had decided not to expand the number of victims). The first decision of the resolutions refers to the legal framework that was taken into account for the interpretation of the facts and the violated rights. The second relied upon knowledge of what facts were to be investigated as disputed, and whether there were facts that were accepted by all parties as violations of human rights.

Decision one:

“ i) it has contentious jurisdiction *rationae materiae* to examine alleged violations of Article 7 of the Convention of Belém do Pará, and (ii) it does not have contentious jurisdiction *rationae materiae* to examine alleged violations of Articles 8 and 9 of that international instrument.”

The method of investigation, the elements of evidence that were presented, the analyses that explored them, and the entire process before the Court, all addressed the rights that were alleged to be violated and the obligations that were considered to be unfulfilled. Even though the rights of women are human rights and as such are part of the inter-American instruments of human rights, specific conventions have also been created that identify particular violations committed against subjects that have specific social characteristics. These conventions also define specific obligations for the States that have ratified them, and these obligations deepen or broaden the general obligations defined in the CADH.

The Convention of Belém do Pará is one specific human rights convention on violations of human rights in which women are the subjects that are sought to be specially protected, in consideration of the gender discrimination and violence they suffer. It includes the right of women to live free from violence committed against them for being women and/or violence committed against them that is of a greater severity due to the fact they are women. This right includes others, such as the right to freedom from all forms of discrimination and the right to be valued and educated free from stereotyped patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination. It also includes specific duties relating to these rights, such as the obligation to duly respect, protect and guarantee all women the right to a life free from violence.

Whilst there are other cases in which the Court has declared non-compliance with the obligations established in the Convention of Belém do Pará, this is the first in which from the outset, violations of this Convention were alleged.

It is also the first time that a State, despite having ratified this Convention, did not accept that it has obligations flowing from the instrument, nor acknowledge the responsibilities that the Convention imposes on it. In the face of this dispute, the Court carried out a detailed analysis to determine if it had jurisdiction, or in other words, if the law authorized it to investigate violations of this Convention, and in turn obligate ratifying States to undertake actions for compliance.

It also analyzed the articles of the Convention in regard to which it had jurisdiction to investigate and pass judgement. The Commission alleged that it was authorized to analyze the obligations established in Article 7 of the

Convention that establish the obligation to adopt by all appropriate means and without delay, policies aimed to prevent, punish and eradicate violence against women. The representative organizations went further and alleged, that the Court was also authorized to investigate Article 8 that establishes the duty to adopt, in progressive form, specific measures, including programs, with the same objective. The representative organizations also argued that the Court had jurisdiction in relation to Article 9 that establishes the obligation for States to especially take into account the situation of vulnerability to violence that women in specific conditions may suffer, for example as minors, when pregnant, as prisoners, due to their race or ethnicity, or for being poor, refugees or migrants.

The Court resolved that it did have jurisdiction to investigate and establish the international responsibility of States for violations of the rights and obligations defined in the Convention of Belém do Pará. It found that it could only carry out this investigation in regards to Article 7, however that this should not be interpreted as an impediment for taking all the other articles of the Convention into account for the interpretation of the same and for the interpretation of other relevant inter-American instruments. This conclusion was based on the reasoning that Article 12 of the Convention only mentions Article 7 in relation to provisions under which petitions or complaints regarding violations of the duties there established may be presented.

The existence of the provision allowing individual petitions has as its objective the guarantee of the greatest level of legal protection possible. Such petitions may not only benefit the complainants in the cases investigated, but also help to develop the application of a gender perspective in legal reasoning. This possibility also reflects the concern that gave origin to the Convention of Belém do Pará: the gravity of the problem of violence against women in the hemisphere, its relation to the discrimination historically experienced by women and the need to adopt integral strategies to prevent, punish and eradicate it.

This judgement constitutes an important achievement. It sets a precedent that means that never again will a State be able to question the fact that ratification of this Convention obligates compliance, nor that States can be judged for non-compliance. It also signifies a reinforcement of the rights of women, both specifically and universally, and establishes a solid framework for legal interpretation with a gender perspective from which further development of the legal doctrine can take place.

In regard to this last point, the expert reports presented by the Commission and the representative organizations are important resources to stimulate further reflection and debate on the right of women to a life free from violence and the incorporation of a gender perspective into the provision of justice.



Decision two:

“ To accept the partial acknowledgement of international responsibility made by the State, in the terms of paragraphs 20 to 30 of this Judgment.”

In regards to the facts, the Mexican State admitted, in general terms, the facts of the context relating to violence against women in Ciudad Juarez, in particular the murders registered since the 1990s. It also acknowledged its negligence and the irregularities in the investigations of the crimes perpetrated against the three victims, but only with respect to the time period labelled the “first stage” (2001 to 2003). It also accepted the facts relating to the effects on the psychological integrity and dignity of the victims’ next of kin in this time period. With respect to the “second stage” it maintained that it had complied with all its obligations, and denied having any responsibility for the crimes against the three women victims.

Nevertheless, in its later analysis conducted in the examination of the case, the State contradicted its original acceptance regarding the context and the “first stage” of the investigations. For this reason, the Court did not accept it as a full acknowledgement and determined, for each of the points that the State acknowledged, what facts were taken as established (on the basis of the State’s acceptance), and which facts were taken to be proven (according to the evidence provided by the parties).

Using this line of reasoning the Court considered that there was no dispute over the violation of the articles that refer to humane treatment, judicial guarantee and protection against the next of kin of the victims in the “first stage” of the investigations. It accepted the State’s acknowledgement of its duty to repair these damages but ordered that such reparations not be conducted in the manner offered by the State, but rather in accordance with the Court’s evaluation of the damages on the basis of the arguments and evidence presented by the parties.

In regards to the violations of the rights to life, humane treatment, personal liberty, honor and dignity, as well as the rights of the child, and in relation to the obligations to respect and guarantee not only non-discrimination but also the duty to create policies to prevent, investigate, punish and eradicate, violence against women, the Court considered that a dispute subsisted and therefore investigated these matters in detail. It also declared that a dispute subsisted in regards to violations of the personal integrity of the victims’ next of kin based on a set of facts that had not been acknowledged by the State. It also found that the facts relating to the “second stage” of investigations surrounding the violations of legal guarantees and protection relating to the duty to respect and guarantee without discrimination, as well as to adopt domestic measures to these ends, were also contested by the parties.

For the purposes of analysis and the monitoring of the sentence, it will be important to recall the elements and reasoning that the Court relied upon in order to determine what aspects of the declarations and facts acknowledged by the State were considered to constitute a full acknowledgement of responsibility and which ones were considered insufficient. For example, in the annual reports that the State must present outlining its progress in complying with the sentence, it may use the same discourse of apparent compliance and acknowledgement without such claims being reflected in concrete acts and substantive truths. It will also be important to take into account compliance with the Court's sixth provision, which requires the State to publically acknowledge its international responsibility. This acknowledgement must be expressed in the terms of the sentence, not in the terms of partial acknowledgement initially employed by the State.

b) Declarations

In accordance with the human rights violations alleged by the Commission and the representative organizations, the Court carried out an analysis in order to effectively determine whether, on the basis of the evidence presented by all parties, it considered that these rights had been violated, and if so, whether it was possible to attribute international responsibility to the Mexican State. The declarations form the conclusions of this analysis, in which the Court determines which rights are considered to have been violated, whether by act or omission, and by any authority or organ of the State, independent of their importance or hierarchy.

In this case, the Court found unanimously in respect to all the declarations and only on two aspects – sexual torture and due diligence in the preventative measures, relating to declaration two – were concurring opinions presented. These concurring opinions represent judgements in which a member of the Court has decided to examine in depth the debate generated around the declaration issued.

The principal elements that the Court took into account for its decision are provided below and are included here to generate debate and also concrete proposals for the monitoring of the judgement.

Declaration one:

“ The State cannot be attributed with international responsibility for violations of the substantive rights embodied in Articles 4 (Right to Life), 5 (Right to Humane Treatment), and 7 (Right to Personal Liberty) of the American Convention on Human Rights, arising from the failure to comply with the obligation to respect contained in Article 1.1 thereof, in accordance with paragraphs 238 to 242 of this judgment.”

The Commission and the representative organizations alleged that the elements of the case – in particular those relating to Laura Berenice – opened up the possibility that state agents had participated in the crimes, and as such signified a clear violation of the obligation to respect. Although lacking direct evidence, and basing their argument largely on the impunity of the case and State’s lack of clarity in dealing with it, the representative organizations put forward two hypotheses in regards to the perpetrators of the disappearance, torture and murder of Esmeralda, Laura Berenice and Claudia Ivette. These hypotheses were a) that the authors of the crimes were public officials or, b) that the authors were organized private individuals, protected by the State.

The State denied that there was State responsibility for the murders of the victims and claimed that they had been committed by individuals. The Court held that the fact that the impunity in this case prevented any conclusions as to whether or not the perpetrators were state agents or individuals acting with the State’s assistance and tolerance, does not lead to a presumption that the perpetrators were in fact assisted in such a way. The Court resolved that the State could not automatically be condemned for non-compliance in regard to the duty to respect.

Declaration two:

“ The State violated the rights to life, personal integrity and personal liberty recognized in Articles 4.1, 5.1, 5.2, and 7.1 of the American Convention, in connection with the general obligation to guarantee such rights established in Article 1.1, and the obligation to adopt domestic legal provisions established in Article 2 thereof, and to the obligations established in Article 7.b and 7.c of the Convention of Belém do Pará, to the detriment of Claudia Ivette González, Laura Berenice Ramos Monárrez and Esmeralda Herrera Monreal, in the terms of paragraphs 243 to 286 of this Judgment.”

In order to reach the conclusion that Mexico bore international responsibility for having violated the right to life, personal integrity and personal liberty under its obligation to guarantee prevention, the Court divided the facts into two key periods. The first was considered to be the time before the disappearance of the victims and the second, after the finding of their lifeless bodies. In the first period, the Court considered that the State was responsible for non-compliance with its general duty to prevention, because, at least since the 1990s the Mexican State had not had a general policy for prevention. In deciding this, the Court relied on the official recognition of the CNDH that, in its recommendation of 1998, advised of a pattern of violence against women. Nevertheless, the Court did not find Mexico res-

possible in this first period, for the prevention of the violations committed against the three victims of the case, since it was not established that the State had knowledge of a real and immediate risk posed specifically for the three young women.

As for the second period, in view of the finding of the lifeless bodies, the Court considered that the State had international responsibility regarding its obligation to guarantee through due diligence in order to prevent, investigate and punish violence against women, given that it had knowledge that there existed a real and immediate risk that the three victims were sexually abused, subjected to ill-treatment and killed. In fact, it considered this non-compliance to be particularly serious, given the context (of which the State was aware) in which women were in a special situation of vulnerability, and, also in light of the special obligations applicable in cases of violence against women by force of the Convention of Belém do Pará. The non-compliance included several actions and omissions by Mexico:

- the failure to carry out an exhaustive search during the first hours and days after the missing person reports were filed;
- the police, public prosecutor and legal authorities did not act promptly and did not immediately take the opportune and necessary measures in order to determine the victims whereabouts or the place where they could be found being deprived of their liberty;
- appropriate proceedings were not in place for the reporting of the crimes or for effective investigation of the crimes from the first hours. The normative presumption that the missing person is deprived of their liberty and remains alive until otherwise proven was not observed.
- the Mexican State limited itself to carrying out formalities and taking statements that, although important, lost their value in the instant that they were not followed up with specific search actions;
- the authorities' attitudes towards the victims' next of kin gave the impression that the missing person reports did not need to be treated with urgency or immediacy;
- after the presentation of the missing person reports there were unjustified delays;
- The State did not act with the due diligence required in order to adequately prevent the deaths and aggressions suffered by the victims and did not act in the manner that could reasonably be expected in relation to the victims being deprived of their liberty.

In regards to the obligation to adopt norms and implement necessary measures, despite that fact that Mexico argued that it had created a legislative framework and some specialized institutions to this end, the Court considered that however necessary these actions were and however much they demonstrated a state commitment, they were insufficient and ineffective in

preventing the grave manifestations of violence against women. In particular, in the case of the three victims, the cited actions did not allow the authorities to offer an immediate and effective response to the missing person reports, nor adequately prevent violence against women. The Court found that these measures had not been effective in ensuring that the authorities responsible for receiving the reports had the capacity and sensitivity to understand the gravity of the phenomenon of violence against women nor the will to act immediately in response to them.

In this declaration, it is important for the development of debate to read the concurring opinions. Judge Diego García-Sayán's opinion regarding due diligence in prevention measures is pertinent, as is that of Judge Cecilia Medina Quiroga, which explores two central debates concerning violence against women: the recognition of different acts of sexual violence against women as acts of torture, and the responsibility of the State for acts of torture committed by non-state agents.

Declaration three:

“ The State failed to comply with its obligation to investigate – and thereby guarantee – the rights to life, personal integrity and personal liberty established in Articles 4(1), 5(1), 5(2), and 7(1) of the American Convention, in connection to Articles 1(1) and 2 thereof, and Article 7(b) and 7(c) of the Convention of Belém do Pará, to the detriment of Claudia Ivette González, Laura Berenice Ramos Monárrez and Esmeralda Herrera Monreal. For the same reasons, the State violated the rights of access to justice and to judicial protection, embodied in Articles 8(1) and 25(1) of the American Convention, in connection to Articles 1(1) and 2 thereof, and 7(b) and 7(c) of the Convention of Belém do Pará, to the detriment of: Irma Monreal Jaime, Benigno Herrera Monreal, Adrián Herrera Monreal, Juan Antonio Herrera Monreal, Cecilia Herrera Monreal, Zulema Montijo Monreal, Erick Montijo Monreal, Juana Ballín Castro, Irma Josefina González Rodríguez, Mayela Banda González, Gema Iris González, Karla Arizbeth Hernández Banda, Jacqueline Hernández, Carlos Hernández Llamas, Benita Monárrez Salgado, Claudia Ivonne Ramos Monárrez, Daniel Ramos Monárrez, Ramón Antonio Aragón Monárrez, Claudia Dayana Bermúdez Ramos, Itzel Arely Bermúdez Ramos, Paola Alexandra Bermúdez Ramos, and Atziri Geraldine Bermúdez Ramos, in accordance with paragraphs 287 to 389 of this Judgment.”

As mentioned, the Mexican State requested that analysis of the facts of the investigations in the present case be divided into two stages. Under this framework, Mexico acknowledged responsibility for irregularities committed in the first stage (2001 to 2003), and for the second stage (2004 to date) offered evidence and arguments that it had corrected all the irregularities

and completely complied with its obligation to investigate, and even to have done so from a gender perspective.

The Court accepted the acknowledgement of responsibility for the irregularities committed in the first stage of investigations. Nevertheless, it stated that in the second stage these defects had not been totally corrected. In regards to this aspect, the Court considered that the rights to access to justice and effective legal protection for the three victims and their next of kin had been violated in the following facts: irregularities in the handling of evidence, the alleged fabrication of guilty persons, the delay in the investigations, the absence of lines of investigation that took into account the context of violence against women in which the murders of the three victims took place, and the absence of investigations against public officials for their alleged grave negligence. Moreover, it indicated that broadly, this same set of facts violated the right of the next of kin and society to know the truth about what had happened.

This, together with the state's non-compliance to guarantee, through a serious and adequate investigation, the rights to life, personal integrity and personal liberty of the three victims, led the Court to conclude that in the Cotton Field case there existed impunity and that the measures adopted in domestic law have been insufficient to deal with the grave violations of human rights that have occurred.

Part of the duty to investigate with due diligence, as established in the two Conventions that are the framework for this case, involves the adoption of norms and the implementation of necessary measures that permit the authorities to comply with this duty. The Mexican State did not demonstrate having complied with this. In this way, the Court declared that judicial inefficacy in the face of individual cases of violence against women, create an environment of impunity that facilitates and promotes the repetition of the acts of violence in general and sends a message that violence against women can be tolerated and accepted as part of everyday life. In this way the duty to investigate with due diligence had been violated.

In order to reach this conclusion the Court decided to analyze the dispute over the violations through the irregularities mentioned in six aspects indicated by the Commission and the representative organizations. These were: a) the initial actions when the bodies were found, b) the actions regarding those presumed responsible and the alleged fabrication of guilty parties, c) the unjustified delay and absence of substantial progress in the investigations, d) the fragmentation of the investigations, e) the denial of access to the case file, and delays or the refusal to grant copies of the file, and f) the failure to punish public officials implicated in irregularities.

The first aspect, regarding the initial actions when the bodies were found, include irregularities in: the management of the crime scene, the collection and handling of evidence, the performance of the autopsies, and in the identification and return of the remains of the victims. Through analysis of

the evidence and comparing it with the technical obligations of compliance in such processes, the Court concluded that irregularities existed in relation to:

- lack of information in the report on the finding of the cadavers;
- inadequate preservation of the crime scene;
- negligence and absence of rigor in the collection of evidence and in the processing of evidence;
- contradictions and omissions in the autopsies;
- irregularities and omissions in the identification of the bodies, as well as the irregular return of the remains.

The second element that the Court analyzed was the conduct with respect to those alleged to be responsible and the alleged fabrication of guilty parties. Mexico acknowledged that the initial investigation directed against Mr García and Mr Gonzalez, meant that other lines of investigation were not exhausted, and that the subsequent finding that these two men were not criminally responsible caused the investigating authorities to lose credibility in the eyes of the next of kin, as well as a loss of evidence due simply to the passing of time. In addition to these errors, the Court highlighted three aspects that aggravated the irregularities:

1. The lack of due investigation into and subsequent punishment of the reported irregularities encouraged investigators to continue using such methods.
2. This affected the ability of the judicial authorities to identify and prosecute those responsible and to impose the corresponding punishment. Access to justice was as a consequence ineffective.
3. In this case, these irregularities resulted in the re-opening of the investigation locally four years after the facts had occurred. The time lapse had a serious impact on its effectiveness, especially in view of the type of crime that had been committed, in which assessment of evidence becomes more difficult with the passage of time.

The unjustified delay and absence of substantial progress in the investigations is the third point analyzed by the Court, and with this it concluded that these allegations were proven, and constituted responsibility. The Court held that despite the fact that the State had acknowledged its responsibility for the investigative flaws in the first stage, these could hardly have been rectified in the second stage which began in 2004, since the State continued to act with delays and employ inadequate evidentiary procedures in that later period. The Court took as clear evidence of this the fact that from the time at which the bodies were found, a period of eight years passed without the investigation moving out of its preliminary phase.

Two aspects argued by the representative organizations were not considered to be sufficiently proven by the facts and for this reason, were not accepted by the Court as elements of irregularity that affected the efficacy

of the investigations. One of these, the fragmentation of the investigations, included four allegations of irregularities. These were: a) the initiating of an investigation into organ trafficking that did not bring about any substantial progress in the case, b) the failure to coordinate this with the investigation into the disappearances and murders locally, c) the objection to the need for federal jurisdiction to hear this case, due to the grave irregularities committed by local authorities, and d) the irregularities derived from investigating the three cases separately and not as a group with the other Cotton Field incidents.

Despite not finding sufficient evidence to be able to find non-compliance with international responsibility, the Court considered that although the individualization of the investigations could, in theory, even favor their progress, the State should have been aware that these events took place within a framework of a context of violence against women. The Court found that this context must be officially acknowledged and it is not the duty of the victims and their next of kin to assume this initiative.

The other allegation that the Court did not accept was that denial of access to the case file and delays and refusal to provide copies of the file had affected the efficacy of the investigations and violated the rights of the next of kin to access to justice. The Court declared itself unable to pronounce judgement on this, as it did not have sufficient elements to prove the negative impact of such actions. Nor did it have sufficient information on the domestic law that regulated the restriction of access to information regarding the preliminary inquiry and the alleged “right to contribute to the investigations”, established in Mexican criminal law in respect to victims and their representatives in investigations.

Finally, the last aspect in regard to which the Court did recognize the responsibility of the State related to the failure to punish public officials implicated in the irregularities mentioned. The Court concluded that none of the officials supposedly responsible for the negligence that occurred in the Cotton Field case had been investigated. This was found to aggravate the position of defencelessness occupied by the victims, contribute to impunity, and encourage the chronic repetition of the human rights violations in question. In this sense, the Court emphasized that administrative and criminal punishments have an important role in creating the appropriate skills and institutional cultures in order to address factors that contribute to the context of violence against women. It declared that if the State permits those responsible for these grave irregularities to continue in their functions, or worse still, to occupy positions of authority, this may lead to impunity and create an environment in which the factors that contribute to the context of violence persist or become more pronounced

Declaration four:

“ The State violated the obligation not to discriminate contained in Article 1.1 of the American Convention, in connection to the obligation to guarantee the rights to life, personal integrity and personal liberty established in Articles 4.1, 5.1, 5.2 and 7.1 thereof, to the detriment of Laura Berenice Ramos Monárrez, Esmeralda Herrera Monreal and Claudia Ivette González; and also in relation to access to justice embodied in Articles 8.1 and 25.1 of the said Convention, to the detriment of Irma Monreal Jaime, Benigno Herrera Monreal, Adrián Herrera Monreal, Juan Antonio Herrera Monreal, Cecilia Herrera Monreal, Zulema Montijo Monreal, Erick Montijo Monreal, Juana Ballín Castro, Irma Josefina González Rodríguez, Mayela Banda González, Gema Iris González, Karla Arizbeth Hernández Banda, Jacqueline Hernández, Carlos Hernández Llamas, Benita Monárrez Salgado, Claudia Ivonne Ramos Monárrez, Daniel Ramos Monárrez, Ramón Antonio Aragón Monárrez, Claudia Dayana Bermúdez Ramos, Itzel Arely Bermúdez Ramos, Paola Alexandra Bermúdez Ramos, and Atziri Geraldine Bermúdez Ramos, in the terms of paragraphs 390 to 402 of this Judgment.”

The State was ambivalent in its acknowledgement of responsibility in regard to the obligation not to discriminate. It declared that there were no elements of discrimination in the investigations and that the necessary mechanisms had been in place so that discrimination did not occur. Nevertheless, in its evidence it presented reports in which it acknowledged that one of the reasons that the murders of women in Ciudad Juarez had not been perceived as an important problem, requiring immediate and forceful action on the part of the authorities, was the existence of a culture of discrimination against women based on an erroneous idea of their inferiority.

The Court proved that in this case, some authorities acted under the influence of gender stereotypes that reflected social beliefs and views based upon the subordination of women. For example, the authorities referred to the victims as “flighty” (in other words, “flirts” or “lacking morals”). For the Court, the persistent gender stereotypes employed, both implicitly and explicitly, in the policies and practices and, particularly, in the reasoning and language of the judicial police, were enough to constitute aggravated conditions of discrimination.

The discrimination, together with the state inaction at the beginning of the investigations, led the Court to conclude that this indifference was material to the impunity surrounding the case, and in this sense, reproduced the pattern of violence it claimed to be trying to combat, as well as constituting in itself discrimination in the access to justice. It declared that the impunity of the crimes committed sent a message that violence against women is tolerated. This message leads to the further perpetuation of such crimes,

together with social acceptance of the phenomenon and causes women to feel unsafe, and to develop a persistent mistrust in the justice system.

For this reason, the Court concluded that in the Cotton Field case, violence against women constituted a form of discrimination in itself. It also declared that Mexico violated the obligation not to discriminate in relation to the obligation to guarantee the rights to life, integrity and personal liberty to the detriment of Laura Berenice, Esmeralda and Claudia Ivette, as well as in relation to the access to justice to the detriment of the victims' next of kin.

Declaration five:

“ The State violated the rights of the child, embodied in Article 19 of the American Convention, in relation to Articles 1.1 and 2 thereof, to the detriment of the girls Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez, in accordance with paragraphs 403 to 411 of this Judgment.”

As Esmeralda and Laura Berenice were girls, of 14 and 17 years respectively, it was assumed that the State had a duty to provide special attention to prevent their rights from being violated. In this case the Court held that this meant that Mexico had an obligation to adopt all positive measures necessary to ensure the rights of the disappeared girls. Specifically, the State had the obligation to ensure that they were found as soon as possible once the next of kin had reported that they were missing. This duty was especially manifest as the State was aware of the existence of a specific context in which girls were being disappeared.

Mexico declared that it did not have international responsibility in regards to special obligations for children; because it had not been proved that the fact that the victims were minors had been a relevant factor in the crimes. It also stated that it had complied with its obligation to protect children with the adoption of measures designed to address their special position of vulnerability. The State presented as evidence to support this claim the existence of various legislation on the rights of boys and girls and the government programs derived from these instruments.

The Commission alleged that the state agencies specifically charged with the protection of children did not intervene in any way, either to prevent these facts or to propose some kind of solution for the case. Moreover, that the state agencies charged with enforcing the law did not act to prevent the acts nor to identify and punish those responsible in accordance with the condition of the victims.

The Court concluded that, in spite of the existence of legislation for the protection of children and specific state policies, in this particular case, these measures had not been effective. They had not assisted in initiating a prompt search, in activating all resources to mobilize the different institu-

tions nor in deploying domestic mechanisms to obtain information to locate the girls rapidly. Once their bodies were found, these measures had not made any difference to the conduct of the investigations, nor in prosecuting and punishing those responsible effectively and promptly. In summary, the Court found that the State did not prove that it has proper response mechanisms or public policies in place that provide the institutions involved with the necessary means to protect the rights of girls. For this reason, the Court found that Mexico incurred international responsibility for violating the rights of the child.

Declaration six:

“ The State violated the right to personal integrity recognized in Article 5(1) and 5(2) of the American Convention, in connection to Article 1(1) thereof, due to the suffering caused to Irma Monreal Jaime, Benigno Herrera Monreal, Adrián Herrera Monreal, Juan Antonio Herrera Monreal, Cecilia Herrera Monreal, Zulema Montijo Monreal, Erick Montijo Monreal, Juana Ballín Castro, Irma Josefina González Rodríguez, Mayela Banda González, Gema Iris González, Karla Arizbeth Hernández Banda, Jacqueline Hernández, Carlos Hernández Llamas, Benita Monárrez Salgado, Claudia Ivonne Ramos Monárrez, Daniel Ramos Monárrez, Ramón Antonio Aragón Monárrez, Claudia Dayana Bermúdez Ramos, Itzel Arely Bermúdez Ramos, Paola Alexandra Bermúdez Ramos, and Atziri Geraldine Bermúdez Ramos, in the terms of paragraphs 413 to 424 of this Judgment.”

The right to personal integrity is always considered to be violated in regards to victims' immediate next of kin, as it is presumed that due to their emotional bond and participation in the search for the truth, their psychological and moral integrity is inevitably affected. However, each case must be examined in reference to its facts and in regard to the particular reparation measures sought. In this case, the Mexican State accepted its acknowledgement of responsibility for violating this right relating to the next of kin only for the “first stage” of the investigations.

The Court concluded that the violation of the personal integrity of the victims' next of kin (mothers, brothers, sisters, cousins, brothers-in-law and sisters-in-law) was proven by the great suffering and anguish that they experienced throughout the entire process – not only the “first stage” - due to the circumstances and the context in which the facts occurred. Specifically, it mentioned the following acts as forming part of the violation:

- The irregular and deficient actions of the state authorities in trying to discover the whereabouts of the victims after their disappearance had been reported.
- The lack of diligence in identifying the remains, and in determining the circumstances and causes of the deaths.

- The delay in the return of the bodies.
- The absence of information on the evolution of the investigations.
- The treatment accorded the next of kin during the whole process of seeking the truth and the fact that this treatment had caused them great suffering and anguish.

Declaration seven:

“ The State violated the right to personal integrity contained in Article 5(1) and 5(2) of the American Convention, in connection to Article 1(1) thereof, due to the acts of harassment suffered by: Adrián Herrera Monreal, Benita Monárrez Salgado, Claudia Ivonne Ramos Monárrez, Daniel Ramos Monárrez, Ramón Antonio Aragón Monárrez, Claudia Dayana Bermúdez Ramos, Itzel Arely Bermúdez Ramos, Paola Alexandra Bermúdez Ramos, and Atziri Geraldine Bermúdez Ramos, in the terms of paragraphs 425 to 440 of this Judgment.”

Apart from the violation of the personal integrity of the victims' next of kin in their moral and physical integrity as a result of the suffering experienced during the process, the Commission and the representative organizations alleged that they had also been subjected to harassment by the authorities, including threats, ill-treatment, intimidation, systematic forms of dissuasion, and even direct violence. The State responded that it had not found any element that was probative of these accusations and alleged that the next of kin had not come forward to report these behaviours, and for this reason the authorities had not had grounds to investigate them and punish those responsible.

The Court, on analysing the evidence, detected the existence of a pattern of state conduct towards the next of kin of female victims in Ciudad Juarez that consisted of depreciatory, disrespectful and even aggressive treatment when they tried to obtain information about the investigations. This pattern in almost all instances created a climate of distrust and fear amongst the next of kin and resulted in the accusations remaining unreported. The Court also found that in some cases the next of kin had been told to stop making inquiries and had been prevented from taking other steps to seek justice. In the particular case of the Monárrez family, the fact that they had been awarded political asylum in the United States due to the harassment suffered in relation to the case, clearly demonstrated that they had lived in constant fear owing to the dangers and the different threats experienced, and that as a result their safety and integrity in public had been jeopardized. This was exacerbated by the absence of a prompt and adequate response to their complaints by the authorities. They have also suffered feelings of loneliness and isolation as a result of their growing lack of confidence in the authorities.

The international responsibility of Mexico for violating the right to humane treatment of the victims' next of kin through the harassment they suffered in their search for justice, is acknowledged by the Court but only in regard to those next of kin in the Cotton Field case that presented evidence and allegations as to that violation. In the future it is critical to document such harassment in detail and closely monitor it in order to ensure that it does not continue, not only in regard to the next of kin, but also with respect to those who have supported them in their defence.

Declaration eight:

“ The State did not violate the right to privacy (honor and dignity) embodied in Article 11 of the American Convention, in the terms of paragraphs 441 to 445 of this judgment.”

The right to respect the honor of every person prohibits any legal attack against their honor and reputation, and imposes on States the obligation to provide legal protection against such attacks. Honor relates to esteem and self worth, in comparison with the concept of reputation which refers to the opinion others have of the person.

The representative organizations alleged that this right had been violated for the victims and their next of kin, through the encouragement of an attitude of disrespect towards the victims on the part of the authorities. This disrespect was alleged to be manifested through disparaging questions and injurious comments made to some of the next of kin when they filed their reports, and also in the making of offensive public statements that stigmatized and ridiculed the actions taken by the mothers in the search for justice.

The State argued that no elements existed to prove these accusations.

Upon analyzing the allegations and evidence, the Court observed that the violation of this right to the detriment of the victims and their mothers was alleged in reference to facts relating to the treatment they suffered as a result of their search for the young women who disappeared and their subsequent quest for justice. The Court concluded that these facts were already examined in relation to the right to humane treatment and that therefore it was not appropriate to make findings in regards to the right to honor and dignity.

c) Orders

The orders are the resolutions that define the actions that the State must take to repair the damages for the violations that the Court held Mexico to have committed. They are actions that the State has to implement through federal institutions, in the state of Chihuahua and Ciudad Juarez. The orders

involve the executive, legislative and judicial powers and are designed to benefit the immediate victims and society in general.

It is important to bear this reference in mind as it is the State, in its entirety, that will be evaluated on its compliance with the orders of the sentence. In some instances, the Court itself specified the institutions or organs of government that are to carry out these actions of reparation and also indicated who must be the beneficiaries. It also made declarations as to the expected outcomes both for individual beneficiaries and society as a whole.

In the analysis below a description of each order is accompanied by comments and discussion regarding specific ways in which compliance could be monitored.

Order one:

“ This judgment constitutes per se a form of reparation.”

In international law it is considered that the finding of responsibility in regard to a State constitutes, in itself, a form of reparation of the immaterial damages caused. The judgement can be seen as a form of social reclamation in that it establishes that the victim was subjected to unjust treatment, to which the State must respond. The sentence has a public repercussion and herein lies its reparational character.

The fact that the mothers were heard by the Court in the public hearing also constitutes a form of reparation. It would be an act of good faith on the part of the Mexican judiciary to conduct a public hearing for the next of kin that could not attend the hearing of the Inter-American Court. This would demonstrate the State's acceptance of the sentence and a desire to guarantee access to the right to the truth for all Mexican society in respect to the Cotton Field case.

Throughout the history of the discourse of women's human rights, bringing violations of these rights to light in the public sphere has been a priority. One of the principal obstacles for women's access to justice, as well as one of the characteristics of discrimination against women, has been the framing of the causes of and responsibility for the violations of these rights in the realm of the personal. The violations of women's rights have been viewed in isolation and women have implicated themselves as being somehow to blame. Denial has also been an obstacle, as is illustrated in the case at hand, in the ability of women to have their cases brought before the courts and access justice. The majority of authorities involved in prosecution and in the administration of justice continue to expect that men, principally fathers or spouses, will speak on behalf of women victims, and refuse to view women victims and/or their female advocates as being credible witnesses or participants.

In the Cotton Field case, the State sought once again to blame the victims themselves for the fate they suffered and thus reinforce the discriminatory reasoning that situates the grave violations of women's human rights committed in Ciudad Juarez firmly in the private sphere. In this sense, the sentence is in itself a form of reparation for all women and an exhortation to continue the process of cultural and social transformation toward the construction of egalitarian relations between men and women.

Order two:

“ The State shall, in accordance with paragraphs 452 to 455 of this Judgment, conduct the criminal proceeding that is underway effectively and, if applicable, any that are opened in the future to identify, prosecute and, if appropriate, punish the perpetrators and masterminds of the disappearances, ill-treatments and deprivations of life of Mss. González, Herrera and Ramos, in accordance with the following directives:

- i. all legal or factual obstacles to the due investigation of the facts and the execution of the respective judicial proceedings shall be removed, and all available means used, to ensure that the investigations and judicial proceedings are prompt so as to avoid a repetition of the same or similar facts as those of the present case;
- ii. the investigation shall include a gender perspective; undertake specific lines of inquiry concerning sexual violence, which must involve lines of inquiry into the respective patterns in the zone; be conducted in accordance with protocols and manuals that comply with the guidelines set out in this Judgment; provide the victims' next of kin with information on progress in the investigation regularly and give them full access to the case files, and be conducted by officials who are highly trained in similar cases and in dealing with victims of discrimination and gender-based violence;
- iii. the different entities that take part in the investigation procedures and in the judicial proceedings shall have the necessary human and material resources to perform their tasks adequately, independently and impartially, and those who take part in the investigation shall be given due guarantees for their safety, and
- iv. the results of the proceedings shall be published so that the Mexican society learns of the facts that are the object of the present case.”

As stated, the Court accepted the State's acknowledgement of responsibility for the irregularities committed in the “first stage” of the investigations, and also concluded that many of these were not corrected in the “second stage”, thus generating Mexico's international responsibility for impunity. The impunity not only refers to the Cotton Field case, but also

assumes as relevant, both in cause and consequence, the series of murders of women with gender motives. Thus, the Court established as a measure of reparation, that the State must comply with its obligation to eliminate this situation of impunity by all available means, as this impunity encourages the chronic repetition of human rights violations.

The subsections of this order itemize the obligation to combat impunity. These principally involve actions in the area of criminal justice that will need to be monitored punctually and their effectiveness measured. Similarly, actions beyond the criminal field were put forward, regarding the obstacles of fact that prevented the due investigation of the crimes. The need to train officials as to how to attend to victims of gender-based discrimination and violence was also detailed. This need was seen as being applicable to diverse disciplines. Technical assistance was identified as being required in areas such as medicine, psychology, anthropology and sociology. The impact of these actions needs to be evaluated from the point of view of applied statistics and from a public management perspective, and also from the vantage point of disciplines that measure the wider impact on the population. Most importantly, all of these need to be applied from a gender perspective as established in the Convention of Belém do Pará.

One of the requests made by the representative organizations that was not accepted by the Court due to lack of evidence, was the need to have in place an adequate legal mechanism to hear the cases outside the common jurisdiction, and instead have them brought before the federal jurisdiction. Despite the fact that certain actions in regard to the problem have been implemented by the federation, for example, the former Commission for Prevention and Punishment of Violence Against Women in Ciudad Juarez and the Special Prosecutor for Attention to Crimes relating to Murders of Women in the Municipality of Juarez, Chihuahua, these have not been effective in their mandate to prevent and investigate with due diligence acts of violence against women in Ciudad Juarez. The impunity that has been consolidated locally could perhaps be remedied through the intervention of the federal authorities. The circles of interest and loyalties that encourage and facilitate impunity in the local justice system could in this way be broken. This is another possibility in regard to which documentation, analysis and monitoring should be continued.

Finally, the absence of a complete and effective investigation into the facts has been a source of additional suffering and anguish for the victims, who have the right to know the truth about what happened to their family members. Furthermore, and, as established in this order, Mexican society as a whole also has the right to the truth. As a measure of reparation in the face of fifteen years of femicide in Ciudad Juarez, Mexican society requires the dissemination - in the media, in textbooks, in universities and in the widest form - of the historical truth as derived from the facts, and, to the extent to which it is possible, in its entirety.



Order three:

“ The State shall, within a reasonable time, investigate, through the competent public institutions, the officials accused of irregularities and, after an appropriate proceeding, apply the corresponding administrative, disciplinary or criminal sanctions to those found responsible, in accordance with paragraphs 456 to 460 of this Judgment.”

This order requires detailed technical monitoring, as well as ongoing social dissemination in order to identify any irregularities committed and those persons responsible for them. The appointment of the current federal Attorney General, Arturo Chavez Chavez, is one example that contravenes the spirit of this order. In particular, given the fact that during his time as Attorney General of the state of Chihuahua (1996-1998), the gravity of the irregularities in the investigations of the murders of women were the object of analysis and alarm in several reports on Ciudad Juarez, yet to date there have been no investigations carried out. Far from being investigated, and if found guilty, punished, he was instead promoted to Attorney General of the Republic on September 24, 2009.

During the Cotton Field case, the State feigned having complied with this order. In acknowledging its responsibility in processing and punishing those public officials that had committed irregularities in the “first stage” of the investigations, it claimed to have punished those officials responsible and, even to have dismissed some of them. On the facts however, the Court found that not one of the persons involved in the grave irregularities that had occurred in the first stage of the investigation had been punished.

The representative organizations had also requested the establishment of a directive prohibiting all public officials from acting in a discriminatory manner, depreciating or making light of violations of women’s rights. The State argued that in the legal and programmatic framework that had been created in recent years relating to the right to equality between men and women, the right of women to a life free from violence, and the legislation on the rights of the child, it had satisfied this requirement. Moreover, it also cited the Federal Law of the Responsibilities of Public Servants as reinforcing those obligations. The representative organizations did not succeed in proving that these norms, programs and actions were devoid of meaning and insufficient, and for this reason the Court could not make findings on this question. This is another point of discussion in the case that needs further development and documentation.

Order four:

“ The State shall, within a reasonable time, conduct the corresponding investigation and, if appropriate, punish those responsible for the harassment of Adrián Herrera Monreal, Benita Monárrez Salgado, Claudia Ivonne Ramos Monárrez, Daniel Ramos Monárrez, Ramón Antonio Aragón Monárrez, Claudia Dayana Bermúdez Ramos, Itzel Arely Bermúdez Ramos, Paola Alexandra Bermúdez Ramos and Atziri Geraldine Bermúdez Ramos, in accordance with paragraphs 461 and 462 of this Judgment.”

It is of utmost priority to undertake detailed documentation and precise monitoring of the incidents of harassment exercised against the victims' next of kin, not only in relation to the persons named here, but with respect to all those involved. Experience in other cases of human rights violations, and in particular cases of violence against women, indicates that once actions that recognize and attempt to limit the impunity of this violence and harassment are taken, these elements increase. For these reasons it is imperative, if the integrity of the individuals involved is to be guaranteed, that any new act of harassment or situation of risk is immediately investigated and made public.

The Court officially recognized the report made on the harassment and threats to the representatives of the victims' next of kin and to the civil organizations. The journalists that have followed these cases have also had their personal safety put at risk. The Court also recognized that this harassment had intensified with the increase in national and international coverage and pressure regarding the issue, as locally some have seen such publicity as being an offense to Ciudad Juarez. The context of militarization and the increase in organized crime in Ciudad Juarez is also an important factor here. All of these elements make the definition and implementation of strategies for the monitoring and protection of the victims' next of kin and women's human rights defenders particularly urgent.

Order five:

“ The State shall, within six months of notification of this Judgment, publish once in the Official Gazette of the Federation, in a daily newspaper with widespread national circulation and in a daily newspaper with widespread circulation in the state of Chihuahua, paragraphs 113 to 136, 146 to 168, 171 to 181, 185 to 195, 198 to 209 and 212 to 221 of the present Judgment, and the operative paragraphs, without the corresponding footnotes. Additionally, the State shall, within the same time frame, publish this Judgment in its entirety on an official web page of the State. The foregoing in accordance with paragraph 468 hereof.”

The wide dissemination of the judgement is established as an essential part of the requirement of the State to dignify the memory of the victims, as well as to recognize the gravity and nature of the crimes. It is also part of the process to frame and guarantee the right to the truth as a right enjoyed by all persons.

The obligation to disseminate the truth is important, but the right to the truth is only complete if there are people to receive this message and give life to it through debate, monitoring and witnessing in order to ensure that these crimes are not repeated.

Order six:

“ The State shall, within one year of notification of this Judgment, organize a public act to acknowledge its international responsibility in relation to the facts of this case so as to honor the memory of Laura Berenice Ramos Monárrez, Esmeralda Herrera Monreal and Claudia Ivette González, in the terms of paragraphs 469 and 470 of this Judgment.”

The Court determined that the acknowledgement of responsibility made by the Mexican State in regard to the facts of the “first stage” and its intention to apologize to the victims’ next of kin for the irregularities that occurred during the initial investigations of the murders are positive actions in the development of the proceedings. However, it also considered that in order to be fully effective, the State must organize and conduct a public act of acknowledgement of its international responsibility for the facts of the Cotton Field case, in honor of the memory of the young women - Gonzalez, Herrera and Ramos.

The Court established several characteristics and protocols for the carrying out of this public act:

- In this act the State must make reference to the human rights violations proven in the judgement, regardless of whether these are recognized by the State.
- The act must be carried out in a public ceremony and broadcast via radio and television, both local and federal.
- The State must ensure the participation of the next of kin of the young women Gonzalez, Herrera and Ramos that wish to attend, and invite to the event the organizations that represented the next of kin in the national and international instances.
- The execution and other characteristics of the public ceremony must involve prior and proper consultation with the three victims’ next of kin. In the case of disagreement among the next of kin of the victims or between the next of kin and the State, the Court will resolve it.

- The State has a timeframe of one year from notification of the judgement (December 10, 2009) in which to carry out the event.
- In regards to the state authorities that must be present or participate in the act, the Court held that these must be high-ranking officials.

The Court established that it is the State's responsibility to determine who will be in charge of organizing this event. However, the representative organizations requested that the three levels of government be included in this event and added that the President of the Republic, the Governor of the state of Chihuahua, the Attorney General of the Republic, the Attorney General of the state of Chihuahua, the President of the Superior Justice Tribunal and the President of the Supreme Court of Justice at the Nation should be present at the event.

For monitoring purposes it will be important to insist on the presence of these officials at the act of acknowledgement of international responsibility. It will also be a priority that not only individuals and organizations witness the public act. In order to properly honor the memory of Esmeralda, Claudia Ivette, Laura Berenice and all the victims of femicide that have occurred in Ciudad Juarez since 1993, a wider audience is needed in order to make the acknowledgement meaningful and to report on it.

Order seven:

“ The State shall, within one year of notification of this Judgment, erect a monument in memory of the women victims of gender-based murders in Ciudad Juárez, in the terms of paragraphs 471 and 472 of the present Judgment. The monument shall be unveiled at the ceremony during which the State publicly acknowledges its international responsibility, in compliance with the decision of the Court specified in the preceding operative paragraph.”

As a way of dignifying the memory of the women victims of gender-based murder in Ciudad Juarez – among these the victims of this case – and as a reminder of the context of violence experienced and which the State has promised to prevent in the future, the Court considered it necessary that a monument be constructed to these ends.

The Court also established the following characteristics to comply with this disposition:

- The monument must be constructed in the cotton field where the victims of this case were found.
- It is to be inaugurated in the same ceremony in which the State publicly acknowledges its international responsibility.
- With a view to the monument referring to more people than those

considered the immediate victims in this case, the decision as to the type of monument is the responsibility of the public authorities in consultation with civil organizations and the consultation process must be public and transparent and include the organizations that represented the victims in this case.

The representative organizations also requested that a monument with the same objectives be constructed in Mexico City, as Mexico City is the nation's capital city and as such it would reflect national solidarity with Ciudad Juárez before the international community. Moreover, they requested that the day of November 6 each year be commemorated as the "National day in Memory of the Victims of Femicide". The Court stated that these requests were not necessary over and above those already outlined, but did not rule out the possibility that the implementation of these measures be debated at a national level.

Order eight:

“ The State shall, within a reasonable time, continue standardizing all its protocols, manuals, prosecutorial investigation criteria, expert services, and services to provide justice that are used to investigate all the crimes relating to the disappearance, sexual abuse and murders of women in accordance with the Istanbul Protocol, the United Nations Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, and the international standards to search for disappeared persons, based on a gender perspective, in accordance with paragraphs 497 to 502 of this Judgment. In this regard, an annual report shall be presented for three years.”

The Court stipulated that the State must continue the process of standardization of its investigative mechanisms. It found that, in accordance with the evidence presented by the State, the State already has such instruments in place but must refine them according to more precise parameters, such as those outlined in the manuals and protocols adopted by the United Nations within the framework of international human rights standards.

The Commission and the representative organizations requested that the Court order the State to adopt an integral, coordinated and long-term policy in order to guarantee that cases of violence against women are prevented and investigated, that those responsible are prosecuted and punished, and that the victims receive reparations.

The State responded to this request by naming the organisms and programs that it had created to these ends. It identified for example, the diverse types of federal and state and special commissions; the laws and legislative reforms implemented to improve the criminal system, access to justice and

the prevention and punishment of violence against women; programs in Chihuahua State in 2006 and 2007; programs of attention to victims of crime of the Office of the Attorney General of the state of Chihuahua; the program “Safe Chihuahua”; the Women’s Institute of Chihuahua and their respective programs, as well as State Population Council programs and the State System for Integral Family Development (DIF); and all the various links with corresponding federal programs and organisms.

Neither the Commission nor the representative organizations objected or provided greater foundation to these claims. As a result the Court did not have sufficient information in order to be able to assess them. For this reason this request was not included in the orders.

Nevertheless the information that the Court outlined as being necessary in order to take into account a request such as this is of great importance in terms of organizing documentation for the monitoring of the sentence. The Court reported that it would need to have the following information in regard to this legislative and regulatory framework in order to assess it in relation to the context of violence against women that was proven in this case:

- Whether it has resulted in the effective prevention and investigation of cases of violence against women and gender-based murder.
- Whether those responsible have been prosecuted and sanctioned.
- Whether reparation has been made to the victims.
- Precise information about the occurrence of similar crimes to those of the present case between 2006 and 2009.
- Information regarding structural defects that crosscut these policies of prevention and investigation of violence against women.
- Information on the problems in the processes of implementation of these policies.
- Results demonstrating their impact on the effective enjoyment of the rights of the victims of this violence.
- Result indicators in relation to how the policies implemented by the State could constitute reparations with a gender perspective to the extent that they:
 - question and, by means of special measures, are able to modify, the status quo that causes and maintains violence against women and gender-based murders;
 - Have clearly led to progress in overcoming the unjustified legal, political, social, formal and factual inequalities that cause, promote or reproduce the factors of gender-based discrimination; and
 - Raise awareness among public officials and society of the impact of the issue of discrimination against women in the public and private spheres.



Order nine:

“ The State shall, within a reasonable time, and in accordance with paragraphs 503 to 506 of this Judgment, adapt the Alba Protocol or else implement a similar new mechanism, pursuant to the following directives, and shall present an annual report for three years:

- i. implement searches ex officio and without any delay, in cases of disappearance, as a measure designed to protect the life, personal liberty and personal integrity of the disappeared person;
- ii. establish coordination among the different security agencies in order to find the person;
- iii. eliminate any factual or legal obstacles that reduce the effectiveness of the search or that prevent it from starting, such as requiring preliminary inquiries or procedures;
- iv. allocate the human, financial, logistic, scientific or any other type of resource required for the success of the search;
- v. verify the missing report against the database of disappeared persons referred to in paragraphs 509 to 512 supra; and
- vi. give priority to searching areas where reason dictates that it is most probable to find the disappeared person, without disregarding arbitrarily other possibilities or areas. All of the above must be even more urgent and rigorous when it is a girl who has disappeared.”

The Alba protocol is the Protocol of Attention, Reaction and Coordination between federal, state and municipal authorities in the case of missing women and girls in the Municipality of Juarez, created in 2005. The representative organizations also requested that this process be carried out with the international participation of experts in regard to a range of different actions stipulated therein. In monitoring, it will be fundamental to take into account different perspectives and assistance in order to enrich the process and also have in place the appropriate methodology to produce information regarding the impact of these processes and ways to improve them.



Order ten:

“ The State shall create, within six months of notification of this Judgment, a web page that it must update continually with the necessary personal information on all the women and girls who have disappeared in Chihuahua since 1993 and who remain missing. This web page must allow any individual to communicate with the authorities by any means, including anonymously, to provide relevant information on the whereabouts of the disappeared women or girls or, if applicable, of their remains, in accordance with paragraphs 507 and 508 of the present Judgment.”

The Court noted that the State has created other similar web pages but that it has failed to update them a few months after initiating them. For this reason, it emphasized the form and specifications for this web page. The purpose of the web page is to ensure that any individual can access information and in this way strengthen guarantees. With this resource citizen participation can be more effective and transparent.

The creation of these mechanisms of information is also important as much of the official data on these cases is completely inaccessible to citizens, as is evidenced in the Cotton Field case.

Order eleven:

“ The State shall, within one year of notification of this Judgment and in accordance with paragraphs 509 to 512 hereof, create or update a database with:

1. the personal information available on disappeared women and girls at the national level;
2. The necessary personal information, principally DNA and tissue samples, of the next of kin of the disappeared who consent to this – or that is ordered by a judge – so that the State can store this personal information solely in order to locate a disappeared person; and
3. The genetic information and tissue samples from the body of any unidentified woman or girl deprived of life in the state of Chihuahua.”

The State claimed that it had created a data registry of missing women in the Municipality of Juarez and a databank of forensic genetics. Nevertheless, they lacked provable elements for the Court to determine the effectiveness of this registry. For this reason, the Court specified that it would need the following information in order to prove this:

- That this database is precisely a national database of missing persons.
- That the genetic information of missing women nationally, as well as genetic information of the next of kin of missing persons is compared with the genetic information extracted from any woman or girl deprived of life and unidentified.
- That the information in these databases is sufficient and not minimal.
- That it is effective and has direct results in the investigations of missing persons and murders of women in Ciudad Juarez.
- That the registry, through the State, always protects the personal data therein.

Order twelve:

“ The State shall continue implementing permanent education and training programs and courses for public officials on human rights and gender, and on a gender perspective to ensure due diligence in conducting preliminary inquiries and judicial proceedings concerning gender-based discrimination, abuse and murder of women, and to overcome stereotyping about the role of women in society, in the terms of paragraphs 531 to 542 of this Judgment. Every year, for three years, the State shall report on the implementation of the courses and training sessions.”

The Court ordered that, without prejudicing the existing programs and training sessions directed at public officials responsible for the delivery of justice in Ciudad Juarez, as well as courses in human rights and gender issues, that the State continue implementing permanent programs and courses for education and training directed at police, prosecutors, judges, military personnel, and officials charged with legal attention and providing assistance for crime victims, as well as any public official, at the local or national level, that participates directly or indirectly in the prevention, investigation, prosecution, punishment and reparation. These programs should have the following content:

- Human rights and gender.
- Gender perspective for due diligence in conducting preliminary investigations and judicial proceedings in relation to gender-based discrimination, abuse and murder of women.
- Elimination of stereotypes regarding women’s role in society.
- Within these permanent programs there must be special mention made of the present sentence and to the international human rights instruments, specifically to those relating to gender-based violence, among these, the Convention of Belém do Pará and CEDAW, taking into account how certain norms or practices of domestic law, either intentionally or by their results, have discriminatory effects on the daily life of women.
- The programs must also include studies on the Istanbul Protocol and the United Nations Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions.

The Court established that the training, as an ongoing educational activity must be maintained for a considerable period of time in order to achieve its objectives. It specified that training with a gender perspective involves:

1. Developing the capacity to recognize the discrimination that women suffer in their daily life, not only learning about laws and regulations.

2. Enabling all officials to recognize the effect on women of stereotyped ideas and opinions in relation to the meaning and scope of human rights.

Order thirteen:

“ The State shall, within a reasonable time, conduct an educational program for the general population of the state of Chihuahua so as to overcome the said situation. In this regard, the State shall present an annual report for three years, indicating the measures it has taken to this end, in the terms of paragraph 543 of this Judgment.”

Discrimination and violence against women, according to CEDAW and the Convention of Belém do Pará, are learned conducts that stem from historic and cultural patterns of behaviour - patterns of behaviour, however, that can and must be modified. Based on this premise, it is possible and indeed imperative to implement preventative measures and undertake actions towards the eradication of sex and gender-based discrimination and violence against women. This order is based on the conviction that the establishment of an education program directed at the general public, together with all the other actions, can make overcoming this violence and discrimination a reality.

This order necessitates a similar response to that required by order twelve. Here it is also vital to help generate and collate information relevant to assessing the ongoing impact of the State's actions in regard to the prescribed education program.

Order fourteen:

“ The State shall provide appropriate and effective medical, psychological or psychiatric treatment, immediately and free of charge, through its specialized health institutions to Irma Monreal Jaime, Benigno Herrera Monreal, Adrián Herrera Monreal, Juan Antonio Herrera Monreal, Cecilia Herrera Monreal, Zulema Montijo Monreal, Erick Montijo Monreal, Juana Ballín Castro, Irma Josefina González Rodríguez, Mayela Banda González, Gema Iris González, Karla Arizbeth Hernández Banda, Jacqueline Hernández, Carlos Hernández Llamas, Benita Monárrez Salgado, Claudia Ivonne Ramos Monárrez, Daniel Ramos Monárrez, Ramón Antonio Aragón Monárrez, Claudia Dayana Bermúdez Ramos, Itzel Arely Bermúdez Ramos, Paola Alexandra Bermúdez Ramos and Atziri Geraldine Bermúdez Ramos, if they so wish, in the terms of paragraphs 544 to 549 of this Judgment.”

The Mexican State has offered certain medical and psychological support to some of the victims and the Court took these actions into consideration.

Despite this, the State failed to demonstrate that each of the next of kin had received or continue to receive any form of psychological, psychiatric or medical treatment. Nor did it validate the quality of the therapies or consultations or the progress obtained by the patients to date.

In this respect, this order requires punctual monitoring in relation to the following requirements:

- The treatment for the victims must be provided by specialized public health care institutions.
- The professionals assigned to the victims from these institutions must have sufficient training and experience to treat both the physical health problems suffered by the next of kin, and also the psychological trauma caused by the gender-based violence, the absence of a State response and the impunity.
- The professionals must duly assess the psychological and physical conditions of each victim.
- The treatment must be provided for the length of time that it is necessary and must include the supply of any medication required.

To date, in Mexico and in particular, in Ciudad Juarez, public health institutions do not have personnel fully trained to attend to the traumas occasioned by gender violence, the absence of a State response and the impunity. This limitation means that in order to comply with this directive, not only is the State required to develop these capacities amongst the health professionals who will administer immediate treatment to the victims of this case, but also to have such trained personnel available to attend all other victims of violence against women in Ciudad Juarez.

Order fifteen:

“ The State shall, within one year of notification of the present Judgment, pay the amounts established in paragraphs 565, 566, 577, 586 and 596 hereof as compensation for pecuniary and non-pecuniary damage and reimbursement of costs and expenses, as appropriate, under the conditions and in the terms of paragraphs 597 to 601 of this Judgment.”

Even though this is an order that has been designed directly for the benefit of the injured parties and the organizations that represented the victims, in the event of non-compliance, everyone will be required to take concrete actions to denounce this fact before the Court and exercise the necessary pressure on the Mexican State to force it to comply.

During the trial, the State alleged that it had provided financial assistance that should be taken into account in terms of calculating the indemnities and compensation. In particular, it mentioned the so-called “Financial Su-

pport Fund for the Families of Victims of Murders of Women”, created “to compensate the families of victims of femicide in Ciudad Juarez”. Nevertheless, in the investigation, the Court held that the amounts granted through this fund, as defined in the Funds own terms of reference, did not constitute compensation for or reparation of damages. Moreover, it found that these payments were granted on the condition that the next of kin sign a document in which they waived their right of access to justice and their right to receive the remains of their daughters and promised to desist from requesting that the authorities carry out DNA testing that would establish the identity of the bodies that had been delivered to them as their daughters.

On the basis of these facts, the Court stated that in no way could these resources be considered a form of reparation to the victims for pecuniary damage, as the State itself had acknowledged that they could not be considered a form of reparation, and because they had been granted on condition that the next of kin waive their right of access to justice and to the truth. The Court made the further comment that the State cannot invoke as a piece of evidence in its attempt to prove that it has made reparation of damage to the victims an agreement signed by the victims, that is in itself a violation of rights.

The representative organizations also requested the creation of a law that objectively regulates the specific forms of assistance provided to victims of femicide, as well as the minimum standards required for monitoring and evaluating this support. This request was borne out of the fact that the social supports that have been implemented to date by the State, have depended entirely on the discretion of the officials and lack clear criteria in regard to reparation of damage. Not only are such forms of assistance not made in accordance with international parameters, they are also subject to and influenced by the political interests of the government.

Such interests are evident in the case of the Financial Support Fund already mentioned, and also in regard to Mexico’s petition to the Court that it interpret the contact that the authorities have maintained with the victims’ next of kin as evidence of its bona fide desire to repair the consequences of the irregularities in the investigations.

The Court rejected both claims. However it found that it could not prescribe how the State regulates the support it provides to individuals as part of its social assistance program. For this reason it abstained from passing judgement on the request presented by the representative organizations in regard to the creation of a specific law on this subject. For monitoring purposes it is important to bear in mind the distinctions made by the Court here. The Court would not confuse the State’s delivery of social services to individuals, with the right that victims of human rights violations have to reparation for the specific damage caused by the violation.

It declared that the support that was delivered to the victims in consideration of the criminal conduct of the murder and not the responsibilities of

the State, as well as that support that pertained to the rights of the victims, would not be taken into account. The Court held that it would only take into account as part of the reparations those actions that were directed specifically at repairing the absence of prevention, impunity and discrimination attributable to the State in the present case.

Order sixteen:

“ The Court will monitor full compliance with this Judgment in exercise of its powers and in compliance with its obligations under the American Convention, and will consider the case closed when the State has complied in full with all the provisions herein. Within one year of notification of the Judgment, the State shall provide the Court with a report on the measures adopted to comply with it.”

A case is deemed concluded only when there has been complete compliance with each of the orders given. In contrast to the domestic law of States, in which the judicial power may require the assistance of the security forces in order to enforce compliance with a judgement, in the international sphere, political pressure is required for compliance. The consequences of non-compliance, in turn, have consequences in the political sphere.

The Court has the obligation to submit the cases of State non-compliance with its resolutions to the General Assembly of the Organization of American States – the highest political organ of the region. It does so in the context of its annual report which must also specify the recommendations relevant to the lack of compliance.

The international political consequences both stem from and affect the national and local arenas. Detailed monitoring and the collation of relevant information and documentation on compliance in the local sphere, will permit the Court to have better resources in order to determine, at the corresponding dates, that the case is concluded or, alternatively, in the event of non-compliance to make its recommendations in the inter-American sphere. On the other hand, the international political reactions and repercussions must be broadcast nationally, in order to give impulse to and support local actions and actors seeking compliance. The experiences of other States and other cases in regard to compliance or non-compliance of the Court's orders should be considered in devising monitoring strategies and also as points of reflexion for the surrounding debates.

Conclusions

It is essential that before the end of 2010, documents and publications are produced that inform the Court of the point of view of society and professionals in regard to the degree to which there has been compliance of the orders defined by the Court. To do this will require effort, creativity and debate on the part of professionals at each level, as well as the participation of citizens committed to the prevention and eradication of discrimination and violence against women.

Although the implementation will be carried out in Mexico and principally in Ciudad Juarez and Chihuahua, it is necessary to share experiences on the different aspects signalled here, both at an international and national level and to work to adapt the experiences and proposals to local needs.

The implementation of this sentence is an important opportunity to construct solid bases for egalitarian relations between men and women, as well as to consolidate a truly democratic rule of law, in which citizens and authorities are able to work to their full capacities and construct a society that respects, protects and fully guarantees all human rights. It is a unique opportunity for Ciudad Juarez to be an example for the whole world as to how best to guarantee the life and liberty of all women

Chronological chart of proposals for monitoring compliance with the orders of the Inter-American Court of Human Rights

In order to facilitate monitoring of the State's compliance with the orders of the Court, a chronological table outlining the timeframe, location and actions established by the Court for the four key actions proposed in this document is included:

1. Engaging in further debate and analysis around the general and technical elements of each of the sentence's resolutions. These may be directed towards the sharing of experiences and programs with other countries already facing similar provisions to those ordered by the Court. Alternatively, general analysis and observations should be made as to the framework developed in the sentence, and its merits and any omissions. The implementation of the sentence requires further debate regarding some concepts and above all, the best methodology to employ in order to render the judgement most effective.
2. Document and generate information around the orders issued by the Court in regard to the Mexican State, so that their monitoring can be recorded, which will in turn provide the Court with access to better resources in order to undertake an appropriate evaluation of compliance with the sentence.
3. Disseminate the content of the judgement and report on the debate generated and actions taken relating to the sentence and its compliance through the media, in academic spaces and citizen networks.
4. Demand, in the instance of any non-compliance with the stipulated timeframe or substance of the Court's orders, that the State comply fully with the orders of the sentence, through letters, public mobilizations, written analysis and debate, solidarity actions and other forms of advocacy.

Chronological chart

Deadline (maximum)	Location (principal)	Action (central)	Proposals for monitoring
Immediate application	Chihuahua State, with the possibility of federal involvement.	Criminal process to identify, process and, where necessary, punish those materially and intellectually responsible for the disappearance, mistreatment and murder of the young women González, Herrera and Ramos.	<ul style="list-style-type: none"> • Demand publication of the results. • Pressure for the guarantee of the personal integrity of the defenders and civil organizations involved in the judicial processes. • Design, promote, and find out how a gender perspective will be implemented into the criminal justice system.
	Public health care institutions.	Free medical, psychological and psychiatric attention to the next of kin.	<ul style="list-style-type: none"> • Build knowledge, investigate, create and promote models of specialized attention on femicide and sexual violence against women. • Document and demand that the health care institutions have the capacities to provide this type of attention.
10 June 2010	National and Chihuahua State.	Publication of the Sentence.	<ul style="list-style-type: none"> • Search for, read and disseminate, analyze and debate the publication of the sentence, including in different national, regional and international forums and sources.
	Chihuahua State.	Web page with information on women missing since 1993 in Chihuahua.	<ul style="list-style-type: none"> • Provide the site with reliable and factual information. • Monitor and demand its permanent updating.

Deadline (maximum)	Location (principal)	Action (central)	Proposals for monitoring
10 December 2010	In the cotton field where the victims were found. Broadcast via local and national radio and television.	Public act in acknowledgement of the Mexican State's international responsibility for the violation of human rights.	<ul style="list-style-type: none"> • Monitor the planning process of the event in order to ensure the participation and agreement of the victims as stipulated by the Court. • Demand the presence of federal and local officials from the three powers: executive, legislative and judicial. • Monitor the conditions in which the public act takes place in accordance with the criteria established by the Court, and with the assistance of responsible media. • Attend the public act.
	In the cotton field where the victims were found.	Monument in memory of the women victims of gender-based murder in Ciudad Juarez.	<ul style="list-style-type: none"> • Monitor the planning process of the monument in order to ensure citizen participation as stipulated by the Court. • Participate in the consultation process with the criteria of not reproducing images or elements of violence. • Advocate for the construction of another monument in Mexico City. • Advocate for the declaration of an annual day in memory of the victims of femicide.
	National.	Payment of indemnities, compensation for damages and the reimbursement of expenses and costs.	<ul style="list-style-type: none"> • In the case of non-compliance, demand and pressure for compliance.
	National and Chihuahua State.	Database with personal and genetic information of missing women in Mexico and those deprived of life in the state of Chihuahua.	<ul style="list-style-type: none"> • Monitor the permanent updating of the database and document its impact on investigations throughout the country
	National.	Report on the measures adopted in compliance with the sentence.	<ul style="list-style-type: none"> • Document information that provides the Court with extensive information on the actions taken from the perspective of civil society. • Dissemination and public debate on the reports.

Deadline (maximum)	Location (principal)	Action (central)	Proposals for monitoring
Annual report every three years. December 10, 2010, 2011 and 2012	Chihuahua State.	Alba Protocol – or similar – for the search of missing women in Chihuahua	<ul style="list-style-type: none"> • Build knowledge, investigate, create and promote best practices on the issue. • Generate rigorous evaluation mechanisms for these processes in order to measure compliance with the impact defined by the Court.
	National and local.	Permanent programs and courses for officials to ensure recognition and elimination of discrimination against women.	<ul style="list-style-type: none"> • Generate rigorous evaluation mechanisms for these processes in order to measure compliance with the impact defined by the Court.
	Chihuahua State.	Undertake a public education program in order to end the situation of discrimination and violence against women.	<ul style="list-style-type: none"> • Build knowledge, investigate, create and promote best practices on the issue. • Generate rigorous evaluation mechanisms of these processes in order to measure compliance with the impact defined by the Court.
	National.	Continue the standardization of all protocols, manuals and attention to the disappearance, sexual violence, and murder of women in accordance with international human rights standards.	<ul style="list-style-type: none"> • Build knowledge, investigate, create and promote best practices on the issue. • Generate rigorous evaluation mechanisms of these processes in order to measure compliance with the impact defined by the Court.
Reasonable time	Chihuahua State.	Investigate and punish those responsible for harassment of the three victims' next of kin.	<ul style="list-style-type: none"> • Demand publication of the results of the investigations. • Document and publicize any attack or risk to the personal integrity of the families or defenders. • Build mechanisms and networks of protection and citizen solidarity in the face of the risks to the integrity of the persons linked to these processes.
	Relevant public institutions: municipal, state and federal.	Investigate and, if found guilty, punish, the officials accused of irregularities in the investigation processes of the case.	<ul style="list-style-type: none"> • Demand publication of the results of the investigations. • Monitor in detail the trajectories of the officials indicated so that impunity is not supported.

Time Line

Over the course of a long international judicial process many events occur. This timeline provides an overview of the facts relevant to the Cotton Field case. The upper line contains the principal events in the process before the Commission and the Inter-American Court of Human Rights. The information below the line corresponds to the facts and actions taken in Mexico in response to the disappearances and murders of women in Ciudad Juarez. In this lower line, we hope that the empty spaces from 2010 to 2012 will be filled with joint civil actions that have a positive impact on compliance with the sentence.

■ Proceedings of the Cotton Field case before the Inter-American Human Rights System.

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	
Civil organizations begin to systematically record and document the cases of disappearance, sexual torture and murder of women in Ciudad Juarez.	JUNE The Inter-American Convention on the Prevention, Sanction and Eradication of Violence Against Women is ratified in the Organization of American States (Convention of Belém do Pará).	SEPTEMBER Eight bodies of murdered and sexually tortured women are found in the Bravo Lot causing outrage in Ciudad Juarez. OCTOBER US national Andel Latif Sharif is arrested and accused of 17 murders of women that occurred since 1993. Absolved in 1996, he is immediately re-arrested and accused of coordinating and paying gangs such as the Rebeldes and Ruterros for the murders the women. In 2003 he is sentenced for the murder of one woman and dies in prison in 2006 without his appeal having been resolved.	Families of missing girls and women begin searches of the lifeless bodies found in public areas, in response to the lack of due action by the authorities. MARCH Seven bodies of murdered and sexually tortured women found in Lomas de Poleo. APRIL Members of the <i>Rebeldes</i> gang are arrested and accused of the crimes of Lomas de Poleo.	NOVEMBER A minute of silence for the murdered women in Ciudad Juarez is called for in the Chamber of Deputies of the Congress of the Union and a Commission of legislators is formed to aid Ciudad Juarez in verifying the state of the investigations.	MAY The National Human Rights Commission publishes recommendation 44/98. NOVEMBER The first Office of the Special Prosecutor for the Investigation of Murders of Women in Ciudad Juarez, Chihuahua is created. DECEMBER Mexico ratifies the Convention of Belém do Pará.	FEBRUARY President Zedillo requests the assistance of the US authorities in the investigations of the murdered women in Ciudad Juarez. APRIL Eleven members of the <i>Ruterros</i> gang are arrested and accused of murdering the ten women. NOVEMBER Report of UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Asma Jahangir.	The authorities of Ciudad Juarez continue campaigns and programs to address the disappearances and murders of women under discriminatory and misogynous criteria. For example, blaming the victims of the crimes, stating that it is a consequence of the women going out alone at night or being provocatively dressed.	SEPTEMBER Laura Berenice Ramos Monárrez disappears. OCTOBER Claudia Ivette González and Esmeralda Herrera Monreal disappear. NOVEMBER Eight bodies of murdered women with clear signs of sexual torture are found in a cotton field in Ciudad Juarez. NOVEMBER Two men are sentenced to prison after confessing to the rape and murder of the eight women found in the Cotton Field. In the same month those found guilty state that they had provided the confessions under torture. NOVEMBER The Chamber of Deputies approves the establishment of a Special Commission to monitor the investigations of the murders of women and girls in Ciudad Juarez.	JANUARY Report of the UN Special Rapporteur on the Independence of Judges and Magistrates, Dato Param Cumaraswamy. FEBRUARY Visit of the IACHR Special Rapporteur on Women's Rights to Ciudad Juárez in response to the presentation of complaints to the Commission. JUNE The inter-institutional committees held to contribute to the investigations are cancelled, resuming in September 2003 without positive results.	FEBRUARY One of the convicted of the Cotton Field murders dies in prison. MARCH Report of the IACHR Special Rapporteur on Women's Rights, Martha Altolaguirre. APRIL Attorney General of the Republic (PGR) takes 14 cases under the theory of organ trafficking. AUGUST Amnesty International publishes report on Ciudad Juarez. AUGUST The Joint Agency for Attention to the Murders of Women is created. NOVEMBER Report on the Mission in Ciudad Juarez of the UN Commission of International Experts on Drugs and Crime. DECEMBER OHCHR Report on the Human Rights Situation in Mexico.	FEBRUARY The IACHR declares the individual petitions of Esmeralda, Claudia Ivette and Laura Berenice as admissible.	JANUARY Mexico Report produced for CEDAW under Article 8 of the Optional Protocol of the Convention. MAYO Report of the Rapporteur on the Equal Opportunities of Women and Men of the Parliamentary Assembly of the Council of Europe, Ruth Gaby Vermont. JUNE The man accused of the Cotton Field murders is released due to lack of evidence.	It is confirmed that one of the bodies found at the Cotton Field is Esmeralda Herrera Monreal. JANUARY Report of the UN Rapporteur on Violence Against Women, its causes and consequences, Yakin Ertürk. JUNE The PGR concludes that organized crime was not involved in the Cotton Field cases and returns the case files to the local authorities. AUGUST US Ambassador to Mexico, Antonio Garza, reports that those responsible for the Cotton Field murders have been detained. The persons detained report torture.	JANUARY State Law on the right of women to a life free from violence is published in Chihuahua State. FEBRUARY SThe General Law of women's access to a life free from violence that includes a concept of "gender alert", that was not established in Ciudad Juarez despite demands for it, is published. OCTOBER Resolution of the European Parliament on the murders of women (femicides) in Central America and Mexico, and the role of the European Union in combating this phenomenon.	It is confirmed that one of the bodies found at the Cotton Field is Laura Berenice Ramos Monárrez. JANUARY The Special Prosecutor for crimes of violence against women and people trafficking is created that replaces the Special Prosecutor for attention to crimes relating to acts of violence against women in the country, created in 2006; that in turn had replaced the Special Prosecutor for attention to crimes relating to the murders of women in the municipality of Juarez, created in 2004.	APRIL The United States grants asylum to Benita Monárrez and her family, due to the absence of guarantees for her personal integrity and life in Mexico. JUNE The authority of the Commission on the Prevention and Eradication of Violence Against Women is extended from exclusively Ciudad Juarez, to national jurisdiction.	JANUARY The Court issues the Resolution on the decision not to expand the number of victims. APRIL The public hearing before the Court is held in Santiago, Chile. DECEMBER 10 The Court gives notification of the condemnation of the Mexican State for human rights violations in the Cotton Field case.	JUNE Six months in which the Mexican State must have been providing medical and psychological treatment to the victims and the deadline for publishing the sentence. DECEMBER The Mexican State must submit the first report on advances in compliance with the sentence, and the Court will evaluate whether it has complied.	DECEMBER The Mexican State must submit a report on advances in compliance with the sentence, principally on the measures of non-repetition.	DECEMBER The Mexican State must submit report on advances in compliance with the sentence, principally in the measures of non-repetition.

■ Actions related to the Cotton Field case in Mexico.

Irma Monreal Jaime chose the name Esmeralda for her daughter because she desired for her a life of brilliant, cool and green gardens.

In comparison to gender violence that reaffirms and reproduces stereotypes, damaging images and victimization in women, here we seek to strengthen the condemnation of this grave violation of human rights with an approach that reaffirms the creative for women and with other elements assist their construction as subjects with full rights.

We choose green in memory of the vitality of Esmeralda, and in recognition of Irma Monreal and all the mothers that with great dignity give name to the world and lead us to cover new paths of justice.

