

GONZALES ET AL X MEXICO
(“COTTON FIELD” / “CAMPO ALGODONERO”)

(Excerpts of the decision)

- Context:

114. *The Commission and the representatives alleged that, since 1993, the number of disappearances and murders of women and girls in Ciudad Juárez has increased significantly. According to the Commission, “Ciudad Juárez has become a focus of attention of both the national and the international communities because of the particularly critical situation of violence against women which has prevailed since 1993, and the deficient State response to these crimes.”*

115. *The State acknowledged “the problem it faces owing to the situation of violence against women in Ciudad Juárez (which is located on the border with El Paso, Texas), above all, the murders that have been recorded since the beginning of the 1990s in the last century.”*

(...) the Court observes that no clear data exists on the exact number of women who have been murdered in Ciudad Juárez since 1993. Reports quote figures ranging from 260 to 370 women from 1993 to 2003. Meanwhile, the State forwarded evidence that 264 murders of women had been recorded up until 2001, and 328 up to 2003. According to this same evidence, by 2005, the number of murders of women had increased to 379.

119. *Regarding the disappearances of women, according to the 2003 reports of CEDAW (Convention on the Elimination of All Forms of Discrimination against Women – UN Women) and Amnesty International, the national NGOs mention around 400 disappearances⁹³ between 1993 and 2003 while, according to the report of the IACHR Rapporteur, in 2002, the whereabouts of 257 women who had been declared missing, between 1993 and 2002, were unknown.⁹⁴ Furthermore, the Office of the Special Prosecutor for Crimes related to the Murders of Women in the Municipality of Juárez (hereinafter the “Special Prosecutor’s Office”) established that, from 1993 to 2005, 4,456 women were reported to have disappeared and, at December 31, 2005, 34 women were yet to be found.*

121. *The Court takes note that **there are no reliable assumptions about the number of murders and disappearances of women in Ciudad Juárez**, and observes that, whatever the number, it is alarming. Over and above the numbers which, although significant, are not sufficient to understand the seriousness of the problem of violence experienced by some women in Ciudad Juárez, the arguments of the parties, together with the evidence they have provided, indicate a complex phenomenon, accepted by the State (*supra para.* 115), of violence against women since 1993, characterized by specific factors that this Court considers it important to highlight.*

122. *In the first place, the Commission and the representatives alleged that the victims were young women aged 15 to 25 years, students or workers in the maquila industries or in stores or other local businesses, some of whom had only lived in Ciudad Juárez for a relatively short time. The State did not make any comment in this regard.*

123. *The plaintiffs’ allegations were based on different reports prepared by national and international agencies establishing that the murder victims appeared to be, above all, young women, including girls, women workers – especially those working in the maquila – who are underprivileged, students or migrants.*

124. *Second, the Commission and the representatives alleged that there were signs of sexual violence in many of the murders. According to a report of the Special Prosecutor’s Office, since 1993, some of the murders and disappearances “have revealed similar characteristics and/or patterns of conduct.”*

125. *Diverse reports establish the **following common factors in several of the murders: the women were abducted and kept in captivity, their next of kin reported their disappearance and, after days or months, their bodies were found on empty lots with signs of violence, including rape and other types of sexual abuse, torture and mutilation.***

127. Although the Special Prosecutor's Office concluded that most of the murders of women in Ciudad Juárez were independent of each other and, consequently, had been committed under different circumstances, of time, manner, and occasion, it was only in 2005 that it "was able to determine that the number of cases in which there was a **pattern of conduct identified as the phenomenon known as 'Muertas de Juárez' [the dead women of Juárez], was about 30% of the 379 identified murders,**" or in other words, around 113 women. Furthermore, the Commission to Prevent and Eliminate Violence against Women in Ciudad Juárez (hereinafter the "Ciudad Juárez Commission") indicated that, even though there continued to be discrepancies as regards absolute figures, different reports agreed that one-third of all the murders of women were those classified as sex-related and/or serial; the latter "are those with a repeated pattern in which, generally, the victim does not know her attacker and is deprived of her liberty and subjected to multiple abuse and suffering until she dies."

(...) CEDAW and Amnesty International reports concur that around one-third of the murders had a component of sexual violence or similar characteristics.

128. According to the representatives, the issue of gender is the common denominator of the violence in Ciudad Juárez, which "occurs as a culmination of a situation characterized by the reiterated and systematic violation of human rights." They alleged that "cruel acts of violence are perpetrated against girls and women merely because of their gender and, only in some cases, are they murdered as a culmination of this public and private violence."

129. The State indicated that the murders "have different causes, with different authors, in very distinct circumstances and with diverse criminal patterns, but are influenced by a culture of gender-based discrimination." **According to the State, one of the structural factors that have led to situations of violence against women in Ciudad Juárez is the change in family roles, as a result of women working.** The State explained that, in Ciudad Juárez, the maquiladora industry started up in 1965, and **increased in 1993 with the North American Free Trade Agreement.** It indicated that, by giving preference to hiring women, the maquila industries caused changes in their working life that also had an impact on their family life because "traditional roles began to change, with women becoming the household provider." This, according to the State, led to conflicts within the family because women began to present an image of being more competitive and financially independent. In addition, the State cited the CEDAW report to indicate that "[t]his social change in women's roles has not been accompanied by a change in traditionally patriarchal attitudes and mentalities, and thus the stereotyped view of men's and women's social roles has been perpetuated."

130. **Other factors mentioned by the State as generators of violence and marginalization,** are the absence of basic public services in the underprivileged areas; and drug-trafficking, arms trafficking, crime, money-laundering and people trafficking, which take place in Ciudad Juárez because it is a border city; the consumption of drugs, the high rate of school desertion, and the presence of "numerous sexual predators" and "military officials [...] who have participated in armed conflicts," in the neighboring city of El Paso.

131. According to the evidence forwarded by the State, **the motive for 31.4% of the murders of women that took place between 1993 and 2005 was social violence** (which includes revenge, street fights, imprudence, gang activities and robbery), **28% were due to domestic violence, 20.6% were based on sexual motives and in 20.1% of the cases the causes were unknown.** It is worth noting that there are inconsistencies in the figures provided by the State. For example, in its response to the 2003 CEDAW report, the State indicated that 66% of the murders were the result of domestic and common violence, the motives for 8% were unknown, and the remaining 26% were acts of sexual violence.

135. The Ciudad Juárez Commission pointed out that the emphasis placed by the Special Prosecutor's Office on domestic violence and on the significant changes in the social structure as reasons for sex crimes, did not take into account "the elements of the violence that are related to gender-based discrimination that specifically affects women," and this "merges gender-based violence with social violence, without examining how it specifically affects women."

136. The Commission's report stressed the sexual characteristics of the murders and indicated that "[w]hile the extent of these aspects of the problem is unclear, evidence in certain cases suggests links to prostitution or trafficking for sexual exploitation," and that "both can involve situations of coercion and abuse of women working in or forced to participate in the sex trade."

137. The Commission did not classify the facts that occurred in Ciudad Juárez as femicide.

139. At the public hearing, the State used the term femicide when referring to the “phenomenon [...] that prevails in Juárez.” Nevertheless, in its observations on the expert opinions presented by the representatives, the State objected to the fact that they attempted “to include the term femicide as the definition of a type of crime, when this does not exist in domestic law or in the binding instruments of the Inter-American human rights system.”

140. In Mexico, Article 21 of the General Law on the Access of Women to a Life Free of Violence, in force since 2007, 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.” Some Government agencies have also provided definitions of the term “femicide” in their reports.

141. Expert witnesses Monárrez Fragoso, Pineda Jaimes, Lagarde y de los Rios and Jusidman Rapoport classified what happened in Ciudad Juárez as femicide.

142. In addition, the report of the Special Commission to Examine and Monitor the Investigations into Femicides in the Mexican Republic of the Chamber of Representatives (hereinafter the “Commission of the Chamber of Representatives”) and the report of the Ciudad Juárez Commission, refer to the “femicides” that supposedly occur in Ciudad Juárez. So do the Observatorio Ciudadano, the NGOs Centro para el Desarrollo Integral de la Mujer and AC/Red Ciudadana de NO Violencia and Dignidad Humana, the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C, and several amici curiae submitted to the Court.

143. In light of the preceding paragraphs, **in the instant case the Court will use the expression “gender-based murders of women,” also known as femicide.**

144. In the instant case, the Tribunal finds that, bearing in mind the evidence and the arguments about the evidence in the case file, it is not necessary or possible to make a final ruling on which murders of women in Ciudad Juárez constitute genderbased murders of women, other than the murders of the three victims in this case. Consequently, it will refer to the Ciudad Juárez cases as murders of women, even though it understands that some or many of them may have been committed for reasons of gender and that most of them took place within a context of violence against women.

145. Regarding the deaths that occurred in the instant case, in the following sections the Tribunal will analyze whether, based on the evidence provided by the parties, they constitute gender-based murders of women.

147. Even though the State acknowledged that irregularities had been committed in the investigation and prosecution of the murders of women between 1993 and 2003 (*supra* para. 20), it did not specify the irregularities it had found in the investigations and the proceedings conducted over those years.

148. The Court observes that even when the details provided by the State authorities to the IACHR Rapporteur and indicated above were limited to the investigations and proceedings conducted up until 1998, **the State itself acknowledged before the Tribunal that there had been irregularities up until 2004 (*supra* para. 20), although it did not describe them.**

149. **Several reports published between 1999 and 2005 agree that the investigations and proceedings concerning the murders of women in Ciudad Juárez have been plagued by irregularities and deficiencies and that these crimes have remained in impunity.** According to the Special Prosecutor’s Office, “it should be emphasized that the impunity of the unsolved cases occurred, principally, from 1993 to 2003, owing to serious omissions made by the personnel of the Office of the Attorney General of the state [of Chihuahua].” It added that, over that period, the “state governments failed to enact public policies to endow the state Attorney General’s Office with the infrastructure, working methods and specialized personnel that would have allowed it to conduct the investigations into the killings of women with an acceptable level of reliability.”

150. According to the evidence provided, the irregularities in the investigations and the proceedings included delays in starting investigations, slowness of the investigations or absence of activity in the case files, negligence and irregularities in gathering evidence and conducting examinations, and in the identification of victims, loss of information, misplacement of body parts in the custody of the Public Prosecutor’s Office, and failure to consider the attacks on women as part of a global phenomenon of

gender-based violence. According to the U.N. Rapporteur on judicial independence, following a visit to Ciudad Juárez in 2001, he “was amazed to learn of the total inefficiency, incompetency, indifference, insensitivity and negligence of the police who investigated these cases earlier.” For its part, the Special Prosecutor’s Office indicated in its 2006 report that, in 85% of 139 earlier investigations analyzed, it had detected responsibilities that could be attributed to public servants, serious deficiencies and omissions that “prevent resolving the respective murders, causing impunity.”

151. The Commission and the representatives alleged that the attitude of the State authorities to the killings of women in Ciudad Juárez was extremely discriminatory and dilatory, a situation that the Commission described as an “alarming pattern of response and stereotyped conceptions of the missing women.” In particular, the pattern “was reflected on the part of the [S]tate officials that the search and protection of women reported as having disappeared was not important” and meant that, initially, the authorities refused to investigate.

154. Evidence provided to the Court indicates, *inter alia*, that officials of the state of Chihuahua and the municipality of Juárez made light of the problem and even blamed the victims for their fate based on the way they dressed, the place they worked, their behavior, the fact that they were out alone, or a lack of parental care.¹⁵² In this regard, it is worth noting the assertion by the CNDH in its Recommendation 44/1998 that it had documented statements by officials and authorities of the state Attorney’s Office that revealed an “absence of interest or willingness to pay attention to and remedy a serious social problem, as well as a form of discrimination” that constituted a “form of sexist denigration.”

158. The Court observes that various reports agree that the failure to solve the crimes is a very important characteristic of the killings of women in Ciudad Juárez. The 2003 Report of the IACHR Rapporteur indicates that the vast majority of the murders remained in impunity. Furthermore, according to CEDAW “a culture of impunity has taken root which facilitates and encourages terrible violations of human rights,” and the United Nations Office for Drugs and Crime indicated that the diverse and complex factors of the criminal phenomenon in Ciudad Juárez “had tested a system that was insufficient, which has been manifestly overwhelmed by the challenge of crimes for which it was unprepared, resulting in an institutional collapse that has determined the general impunity of those responsible for the crimes.”

159. The Tribunal observes that the various reports include different figures for the cases of murders of women in Ciudad Juárez. According to the official figures provided by the State, which were not contested by the other parties, of 379 cases of murders of women in Ciudad Juárez between 1993 and 2005, 145 had been tried with judgments convicting the accused by 2005; this represents around 38.5%. The State also provided the Court with a list of 203 final judgments concerning murders of women up until September 2008; of these, 192 are judgments convicting the accused. In this regard, the Court observes that the State did not provide information on the global number of killings up until 2009, or any evidence with regard to its assertions that, in 2008, 41.33% of the murders of women had been resolved by a jurisdictional body and 3.92% by the Juvenile Court.

160. Regarding the judgments, specifically the sentences imposed on individuals responsible for intentional murder, the Special Prosecutor’s Office observed in its 2006 report that they averaged no more than 15 years’ imprisonment, even though most of the killings were committed with aggravating circumstances (...)

164. Based on the foregoing, **the Court concludes that, since 1993, there has been an increase in the murders of women, with at least 264 victims up until 2001, and 379 up to 2005.** However, besides these figures, which the Tribunal notes are unreliable, it is a matter of concern that **some of these crimes appear to have involved extreme levels of violence, including sexual violence and that, in general, they have been influenced, as the State has accepted, by a culture of gender-based discrimination which, according to various probative sources, has had an impact on both the motives and the method of the crimes, as well as on the response of the authorities.** In this regard, the ineffective responses and the indifferent attitudes that have been documented in relation to the investigation of these crimes should be noted, since they appear to have permitted the perpetuation of the violence against women in Ciudad Juárez. The Court finds that, up until 2005, most of the crimes had not been resolved, and murders with characteristics of sexual violence present higher levels of impunity.

- Facts of the case:

165. Laura Berenice Ramos Monárrez was 17 years old and a fifth semester high school student. The last information about her was that she telephoned a girl friend on Saturday, September 22, 2001, to tell her that she was ready to go to a party. The report that was filed indicated that she disappeared on Tuesday, September 25, 2001, without giving any further details.

166. Claudia Ivette González was 20 years old and worked for a maquila plant. According to a close friend, "when she went out, it was almost always for short periods, because she helped her sister take care of her daughter, and therefore sometimes arrived late" at work. On October 10, 2001, she arrived at work two minutes late and, consequently, was not allowed in. She disappeared that day.

167. Esmeralda Herrera Monreal was 15 years old and had completed "third year of secondary school." She disappeared on Monday, October 29, 2001, after leaving the house where she worked as a domestic employee.

168. According to the representatives, the three young women, Ramos, González and Herrera, were of "humble origins."

169. There are inconsistencies between the allegations of the Commission and the representatives on this point, because at times they indicate that the authorities told the next of kin that they must wait 72 hours in relation to one or two victims and, at other times, they indicate that it was in relation to all three victims. Furthermore, some allegations indicate that the report was not filed until 72 hours had passed, and others that the investigations were only started after 72 hours

174. Except in the case of the mother of Claudia Ivette González, there is no evidence in the case file that the next of kin had approached the authorities before the date indicated above as the day on which the disappearance was reported. Neither the Commission nor the representatives contradicted the validity of the disappearance records provided by the State. Consequently, the Tribunal concludes that the missing person reports were drawn up on the same day that the disappearance were reported in the cases of Esmeralda Herrera and Laura Berenice Ramos, while in the case of Claudia Ivette González, the Court has insufficient evidence to determine whether the next of kin first approached the authorities on October 11 or 12; nevertheless, in any case, 72 hours did not elapse between the moment the next of kin approached the authorities and the time the missing person report was drawn up.

176. During the public hearing before the Tribunal, the mothers of the three victims stated that, during the first contact with the authorities, they were told that they should allow 72 hours to pass before considering that their daughters had disappeared; this was reiterated in other statements.

(...) The Court notes that, although these statements provide indications about a supposed delay of 72 hours before starting the search for disappeared persons, the expert witnesses did not indicate the source for their conclusions, based on which of which it would be possible to assess their affirmation. In addition, the testimony of the expert witnesses did not provide specific dates; hence, the Tribunal is unable to conclude whether, in their opinion, the 72-hour delay existed in 2001.

(...) In this regard, the Tribunal observes that the evidence forwarded by the State indicates that, during the first 72 hours, the authorities merely registered the disappearances and the statements of those who reported them; an official letter from the Program to provide Services to Victims of Crime was issued, and the statements of only three people was taken, apart from the statements made at the time the disappearances were reported. In other words, apart from the formal, routine procedures, **the State did not submit any arguments or evidence about measures taken in said period to mobilize its investigative mechanisms in a real and effective search for the victims.** (burden of proof of the state)

(...) The Court therefore concludes that, even though it has not been proved that the authorities told the mothers of the victims that 72 hours had to elapse after their disappearance before the investigations could start, the State has not proved what concrete steps were taken and how it searched for the victims during said period.

183. The representatives indicated that, owing to the "absence of effective action by the authorities," the three mothers "had to start their own search"; for example, by putting up posters on the streets, approaching the media, and conducting searches.

185. As previously indicated, on the day the disappearance of the victims was registered, the Judicial Police were asked to investigate. However, no reply of any kind to this request was provided, and the State did not offer details of the follow-up given to the request.

194. Although the State alleges that it began the search for the victims immediately, according to the case file, the only measures it took before the remains were found were registering the disappearances and preparing the posters reporting them, taking statements, and sending an official letter to the Judicial Police. There is no evidence in the case file that the authorities circulated the posters or made more extensive inquiries into reasonably relevant facts provided by the 20 or more statements taken.

195. In addition, the Court finds that these facts can be considered within a general context documented in the case file. Indeed, in January 2006, the United Nations Rapporteur on violence against women indicated that “[r]eportedly, the municipal police of Ciudad Juárez does not routinely initiate search actions or other preventive measures as soon as it receives a report about a missing woman. Inexplicably, the police often wait for confirmation that a crime has actually been committed.”

196. The Commission alleged that “when each disappearance was reported, the next of kin received comments from state officials regarding their daughter’s behavior, which, in their opinion, influenced the subsequent lack of official action.”

197. The representatives indicated that “the authorities minimized the facts or discredited” the reports by the victims’ next of kin “on the pretext that they were young girls who ‘were out with their boyfriend’ or ‘were out having a good time.’”

198. Esmeralda Herrera’s mother testified that, when she reported her daughter’s disappearance, the authorities told her that she “had not disappeared, but was out with her boyfriend or wandering around with friends,” “that, if anything happened to her, it was because she was looking for it, because a good girl, a good woman, stays at home.”

199. Claudia Yvette’s mother said that when she went to present the missing report, an official told a friend of her daughter that “she is surely with her boyfriend, because girls were very flighty and threw themselves at men.” Her mother also said that, when she went to file the complaint about the disappearance, she was told that “maybe [her daughter] had gone off with her boyfriend, and would soon return home.”

200. The mother of Laura Berenice Ramos stated that the police agents told her that she would have to look for her daughter, because “all the girls who get lost, all of them, [...] go off with their boyfriend or want to live alone.” She added that, on one occasion, she asked the police agents to accompany her to a dance hall to look for her daughter; they said “no Señora, it’s very late, we have to go home and rest and you should wait for your moment to look for Laura,” and patted her on the shoulder saying: “go home and relax, have some ‘heladas’ [beer] and offer a toast to our health; because we can’t go with you.”

203. The Tribunal underscores that the testimony of Mrs. Delgadillo Pérez and the statements by the victims’ mothers and next of kin concur with the context described by different national and international organizations in which public officials and authorities “minimized the problem” and showed a “lack of interest and willingness to take steps to resolve a serious social problem”

208. The Tribunal considers that, in the instant case, the comments made by officials that the victims had gone off with a boyfriend or that they led a disreputable life, and the use of questions about the sexual preference of the victims constitute stereotyping. In addition, both the attitude and statements of the officials reveal that, at the very least, they were indifferent towards the next of kin of the victims and their complaints.

209. On November 6, 2001, the bodies of three women were found in a **cotton field**. These three women were subsequently identified as Mss. Ramos, González and Herrera. On November 7, 2001, nearby in the same cotton field, the bodies were found of another five women, who are not considered alleged victims in this case, for the reasons set out in the Court’s order of January 19, 2009.

210. The Commission and the representatives stated that the bodies of Mss. Herrera, González and Ramos had been subjected to particular brutality by the perpetrators of the killings. The representatives added that “[t]he way in which the bodies [of the three victims] were found suggests that they were raped and abused with extreme cruelty.”

211. *The State alleged that the autopsy report concluded that “it was not possible to observe the initial conditions of the bodies (post-mortem rigor and livor mortis) owing to the passage of time and the actions of the environment on them, which implied that the degree of decomposition was so great that it prevented detailed scientific analysis and, therefore, establishment of the cause of death.” Mexico emphasized that the “state of decomposition of the bodies (a natural phenomenon that could not be attributed to it)” prevented “determining the cause of death.” Furthermore, it indicated that the “first measure taken by the Attorney-General’s Office was to determine the nature of the deaths, taking into consideration the conditions in which the bodies were found.”*

213. *On February 2, 2002, the field experts who conducted the removal of the bodies in November 2001 issued a criminology report indicating, inter alia, that “it can be established that the attack[s] were perpetrated in the place from which the bodies were removed.” They added that, although the autopsy was unable to determine whether rape had been committed, “owing to the semi-naked conditions in which the bodies were found, it is highly probable that these were [...] crime[s] of a sexual nature.”*

214. *Specifically, with regard to Esmeralda Herrera, they concluded that “owing to the complicated way she had been tied up [...] from her waist to her upper extremities, [it was] possible to establish that she was already tied up on her arrival at the scene of the crime”; that, regarding the absence of soft tissue from the thorax to the head it was “possible to establish that [...] there was an injury in that area that caused her death,” and that it was “feasible to suppose that the cause of death was by strangling.”*

215. *Regarding Laura Berenice Ramos, the field experts concluded that, based on the bruising on various osseous tissues, it could “be established that [...] she had been severely beaten before she died.”*

216. *Regarding the criminology reports issued by field experts, the Director of Forensic Medicine informed the Seventh Criminal Court on July 9, 2003, that “experts in on-site criminology are not competent to determine matters that are strictly medical, such as establishing the cause of death of each of the bodies mentioned on the different pages of the case file [...]; furthermore, it is also not possible for them to establish the possible time of death of each one; this corresponds to the area of forensic medicine.”*

218. *On November 18, 2005, the Argentine Forensic Anthropology Team (EAAF) performed a second autopsy on the remains of Esmeralda Herrera.²⁴⁵ The team established that the autopsy performed on November 6, 2001 (supra para. 212) had not taken into account the general principles on which a proper forensic autopsy should be based, so that “[s]ince it had not respected these principles, it did not achieve the objectives of a forensic autopsy [...]. At some places in the text, there is even some [...] confusion [and i]t lacks the necessary thoroughness to make a deferred diagnosis since the autopsy was not complete and complementary tests were lacking.” The EAAF concluded that “[f]rom reading the autopsy, given the poor description of the internal and external examinations, it is not possible to extract valid conclusions which would have allowed a well-grounded hypothesis of the cause of death to be established.” Regarding Laura Berenice Ramos, the family only had a collar bone, which they handed over to the EAAF for confirmation of identity, because they had cremated the other remains. The remains of Claudia Ivette González were not included in the cases reexamined by the EAAF, owing to the refusal of her next of kin.*

219. *Despite the deficiencies in the initial stages of the investigations, especially in the autopsy procedure – which the Court will refer to below in greater detail – in the case of Esmeralda Herrera Monreal it can be concluded that, since her hands were tied behind her back, the lower part of her body exposed, her blouse and brassiere raised above her breasts, part of her right breast missing and parts of her left nipple damaged (supra para. 212), she must have endured such cruelty that it had to have caused her severe physical and mental suffering before she died.*

221. *The three victims were deprived of their liberty before they died. Owing to the deficiencies in the autopsy reports, the Court is unable to establish the length of their captivity with certainty.*

222. *The Commission and the representatives referred to what Mss. González, Ramos and Herrera, experienced as “violence against women.” The representatives alleged that “the killings in this case are similar in their infinite cruelty; they are crimes of hate against the girls and women of Ciudad Juárez, misogynous crimes born from an immense tolerance – and social and State encouragement – of general violence against women.”*

223. ***The State recognized “[t]he situation of violence against women in Ciudad Juárez [...] as a problem, all aspects of which must be combated.”***

- Commission's Request:

3. The Commission asked that the Court declare the State responsible for the violation of the rights embodied in **Articles 4 (Right to Life), 5 (Right to Humane Treatment), 8 (Right to a Fair Trial), 19 (Rights of the Child) and 25 (Right to Judicial Protection)** of the Convention, in relation to the obligations established in **Articles 1(1) (Obligation to Respect Rights) and 2 (Domestic Legal Effects)** thereof, together with failure to comply with the obligations arising from **Article 7 of the Convention on the Prevention, Punishment and Eradication of Violence against Women (hereinafter "the Convention of Belém do Pará")**. The application was notified to the State on December 21, 2007, and to the representatives on January 2, 2008.

- Representatives:

4. On February 23, 2008, the *Asociación Nacional de Abogados Democráticos A. C.*, the *Latin American and Caribbean Committee for the Defense of Women's Rights*, the *Red Ciudadana de No Violencia y por la Dignidad Humana* and the *Centro para el Desarrollo Integral of the Mujer A. C.*, representatives of the alleged victims (hereinafter "the representatives"), presented their brief with pleadings, motions and evidence (hereinafter "pleadings and motions brief"). In addition to the allegations submitted by the Commission, **the representatives asked that the number of victims be expanded to eleven women and that the Court rule on the alleged arbitrary detention, torture and violation of due process of three other people**. In addition to the Articles invoked by the Commission, the representatives asked that the Court declare the State responsible for violating the rights embodied in **Articles 7 (Right to Personal Liberty) and 11 (Right to Privacy [Dignity and Honor]) of the Convention**, all in relation to the general obligations arising from **Articles 1(1) and 2** thereof, as well as **Article 7 of the Convention of Belém do Pará, in connection with Articles 8 and 9 thereof**. Furthermore, they asked the Court to declare that the State had violated the right embodied in **Article 5 of the American Convention** to the detriment of the three alleged victims identified by the Commission.

9. In an order of January 19, 2009, **the Court denied the request to expand the number of alleged victims and determined that the alleged victims in the instant case would be 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 Ballín 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 (niece), Jacqueline Hernández (niece), Carlos Hernández Llamas (brother-in-law), and 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 (niece), Itzel Arely Bermúdez Ramos (niece), Paola Alexandra Bermúdez Ramos (niece) and Atziri Geraldine Bermúdez Ramos (niece)**. Furthermore, in this order, the Court examined the State's refusal to forward specific evidence that it had requested and decided that it could consider proven any facts that could only be confirmed by the evidence that the State refused to forward.

- Amicus Curiae:

14. The Court received amicus curiae briefs from the following persons, institutions and organizations: *International Reproductive and Sexual Health Law Program (IRSHL Program) of the Law School of the University of Toronto* and the *Center for Justice and International Law (CEJIL)*; *TRIAL-Track Impunity Always* and the *World Organization against Torture*; a group of grant holders of the *Legal Research Institute of*

the Universidad Nacional Autónoma de México (hereinafter the "UNAM"); a human rights group of the UNAM Postgraduate Department; Women's Link Worldwide; the Women's Network of Ciudad Juárez A.C.; the Global Justice and Human Rights Program of the Universidad de los Andes; the Human Rights Program and the Master's Program in Human Rights of the Universidad Iberoamericana of Mexico; Human Rights Watch; Horvitz & Levy LLP; the International Commission of Jurists; Amnesty International, and the Human Rights Centre of the School of Law of Essex University, the International Center for Transitional Justice, and Redress.

- State:

20. The State made a partial acknowledgement of international responsibility as follows:

The State acknowledges that, during the first stage of the investigations, from 2001 to 2003, irregularities occurred. [...]

[During] the second stage of the investigations into these three cases, starting in 2004, [...] the irregularities were fully rectified, the case files were reconstituted, and the investigations were started up again on a scientific basis, and even with international support for some components.

[...]

The State acknowledges that, owing to said irregularities, the mental integrity and the dignity of the next of kin of Claudia Ivette González, Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez were affected. Nevertheless, the support provided to the next of kin of each of the three victims in the form of financial resources, medical and psychological assistance and legal advisory services is described in detail, and constitutes reparation of the damage caused.

However, the State considers that, in these three cases, it cannot be claimed that it has violated, in any way, the right to life, to humane treatment, to dignity, and to personal liberty of Esmeralda Herrera Monreal, Claudia Ivette González and Laura Berenice Ramos Monárrez. On the one hand, State agents did not take part in any of the three murders and, on the other, the State is presenting extensive information to prove that it has complied fully with its obligations in this regard; particularly the conclusive results of the investigations and the cases resolved from 1993 to date.

Similarly, the State has undertaken fully-verified actions to protect and promote the rights of the child; consequently, [the Court] cannot declare that it has violated Article 19 of the American Convention to the detriment of the victims. In brief, the State cannot be declared directly or indirectly responsible for violating the rights to life, to humane treatment and to personal liberty in the case *sub judice*.

21. *In this regard, the State asked that the Court:*

Take into consideration the State's partial acknowledgement of responsibility for the failure to comply with the obligations contained in Articles 8(1) and 25(1) of the American Convention on Human Rights, and Article 5 of the Convention with regard to the next of kin of Laura Berenice Ramos Monárrez, Claudia Ivette González and Esmeralda Herrera Monreal.

Declare that the Mexican State has not violated Articles 4(1), 5(1), 7, 11 and 19 of the American Convention [on] Human Rights with regard to Claudia Ivette González, Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez.

Declare that the State has complied with the obligations of prevention, investigation and reparation established in Articles 4(1) and 5(1) in relation to Article 1(1) of the American Convention [on] Human Rights.

If [the Court] decides that there should be some type of reparation, [it requested] that this should be established based on the limits and considerations indicated by the State [...], and also that the Court recognize the efforts made by the Mexican State to make reparation to the victims'

next of kin, even before these proceedings commenced, and the numerous meetings held with them to reach an agreement on additional reparation.

22. *The Commission took into consideration the partial acknowledgement of international responsibility made by Mexico, because it considered that this was “a positive step towards compliance with its international obligations.” However, without underestimating the value and importance of this acknowledgement, the Commission noted that it “arose from a different interpretation of the facts to the one set out in the application and in the brief with pleadings, motions and evidence.” It added that “several of the arguments put forward by the State, in the brief answering the application, contradict the facts that are supposedly acknowledged.” Also, it observed that, owing to the terms of this acknowledgement, “the State has not assumed fully the legal implications of the facts, or the pertinence of the reparations requested by the parties.” Consequently, the Commission considered that it was “essential that the Court decide, in a judgment, the issues that remain in dispute.”*

24. *According to Articles 53(2) and 55 of the Rules of Procedure and in exercise of its powers to provide international judicial protection for human rights, the Court can decide whether an acknowledgement of international responsibility made by a defendant State offers sufficient grounds, in the terms of the Convention, to continue examining the merits and determine possible reparations and costs.*²³

25. *In this regard, the Court observes that the phrase “shall decide whether such acquiescence and its legal effects are acceptable,” as well as the integral text of Article 55 of the Rules of Procedure, indicate that these declarations are not, in themselves, binding for the Court. Since the cases before this Court refer to the protection of human rights, an issue that relates to international public order and transcends the intention of the parties, the Court must ensure that such declarations are acceptable for the purposes that the Inter-American System seeks to achieve. In this task, the Court does not limit itself to merely verifying the formal conditions of said declarations, but must relate them to the nature and seriousness of the alleged violations, the interest and requirements of justice, the particular circumstances of the specific case, and the attitude and position of the parties.*

26. *In the instant case, the Court considers that the State’s partial acknowledgement of responsibility makes a positive contribution to the development of these proceedings, to the satisfactory functioning of the Inter-American jurisdiction with regard to human rights, to the exercise of the principles that inspire the American Convention, and to the conduct which the States are obliged to adopt in this regard, based on the undertakings they make as parties to international human rights instruments.*

27. *Regarding the facts, the Court observes that, in general terms, the State admitted the contextual facts concerning violence against women in Ciudad Juárez, particularly the murders that have been recorded since the beginning of the 1990s, as well as the facts regarding what the State refers to as the “first stage” of the investigations into the crimes perpetrated against the three victims from 2001 to 2003. Furthermore, Mexico has accepted the facts relating to the effects on the mental integrity and the dignity of the next of kin of the three victims.*

28. *Despite the foregoing, the Court notes that, although the State accepted said facts in general terms, in its subsequent arguments on the merits of the matter, it disputed specific facts relating to the context and to the “first stage” of the investigations. Accordingly, in the following chapters, the Court will determine the entire factual framework of this case and will provide the relevant explanation when it accepts that a fact has been established based on the State’s acceptance, or has been proved by the evidence provided by the parties.*

29. *As regards the legal claims, the Court declares that the dispute has 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 who have been identified supra para. 9, based on the violations accepted by the State in the “first stage” of the investigations. However, it declares that 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 also 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.*

30. *Lastly, regarding the claims for reparations, the State accepted that it had the obligation to make reparation for the violations that it had accepted and indicated a series of measures of redress that it had*

implemented or offered to implement, which will be considered in Chapter IX of this Judgment, in accordance with the arguments and evidence presented by the parties.

- Preliminaries:

31. The State alleged that the Court did not have jurisdiction to “determine violations” of the Convention of Belém do Pará. This was rejected by the Commission and the representatives, who argued that the Court had jurisdiction in relation to Article 7 of that Convention. The representatives alleged that the Court also has jurisdiction to “examine violations” of Article 9 and “apply Article 8” of that Convention.

32. To decide disputes over the interpretation of norms, the Court has invoked the Vienna Convention on the Law of Treaties (...)

33. The Vienna Convention contains rules that must be interpreted as a whole. The usual meaning of the terms “in good faith,” “object and purpose of the treaty” and the other criteria combine to unravel the meaning of a specific provision. Furthermore, the Court stresses that international human rights law is composed of a series of rules (conventions, treaties and other international documents), and also of a series of values that these rules seek to develop. Therefore, the norms should also be interpreted based on a values-based model that the Inter-American System seeks to safeguard from the perspective of the “best approach” for the protection of the individual. In this regard, when dealing with a case such as this one, the Court must determine the interpretation that is best adapted to the series of rules and values that comprise international human rights law. Specifically, in this case, the Court must establish the values and objectives sought by the Convention of Belém do Pará and make an interpretation that develops them as fully as possible. This requires using all elements of the norm of interpretation in Article 31 cited above.

36. The Court considers that the State is correct in affirming that Article 62 of the American Convention established a rule of express jurisdiction, according to which the Court’s jurisdiction must be established by “special declaration” or by “special agreement.”

39. The State indicated that said Article 12 “refers expressly and exclusively to the Inter-American Commission as the organ responsible for the safeguard of the Convention through the procedure of individual petitions,” which “leaves no room for doubt” and leads to the conclusion that the Court “lacks jurisdiction” to examine violations of this instrument. It explained that “[i]f the intention of the States [...] had been to grant jurisdiction to the Court, not only would they have indicated this [expressly] but, in addition to mentioning the American Convention, the Statute and the Rules of Procedure of the Commission, they would necessarily have also included the Statute and the Rules of Procedure of the Court.”

40. The Court considers that the State’s allegations are incorrect. The Convention of Belém do Pará establishes that the Commission will consider petitions under its Article 7, “in accordance with the norms and procedures established by the American Convention [...] and the Statute and Regulations of the Inter-American Commission [...] for lodging and considering petitions.” This wording does not exclude any provision of the American Convention, which leads to the inevitable conclusion that the Commission will take action on petitions under Article 7 of the Convention of Belém do Pará “under the provisions of Articles 44 through 51 of [the American Convention],” as established in Article 41 of that Convention. Article 51 of the Convention and Article 44 of the Commission’s Rules of Procedure refer expressly to the submission of cases to the Court when a State has failed to comply with the recommendations contained in the report on merits referred to in Article 50 of the American Convention. Furthermore, Article 19(b) of the Commission’s Statute establishes that the Commission’s powers include: “to appear before the Inter-American Court of Human Rights in cases provided for in the Convention.”

41. In brief, it appears clear that the literal meaning of Article 12 of the Convention of Belém do Pará grants the Court jurisdiction, by not excepting from its application any of the procedural requirements for individual communications.

43. The Court emphasizes that, according to the systematic argument, norms should be interpreted as part of a whole, whose meaning and scope must be established in function of the juridical system to which they belong.

52. The Court finds that, contrary to the arguments submitted by Mexico, the Convention of Belém do Pará mentions the Court's jurisdiction even more explicitly than the CIPST (Inter-American Convention to Prevent and Punish Torture), because it alludes expressly to the provisions that allow the Commission to forward said cases to the Court.

54. Based on a systematic interpretation, there is nothing in Article 12 to indicate the possibility that the Inter-American Commission should apply Article 51 of the American Convention only partially. It is true that the Inter-American Commission can decide not to forward a case to the Court, but there is no provision in the American Convention or in Article 12 of the Convention of Belém do Pará that prohibits a case being forwarded to the Court if the Commission so decides. Article 51 is clear on this point.

64. The State's allegation that the Court does not have compulsory jurisdiction, because Article 11 of the Convention of Belém do Pará only grants advisory jurisdiction to the Court, does not support that position but, to the contrary, contradicts it. Indeed, the advisory jurisdiction is not included in Articles 44 to 51 of the American Convention, so that it had to be established expressly in another provision.

65. Regarding the principle of effectiveness, the Court reiterates what it indicated in its first judgment, to the effect that the inherent purpose of all treaties is to be effective. This is applicable to the provisions of the American Convention related to the authority of the Commission to submit cases to the Court and this is one of the provisions referred to by the Convention of Belém do Pará.

77. The foregoing leads to the conclusion that the combination of the systematic and teleological interpretations, the application of the principle of effectiveness, added to the sufficiency of the literal criterion in this case, allow the Court to ratify its compulsory jurisdiction as regards examining violations of Article 7 of the Convention of Belém do Pará.

78. The Inter-American Commission did not allege that the Court had contentious jurisdiction with regard to Articles 8 and 9 of the Convention of Belém do Pará. However, the representatives referred to this jurisdiction, taking into account the "direct relationship" of Article 9 with Article 7 of that Convention, based on a "pro personae interpretation" of Article 12 and on the principle of effectiveness. They added that the Court should "consider the two Articles together in order to examine the alleged violations."

79. The Court finds that the systematic and teleological criteria are insufficient to give them preference over what is clearly indicated by the literal meaning of Article 12 of the Convention of Belém do Pará, which establishes that the petition system shall relate exclusively to possible violations of Article 7 of the Convention. In this regard, the Court underscores that the principle of the most favorable interpretation cannot be used as a basis for an inexistent normative principle; in this case, the integration of Articles 8 and 9 into the literal meaning of Article 12. And this is despite the fact that the different Articles of the Convention of Belém do Pará may be used to interpret it and other pertinent Inter-American instruments.

80. Based on the foregoing, **the Court decides to partially accept the preliminary objection filed by the State and, consequently, to declare that: (a) it has compulsory jurisdiction *rationae materiae* to examine violations of Article 7 of the Convention of Belém do Pará, and (b) it does not have compulsory jurisdiction *rationae materiae* to examine alleged violations of Articles 8 and 9 of this international instrument.**

- Decision (November 16, 2009):

THE COURT DECIDES, Unanimously,

1. To partially accept the preliminary objection filed by the State, in accordance with paragraphs 31 and 80 of this Judgment and, consequently, to **declare that: (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.

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

DECLARES, unanimously that,

3. **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.**

4. **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.**

5. **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.**

6. **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 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.**

7. **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.**

8. **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.

9. 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.

10. 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.

AND ORDERS, unanimously that,

11. This judgment constitutes *per se* a form of reparation.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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 resented for three years.**

19. The State shall, within a reasonable time, and in accordance with paragraphs 503 to 506 of this Judgment, **adapt the Alba Protocol (Operation Alba, 2003) 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.

20. 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.

21. 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:**

(i) The personal information available on disappeared women and girls at the national level:

(ii) 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

(iii) The genetic information and tissue samples from the body of any unidentified woman or girl deprived of life in the state of Chihuahua.

22. 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.

23. The State shall, within a reasonable time, conduct an **educational program for the general population of the state of Chihuahua so as to overcome 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.

24. 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.

25. 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.

26. 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.

Judge Cecilia Medina Quiroga and Judge Diego García-Sayán informed the Court of their concurring opinions, which accompany the present Judgment.