

**REPORT No. 51/13**  
CASE 12.551  
PALOMA ANGÉLICA ESCOBAR LEDEZMA ET AL.  
MERITS (PUBLICATION)  
MEXICO

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July 12, 2013

**I. SUMMARY**

1. On December 30, 2003, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission,” or “the IACHR”) received a petition presented by Norma Ledezma Ortega, the mother of the alleged victim, Justicia para Nuestras Hijas, the Center for Justice and International Law (CEJIL), and the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos arguing that the United Mexican States (hereinafter “the State,” or “the Mexican State”) is internationally responsible for breaching its duty to carry out a timely, immediate, serious, and impartial investigation into the disappearance and subsequent death, in 2002, of Paloma Angélica Escobar (hereinafter “the alleged victim”), 16 years of age, in the city of Chihuahua. The petitioners argue that the Mexican State is responsible for a pattern of omissions, irregularities, and delays in the investigation into the facts referring to the disappearance and subsequent death of Paloma Angélica Escobar; as a result, the case continues in impunity.

2. The Mexican State argues that the Office of the Attorney General of Chihuahua (Procuraduría de Justicia del Estado de Chihuahua, or Chihuahua PGJ) has spared no efforts to clarify the facts. To that end, it reports on the investigative steps by the Chihuahua PGJ in relation to the homicide of Paloma Angélica Escobar. It argues that it has actively pursued the inquiry into the historic truth of what happened and that it has implemented a varied set of public policies and measures to prevent, punish, and eradicate violence against women. It states that the “process of inquiry in the case is not yet conclusive, yet it also reaffirms its special commitment that the corresponding authorities will ceaselessly and lawfully pursue the elucidation of the historical truth and, consequently, the identification and location of the person responsible, for the purpose of having a judicial authority rule accordingly.”<sup>2</sup>

3. In Report No. 32/06 of March 14, 2006, the Commission concluded that the petition was admissible in relation to Articles 2 (duty to adopt provisions of domestic law), 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 17 (protection of the family), 19 (rights of the child), 24 (equality before the law), and 25 (judicial protection) of the American Convention in relation to Article 1(1) of that instrument, and Article 7 of the Convention of Belém do Pará, to the detriment of Paloma Angélica Escobar. In addition, the Commission determined the admissibility of the claims under Articles 5 (right to humane treatment), 8 (right to a fair trial), 17 (protection of the family), 24 (equal protection), and 25 (judicial protection) of the American Convention, in conjunction with Article 1(1) of the same international instrument, to the detriment of Norma Ledezma Ortega.<sup>3</sup>

4. Based on its analysis of the arguments and evidence presented by the parties, the Commission concludes that the Mexican State is responsible for violations of the rights to a fair trial, the rights of the child, the

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<sup>1</sup> Commissioner José de Jesús Orozco Henríquez, of Mexican nationality, did not participate in the deliberations or decision in the instant case, in keeping with Article 17(2)(a) of the Commission’s Rules of Procedure.

<sup>2</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>3</sup> Admissibility Report No. 32/06, Petition 1175-03, Paloma Angélica Escobar Ledezma (Mexico), March 14, 2006.

right to equal protection of the law, and the right to judicial protection, enshrined, respectively, in Articles 8(1), 19, 24, and 25 of the American Convention, to the detriment of Paloma Angélica Escobar, all in conjunction with Articles 1(1) and 2 of that instrument. In addition, the IACHR concludes that the State violated the rights of Paloma Angélica Escobar under Article 7 of the Convention of Belém do Pará. In relation to Norma Ledezma, Dolores Alberto Escobar Hinojos, and Fabian Alberto Escobar Ledezma, the Commission concludes that the Mexican State violated the right to humane treatment enshrined in Article 5(1) of the American Convention in conjunction with the obligation that Article 1(1) of that treaty imposes on the State; and the right to a fair trial enshrined in Articles 8(1) and 25 of the American Convention in relation to Articles 1(1) and 2 of that treaty.

5. Finally, after analyzing the information provided by the parties, the IACHR concludes that it does not consider the facts sufficient to find violations of the right to life under Article 4 or of the right to humane treatment under Article 5 in relation to Paloma Angélica Escobar, of the right to protection of the family under Article 17, or the right to equal protection of the law under Article 24 of the American Convention in relation to Norma Ledezma Ortega, Dolores Alberto Escobar Hinojos, and Fabian Alberto Escobar Ledezma.

## II. PROCESSING SUBSEQUENT TO THE REPORT ON ADMISSIBILITY

6. The Commission transmitted Report No. 32/06 of March 14, 2006, to the petitioners and the State by communication of March 21, 2006, and set a period of two months for them to submit additional observations on the merits. In addition, it put itself at the disposal of the parties in keeping with Article 48(1)(f) of the American Convention, to pursue a friendly settlement.

7. On August 14, 2006, the IACHR conveyed the petitioners' observations on the merits to the State and gave it two months to submit its observations. The State's response was received on October 16, 2006. That communication was duly forwarded to the petitioners.

8. In addition, the IACHR received information from the petitioners on the following dates: June 1, 2006, July 17, 2006, July 19, 2006, March 22, 2007, October 5, 2007, March 13, 2008, July 2, 2008, January 26, 2009, March 25, 2009, August 26, 2009, and November 14, 2009. Those communications were duly forwarded to the State.

9. The IACHR also received observations from the State on the following dates: January 23, 2007, October 10, 2007, October 15, 2007, June 11, 2009, and December 22, 2009. Those communications were duly transmitted to the petitioners.

10. During the processing of the case, two *amicus curiae* briefs have been received in support of the petitioners' arguments. On July 10, 2007, Amnesty International filed an *amicus* brief. The brief was forwarded to the parties on August 6, 2007. The Commission received a second *amicus* brief on February 17, 2010, filed by the School of Law of the Universidad de Palermo, Argentina. That brief was forwarded to the parties on February 18, 2010.

## III. THE PARTIES' POSITIONS

### A. The petitioners

11. The petitioners report that Paloma Angélica Escobar, 16 years old, worked at the *maquiladora* assembly plant known as AEROTEC, studied at the high school (*preparatoria*) that was opened at the plant, and on Saturdays attended the ECCO computer school, both in the city of Chihuahua. They argue that Paloma Angélica

Escobar disappeared on Saturday, March 2, 2002.<sup>4</sup> They state that Paloma Angélica Escobar left her home at approximately 3:15 p.m. headed to her computer class, and never returned.<sup>5</sup>

12. According to the petitioners, the same day Paloma Angélica Escobar went missing, her mother began to become concerned because her daughter did not return home from school, as she never delayed in returning. That's why she called her family members to ask whether Paloma was with them, and on finding out that she was not, she went out to look for her with female and male friends in the streets. The next day, they allege that Ms. Norma Ledezma went to the ECCO school, where she was informed that Paloma Angélica Escobar had attended classes that Saturday and had left at 8:00 p.m., in keeping with her schedule. They note that four weeks prior to her disappearance, Paloma was switched by the school's director from the morning to the evening schedule. They argue that this change seemed unusual since of a total of 15 students, it was requested of only four, for the purpose of making repairs at the school.

13. They argue that the family members also went to hospitals and the police command, where no record of Paloma Angélica Escobar Ledezma was to be found. They allege that on March 3, 2002, they reported the disappearance to Ms. María del Carmen Quintana Moreno, agent of the Office of Public Prosecution assigned to the Office of Preliminary Inquiries, Conciliation and Social Service, who, on March 3, 2002, ordered the respective preliminary inquiry and that statements be taken from all those persons who needed to be summonsed, and that as many steps be taken as necessary and conducive to clarify the disappearance of Paloma Angélica Escobar.<sup>6</sup> In addition, the report was forwarded to the Chief of the Special Group on Sex Crimes and Crimes against the Family of the Judicial Police of the state of Chihuahua, Ms. Gloria Cobos Ximello, ordering that the facts be investigated.<sup>7</sup>

14. In relation to the investigation into the disappearance of Paloma Angélica Escobar, they allege that the measures taken by the State from March 3, 2002, to March 29, 2002, to find Paloma Angélica Escobar alive consisted of taking statements from persons close to Paloma Angélica Escobar and reproducing a photograph of Paloma Angélica Escobar, which was not ordered until 18 days after she was reported missing. They argue that there were no immediate inspections at the ECCO school or at the house where another witness said she had seen Paloma on March 10, 2002, which could have contributed to finding her.

15. According to the petitioners, among the testimonies of the persons who saw Paloma Angélica Escobar that day after her classes is that of Lucy Mancinas Zamarrón, a worker and colleague of Paloma's at the AEROTEC maquila for five months, who stated that on March 2, she was going to take the bus from the ECCO school to return to her home, and that Francisco Ramírez, a promoter at ECCO, approached her, who she had known for three months<sup>8</sup>; he told her that he was moving from the city of Chihuahua to Ciudad Juárez, and so was inviting her to his farewell party. In her statement she says that Francisco insisted she accompany him to his party at the "Old Town" bar with other friends<sup>9</sup>, but when she told him she would not, Francisco answered angrily that she should remember that he was living with her sister and her children, and that many accidents happen in this city.

16. They argue that Lucy Mancinas Zamarrón indicated in her statement that when she was with Francisco, she saw Edna Patricia Dávila arrive; Francisco asked her if the "show" was ready to which she indicated

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<sup>4</sup> Communications from the petitioners, December 30, 2003 and July 14, 2006.

<sup>5</sup> The petitioners cite the report and/or complaint by appearance of March 3, 2002, by Norma Ledezma Ortega.

<sup>6</sup> The petitioners refer to the decision to open the Preliminary Inquiry, March 3, 2002.

<sup>7</sup> The petitioners indicate Official Note 929/02, File 77/02 of March 3, 2002, signed by Ms. María del Carmen Quintana Moreno.

<sup>8</sup> The petitioners note the statement by Lucy Mancinas of March 9, 2002.

<sup>9</sup> The petitioners indicate the statement by Francisco Ramírez Galindo of March 9, 2002. Francisco Ramírez Galindo states that "I did not invite that girl whose name I don't know to go out."

it was. Subsequently, Francisco accompanied her to the store “El Cañonazo,” where Lucy argues she had seen Paloma Angélica Escobar from a distance of two meters<sup>10</sup> on March 2, 2002, lying down in the front seat of a parked black car with semi-polarized windows that were not very dark. Lucy Mancinas was struck by seeing Paloma under the influence of alcohol or drugs. Lucy Mancinas alleges that at that moment, when she saw the car, Francisco pulled her, indicating to her that she should accompany him, which she resisted. At that moment she says that she asked him whether they would go in that car, to which he answered that they would not, that they would go in a white car that was coming behind.<sup>11</sup>

17. The petitioners indicate that when Francisco left she entered the store to make a phone call, and when she emerged she went back to look at the car where she had seen Paloma, and encountered, next to it, Francisco, Edna Patricia Dávila, Julio Alejandro Chairez, and one other person. They argue that subsequently Lucy Mancinas, on July 18, 2005, retracted statements she had made in which she said she had seen Paloma in a car.

18. The petitioners argue that a person unknown to the victim’s family, Patricia Huizar Pérez, came forward to testify on March 13, 2002, and indicated that she saw Paloma on Sunday, March 10, at 4:30 p.m. from the upper floor of her home, accompanied by two young persons and a third person who was over 30 years old. According to this person, the young people had a t-shirt with the logo of the ECCO computer school, and were about 20 years old. According to the petitioners, the largest young person in the group left the house and got into a black pick-up truck, while the other two youths and Paloma Angélica Escobar remained in the yard; she found it strange that none of them spoke with her. In addition, they argue that two months went by before the authorities questioned or investigated who the tenants of that house were. They allege that the authorities had the information mentioned, but that in processing the complaint they merely went through the motions.

19. They indicate that on March 29, 2002, Paloma’s body was found at kilometer 4.5 of the highway from Chihuahua to Ciudad Aldama by a family that was passing by the place. The body was found some 800 meters from the highway, in an advanced stage of putrefaction. The authorities were advised by the finding, and Preliminary Inquiry 1502-3732/02 was opened.

20. They adduce a series of irregularities, inconsistencies, and omissions from the beginning of the investigation into the facts, and that as a result to date there have been no concrete results. They mention, in that regard, the failure to perform expert exams on the garments with which Paloma Angélica Escobar was found, the lack of information on the chain of custody of the evidence, as well as the place where the body was found and the failure to secure the site. They indicate that the first steps taken in the investigation are part of the most important moment for carrying out a sound investigation, but that they were carried out in an irregular and deficient manner. Among other irregularities, they allege that some expert evidence ordered could not be taken because of the lack of the necessary samples, and in the case of the chemistry exam, the result was not in line with what was ordered by the authorities.

21. One aspect noted by the petitioners is the thwarting of justice by an agent of the PGJ, Gloria Cobos Ximello, who placed evidence at the site where the body was found to incriminate Vicente Cárdenas (the former boyfriend of Paloma Angélica Escobar) as a person possibly responsible. They allege that after a criminal proceeding against Gloria Cobos and due to pressure from Paloma’s next-of-kin, she was convicted and sentenced to 11 months imprisonment and ordered to pay a fine.

22. As regards identification of the body, the petitioners argue that it was done only by recognition by the parents, without having performed DNA tests for scientific certainty. They note that at the time of the official act of removing the corpse, Paloma Angélica Escobar was wearing, on the outside, denim pants, and on top

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<sup>10</sup> The petitioners point to the statement by Lucy Mancinas of May 13, 2002.

<sup>11</sup> The petitioners point to the statement by Lucy Mancinas of April 26, 2002.

of this three poorly-placed pair of underwear, which leads them to presume that in addition to the physical assault, she also suffered sexual assault.

23. The petitioners argue that the activity of the prosecutorial authorities from the opening of the investigation to date has been limited to taking statements from possible witnesses. In addition, they allege that despite the indicia collected, it does not appear that the resulting lines of investigation were pursued.

24. The petitioners argue that to date the State has continued carrying out several measures, including taking expert evidence, which turned out to be of no avail. For example, they argue that in 2004 a judicial inspection was performed of Paloma's clothes and belongings to take samples of larvae, hairs, residues, dirt, and pilous filaments to be analyzed by the chemistry expert, nonetheless, the General Bureau of Expert Services of the PGJ answered that it could not take the evidence because it did not have the technique for determining metabolism of drugs in hair and larvae samples.

25. The petitioners emphasize that in this case in particular, the State did not conduct an integrated investigation and a joint analysis of the case of Paloma Angélica Escobar with similar cases of girls who have gone missing and subsequently been assassinated who had some association with the ECCO computer school at its branches in the cities of Chihuahua and Ciudad Juárez, despite the various requests presented by them to the authorities. They indicate that it was not until January 2005 that the authorities integrated this case with the others.

26. The petitioners indicate that the loss of Paloma Angélica Escobar has affected her immediate family and the day-to-day lives of each member of the family. They argue that the harm has been permanent due to the grave suffering that these events cause the victim's family members, the treatment accorded them by the authorities when they reported Paloma's disappearance, and the grave irregularities in the course of the investigation. In addition, they argue that the sequelae the family has suffered has led them to require psychological support.

27. The petitioners argue that Chihuahua is the largest state of Mexico, and that the city of Chihuahua and Ciudad Juárez are the largest cities in the state. They argue that violence against women in Chihuahua along with what is happening in Ciudad Juárez has been a constant problem. They argue that the assassinations and disappearances of women and girls in these cities is an extreme reflection of this problem, a situation that has been aggravated by the lack of preventive measures and the irregularities with which the authorities of the State have conducted their investigations in this respect.<sup>12</sup> They argue that the violent death of women is a class problem since the women most affected are young and poor women who have to travel by bus to go to work and to move about normally.

28. According to the petitioners, the common denominator in the cases of violence against women is the impunity and the discriminatory manner in which the cases are treated by the authorities. They note that since 1993 more than 40 reports have been issued with recommendations of international human rights bodies, making special mention of the IACHR's report *The Situation of the Rights of women in Ciudad Juárez, México: The Rights to be Free from Violence and Discrimination*.

29. The petitioners allege that the failure to investigate in this case is part of a general picture of discrimination against women and girls in the state of Chihuahua, in particular in Ciudad Juárez. They allege gender-based discriminatory treatment by the authorities, who accord importance to hostile investigative measures that suggest the guilt of the family, or others geared to the "moral conduct" of the minor child, for example her possible conduct with her boyfriend. They allege that this provokes de facto inequalities that translate into inequalities in legal treatment, resulting in impunity for the violations, to the detriment of women.

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<sup>12</sup> Communication from the petitioners of July 14, 2006.

30. In addition, they indicate that the state lacks information broken down by sex and other variables that is indispensable for addressing the problem, which impedes any statistical differentiation and reflects the lack of due diligence and public policy on the part of the authorities of the Mexican State when it comes to addressing violence against women in the state of Chihuahua. Similarly they note that the institutional violence in Ciudad Juárez, in terms of the impossibility of the next-of-kin getting access to justice, is the same as one finds in the cases in the city of Chihuahua, as they occur in the same state.

31. They note the persistence of a pattern of disappearances and deaths of women in Ciudad Juárez and Chihuahua, which is characterized by the lack of a prompt and effective response by the authorities when it comes to effectively investigating such acts. The petitioners mention the report by the Committee on the Elimination of Discrimination against Women of the United Nations, which describes a deep-rooted “culture of impunity”<sup>13</sup> that made possible and encouraged terrible violations of the human rights of women and indicates that “the same phenomenon of murders and disappearances — including cases of sexual violence, and with a similar pattern — have been occurring in Chihuahua City at an increasing rate.”<sup>14</sup>

32. They further argue that the scant advances in the investigations of the assassinations and disappearances of women have shown the existence of the strong sexism that prevails in the state of Chihuahua, the lack of political will to determine responsibilities, and the lack of public policies to eradicate violence against women.<sup>15</sup>

## **B. The State**

33. The State argues that the Office of the Attorney General of the state of Chihuahua is the institution charged with carrying out the investigation and prosecution before the courts of all local crimes. The State notes that “it wishes to clarify that it has been working for several years to resolve the situation of violence in Ciudad Juárez and Chihuahua, and while certain conditions persist that complicate the resolution of all the cases, several have already been resolved.”<sup>16</sup> It also indicates that “the Government is implementing improved methods of investigation and administration of justice, with which it is expected that in the medium term it will be possible to be in a position to punish the persons responsible for the homicide of Paloma Angélica Escobar.”<sup>17</sup>

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<sup>13</sup> The petitioners make reference to the report by the Committee on the Elimination of Discrimination against Women. *Report on Mexico produced by the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention, and reply from the Government of Mexico*, CEDAW,C/2005/OP.8/Mexico, January 27, 2005, para. 26.

<sup>14</sup> The petitioners cite the report by the Committee on the Elimination of Discrimination against Women on Mexico under Article 8 of the Optional Protocol to the Convention and the reply by the Government of Mexico, CEDAW, C/2005/OP.8/MEXICO, January 27, 2005, para. 46. The petitioners make reference to the report by the National Commission on Human Rights on Ciudad Juárez in November 2003, which indicates that while the report refers to cases of homicides or disappearances of women in Ciudad Juárez, in the course of the investigation cases were detected corresponding to the city of Chihuahua. National Commission on Human Rights, *Informe especial de la Comisión Nacional de los Derechos Humanos sobre los casos de homicidios y desapariciones de mujeres en el municipio de Juárez, Chihuahua*, November 2003, Chapter III: Actions and Methodology.

<sup>15</sup> The petitioners cite the report on “Mujeres no identificadas o de identificación dudosa, muertas en las ciudades de Juárez y Chihuahua,” prepared by the Argentine Forensic Anthropology Team, as well as the report of the Committee on the Elimination of Discrimination against Women of the United Nations and Recommendation 44/98 of the National Commission on Human Rights.

<sup>16</sup> Communication from the State, Note OEA-2044, September 23, 2004.

<sup>17</sup> Communication from the State, Note OEA-01880, August 19, 2005.

34. It alleges that the same day that Ms. Ledezma communicated to the Office of the Public Prosecutor of the state of Chihuahua that her daughter had gone missing, the authorities immediately resolved to undertake inquiry No. 72/02 for the purpose of locating Paloma Angélica Escobar. It indicates that the then-Coordinator of the Specialized Unit on Sexual Crimes ordered the Chief of the Group of what at the time was called the assigned Judicial Police (Policía Judicial adscrita) to organize the personnel under her charge to carry out the steps needed to clarify the facts.

35. It states the local Office of Public Prosecution undertook a process of analysis and investigation and undertook a variety of actions such as obtaining several sworn statements, inspections, collection of reports and documents, requests for cooperation of other authorities, preparation of informational material and its consequent distribution in the community and with the preventive police, performance of examinations, investigation of telephone communications and photographic records.<sup>18</sup>

36. The State argues that the inquiries undertaken to locate Paloma Angélica Escobar were organized based on objective criteria regarding analysis of information, without any distinctions or biases.<sup>19</sup> It indicates that the data collected on her personal life, school life, and work life were examined in order to have a solid foundation for establishing the specific guidelines of the investigation to make it possible to find her and to learn the historical truth of what happened. According to the State, the declarations of persons before the Office of Public Prosecution were obtained in keeping with the guidelines established in the Code of Criminal Procedure then in force.

37. It alleges that on March 29, 2002, Paloma Angélica Escobar's body was located, and preliminary inquiry No. 1502-3732/02 was opened. The Office of Public Prosecution properly responded to the news it had of the incident, ordered experts to conduct reconnaissance of the place and of the objects relevant for the investigation, secured the objects where there were or could be fingerprints, timely recorded the data on persons whose statements were considered necessary, and summonsed a wide array of persons to collect additional information, undertook several inspections, and ordered the collection and safekeeping of other relevant objects, compiled other reports and public documents, ordered the preparation of several expert reports, and even requested the cooperation of the Chihuahua PGJ. To that end, it provides, in an annex, a list of 370 investigative steps taken from March 2002 to August 2004, by the Chihuahua PGJ in this case.<sup>20</sup> Based on the account of actions taken, it argues that it is evident that the Chihuahua PGJ has spared no effort to clarify the facts of the case.

38. It reports that Chihuahua PGJ agent Ms. Gloria Cobos, Chief of the Group of the then-National Police, who was accused of planting evidence in the place where the body was found, by placing a photo in which Mr. Vicente Cárdenas Anchondo appeared, was punished for this act by imprisonment of 11 months plus a fine.

39. The State adds that the Office of Public Prosecution has actively continued its work of collecting evidence to identify who was responsible for the homicide. To that end it states that a line of investigation was established in relation to the academic sphere of Paloma Angélica Escobar, several reports and documents were compiled and some employees of the ECCO school were sought out, such as Francisco Ramírez Galindo. It also argues that it followed up on anonymous communications in relation to the case.

40. As regards the testimony of Lucy Mancinas, the State argues that in an initial declaration, on March 7, 2002, she noted that she had seen Paloma Angélica Escobar in a black vehicle; nonetheless, on July 18, 2005, she retracted that statement, establishing that she was uncertain that the person she had seen was actually

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<sup>18</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>19</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>20</sup> Communication from the State, Note OEA-2044, September 23, 2004. Among the investigative measures, the State makes mention of expert reports from psychologists, handwriting experts, lie detector tests, on-site inspections, forensic medical, fingerprinting, chemistry, and genetics tests, among others, as situations that required them.

Paloma Angélica Escobar. In addition, it states that what inclined Lucy Mancinas to state that she saw Paloma in her prior statements was the eagerness on the part of the victim's parents to obtain some relevant information.

41. The State notes that the inquiries continue under the unified direction of an agent of the Office of Public Prosecution supported by personnel from the Investigative Prosecutorial Police (Policía Ministerial Investigadora) adequately trained in investigative techniques. It also argues that all the information gathered in re-examined, "particularly in conjunction with the data from the expert reports on forensic genetics that are being obtained and that will be the basis for progress in the established lines of investigation, which in turn will enable us to present conclusive results in the matter."<sup>21</sup>

42. The State affirms that the petitioners "seek to expand the context with the characterization of the municipality of Juárez, in order to automatically equate it with that of the municipality of Chihuahua," where the homicide was perpetrated. Nonetheless, it argues that what the petitioners indicate does not include specific data as a foundation for their assessments, for they do not "recognize the diversity of criminal circumstances that must be addressed in each specific case"<sup>22</sup> and accordingly "it is not appropriate or viable to assert that there is generalized or systematized violence in the state of Chihuahua."<sup>23</sup>

43. The State "indicates that the process of inquiry in the case is not yet conclusive; however, it also reaffirms its special comment that the corresponding authorities will ceaselessly and lawfully pursue clarification of the historical truth, and, accordingly, identification of whoever is responsible, for the purpose of having a judicial authority rule resolve the matter accordingly."<sup>24</sup>

44. In relation to the next-of-kin, the State argues that they have been informed of the course of the judicial proceeding. To that end it indicates that they have been informed of the scope of the pertinent rules, their rights, the course of the proceedings, the chronological development, and its determinations; it has provided legal counsel, and ordered the adequate attention; it has allowed them to consult the file and obtain certified copies of what appears in it, it has received data or items of evidence they had, and it has addressed their requests and proposals. It also states that:

With respect to the rights of Ms. Norma Ledezma ..., it specifies that it has not violated them as it did not generate or tolerate a prior situation of risk for the rights of her daughter; as soon as the news was received that her whereabouts were unknown, the appropriate measures were taken to locate her promptly; since the investigation was undertaken into the homicide, it has been responsive to her proposals and has pursued the steps of the inquiry in regular fashion.<sup>25</sup>

45. The State reaffirms its condemnation of all forms of violence against women. In particular, it states that it has taken measures aimed at consolidating the mechanisms for the prevention of violence in Chihuahua, through the program "Chihuahua Seguro," as well as comprehensive health and education policies and programs aimed at addressing crimes related to gender violence and family violence. It also points to the comprehensive reform of the criminal justice system and of several related laws.<sup>26</sup> It also mentioned that

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<sup>21</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>22</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>23</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>24</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>25</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>26</sup> The State mentions the drawing up of a new Code of Criminal Procedure, amendments to the organic laws of the Office of Public Prosecution and the Judicial Branch, the creation of a special law on Attention to and Protection for Victims or Persons Injured by Crime, and another on Justice for Adolescents in Trouble with the Law; the adoption of a new Criminal Code, and the State Law for the Right of Women to a Life Free of Violence.

structural and operational changes were made within the Office of the Attorney General of the state of Chihuahua, the establishment of the Office of the Deputy Attorney General for Human Rights and Attention to Crime Victims within the structure of the Office of the Attorney General of the state of Chihuahua; the creation of victims' services units, as well as the systematization of the information on reports of disappearances of women; it has been established that the whereabouts of fewer than 30 women remains to be determined.<sup>27</sup> It also notes the existence of training programs in coordination with institutions and universities, the earmarking of money for laboratory equipment in Juárez and Chihuahua, and the construction of the Criminalistics and Forensic Genetics Laboratory in Ciudad Juárez.

#### **IV. ANALYSIS ON THE MERITS**

##### **A. Weighing of the evidence**

46. The Commission, in application of Article 43(1) of the Rules of Procedure of the Inter-American Commission on Human Rights (hereinafter "Rules of Procedure of the IACHR" or "the Commission's Rules of Procedure"), will examine the arguments and the evidence produced by the parties. In addition, it shall take into account information that is a matter of public knowledge.<sup>28</sup>

47. Next the Commission shall make a pronouncement on the facts that it considers have been controverted by the parties, on the facts that have been established in the instant case, and on the international responsibility of the Mexican State in relation to those facts.

48. The IACHR indicates that the State produced the judicial file of the case under analysis under conditions of confidentiality, except for the investigative measures, which it attached as an annex to its communication No. OEA-3167 of December 18, 2009. As the IACHR cannot use evidence that cannot be forwarded to the opposing party, the analysis of this report will be performed based on the copy of the judicial file provided by the petitioners.

##### **B. Facts proven**

49. This section will examine the facts under the title Complaint for disappearance and initial investigative steps taken.

##### **1. Report of the disappearance of Paloma Escobar Ledezma and initial investigative steps taken**

50. On March 3, 2002, Norma Ledezma Ortega filed a complaint with the Office of Public Prosecution into the disappearance of her daughter, Paloma Angélica Escobar Ledezma.<sup>29</sup> In that statement she told the authorities that on Saturday, March 2, 2002, Paloma Angélica Escobar left her home at 3:15 p.m. and went to the ECCO school, where she studied, and did not return.

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<sup>27</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>28</sup> Article 43(1) of the IACHR's Rules of Procedure: "The Commission shall deliberate on the merits of the case, to which end it shall prepare a report in which it will examine the arguments, the evidence presented by the parties, and the information obtained during hearings and on-site observations. In addition, the Commission may take into account other information that is a matter of public knowledge."

<sup>29</sup> Report filed by Norma Ledezma Ortega, March 3, 2002, with the Office of Public Prosecution, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

51. That same day, based on the complaint lodged, the case was opened into the crime of the disappearance of Paloma Angélica Escobar Ledezma.<sup>30</sup> Ms. María del Carmen Quintana Moreno, agent of the Office of Public Prosecution, ordered Gloria Cobos Ximello, Chief of the Special Group of Sex Crimes and Crimes against the Family of the Judicial Police of the state, to initiate the investigations aimed at clearing up the facts.<sup>31</sup> She also instructed the Assistant Prosecutor of the Central Zone, Julio Cesar Portillo Arroyo, to locate Paloma Angélica Escobar, and asked that her photograph be disseminated. She also reported on information that would suggest that Paloma had gone to Saltillo.<sup>32</sup> On March 12, 2002, she asked that the appropriate measures be taken to secure the cooperation of the Offices of the Attorney General of the 31 states of Mexico, to locate Paloma Angélica Escobar Ledezma. She also ordered that her photograph be disseminated and posted in visible places.<sup>33</sup>

52. Ten days after the disappearance was reported, two statements given to state authorities were included in the record that appear to indicate that Paloma Angélica Escobar Ledezma was alive, but there is no indication that such leads were investigated.<sup>34</sup>

53. Eighteen days after the disappearance of Paloma Angélica Escobar, on March 21, 2002, Ms. Sandra Delgado Ordaz requested of the Chief of the Technical Office of Expert Services of the Office of the

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<sup>30</sup> Order to Open of March 3, 2002, issued by the agent of the Office of Public Prosecution assigned to the Office of Preliminary Inquiries, Conciliation and Social Service, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>31</sup> Official Note No. 929/02 of March 3, 2002, issued by Ms. María del Carmen Quintana Moreno, Coordinator of the Unit Specialized in Sex Crimes and Crimes against the Family, directed to Gloria Cobos Ximello, Chief of the Special Group on Sex Crimes and Crimes against the Family of the state Judicial Police, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>32</sup> Official note 737/2002 of March 8, 2002, issued by Ms. María del Carmen Quintana Moreno, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>33</sup> Official Note No. 741/2002 of March 12, 2002 issued by the Coordinator of the Unit Specialized in Sex Crimes and Crimes against the Family, Ms. María del Carmen Quintana Moreno, directed to the Deputy Attorney General, Central Zone, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>34</sup> Statement by Manuel Adrián Gutiérrez Escobar, of March 11, 2002, in which he stated that on March 11, at Paloma's house, he answered an anonymous phone call from a man who said he had news of "the missing girl" and took the data of the telephone, 419-31-29, of the person who called as well as the address,: Calle Puno #322. He also indicates that the person who called said "come quickly because the girl is not well." Subsequently, Juan Manuel Gómez Chávez (owner of telephone number 419-31-29), in a statement of March 12, 2002, indicated that on March 11, 2002, a woman called him (Norma Ledezma) asking whether he had called and explaining to him the disappearance of a girl, to which he answered that he had not called. He told the woman that he lived on Cerocagui street and not at Calle Puno and another street that he did not recall. That same day, at night, he stated that two members of the judicial police went to the Cerocagui address and showed him the photo of a woman (Paloma) and asked him whether he knew her, to which he responded he did not, and reaffirmed that he had not made any call. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

Statement by Patricia Huisar Pérez of March 13, 2002, who notes having seen Paloma on Sunday, March 10, 2002, at approximately 4:30 p.m. with three boys, from the upstairs floor of her home at #1221 of Calle Porfirio Díaz. The men were wearing t-shirts with the logo of the ECCO school, and the person she identifies as Paloma was wearing black pants and a red coat or jacket on top. Subsequently, by statement of March 21, 2002, Patricia Huisar ratified that she saw Paloma Angélica Escobar at the house located at Calle Porfirio Díaz that is next to her house. She indicates that the day she saw her, her hair was pulled back, cascade style and the hair had a light brown color. She was shown photographs of María Cristina López Ochoa and Arturo Aguirre Hernández, and did not recognize them. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

Assistant Attorney General that it issue 40 original reproductions of the photograph of Paloma Angélica Escobar Ledezma.<sup>35</sup> The photographs were sent in that same day.<sup>36</sup>

54. The Commission observes in the judicial record produced by both parties, that a series of investigative steps were taken by the State, among which special mention should be made of several persons who could have some relationship with Paloma Angélica Escobar Ledezma, in the family, affective, work, and/or academic spheres of her life. There is no record of other efforts to look for the victim in this initial stage.

55. On March 29, 2002, Paloma Angélica Escobar Ledezma's body was found. A notice was received at the Office of Preliminary Inquiries, Conciliation and Social Service that indicated that at kilometer 4.5 from Chihuahua to Aldama the corpse of a "male" person was found.<sup>37</sup> The statement by Alfredo Pacheco Escarcega is in the record; he indicated that he was going, with his wife and daughters, towards a mine, walking along the stream, when his wife perceived a bad odor. When they approached they found a woman's body.

As we got quite close we saw that it was not an animal, it was the body of a thin person, I saw the hands, and she was wearing black boots, I said it's a woman, because she was face down, wearing denim pants, she was wearing a sweater ... and we went back to inform the authorities ... when we went out along the highway a patrol was going by and I stopped them and I told them that there was a dead person, who was giving off a bad odor, and I saw that she was decomposed, as though she'd already been dead for some time, there were already worms in the body; I can't identify that person, I don't know who it is.<sup>38</sup>

56. Paloma Angélica Escobar's corpse also had denim pants, three underwear, which were improperly placed, one of which had dark stains, apparently hematic tissue.<sup>39</sup> The following is a quote from the on-site inspection of the corpse:

The deceased was dressed as follows, with an aquamarine jacket, with a silver-color zipper in front and a hood on the back without any visible mark, a sleeveless knit blouse with white and green stripes, and with golden-colored threads, as well as a pearl-colored braier, with a pearl-colored clasp in the front at the height of the sternum, and she was wearing denim pants of the Pietro brand, with four pockets, ... as well as beige cotton underwear without any visible mark in

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<sup>35</sup> Official note 14146/02 of March 21, 2002, issued by Ms. Sandra Delgado Ordaz, by which she requested the Chief of the Technical Office of Expert Services of the Office of the Deputy Attorney General to issue 40 original reproductions of the photograph of Paloma Angélica Escobar Ledezma. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>36</sup> Official note No. 14146/02 of March 21, 2002, by which the Assistant Chief of Preliminary Inquiries was sent the photographic series consisting of 40 original reproductions. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>37</sup> Notice and Order to Open of March 29, 2002, issued by the agent of the Office of Public Prosecution assigned to the Office of Preliminary Inquiries, Conciliation and Social Service, document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>38</sup> Statement by Alfredo Pacheco Escarcega of March 29, 2002, corroborated by the statement by Teresa Flores Olivas, his wife, of March 29, 2002, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>39</sup> On-site inspection of the corpse of March 29, 2002. The criminalistics field report included the following description: "the intimate apparel (underwear) were poorly placed ... the waistband was around her left leg; the garment's left leg was on her right leg, and its right leg was around her waist; the evidence marked number three (red underwear) presents dark stains." Expert criminalistics field report of March 31, 2002, Official Note 16495/2002, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

the gluteal area ... in that region from which a sample was taken of several pilous tissues found in both the external and internal area, and another pair of underwear of synthetic material, red with lace and a tie in the front, which attests that of that underwear, the waistband is around the left leg, the opening for the left leg is on the right leg, and that of the right leg on the waist, which has several blackish stains apparently of hematic tissue, in addition one sees that the deceased had on a third pair of underwear, beige, of cotton, which, like the one described above, is poorly placed, for it is in the same order as the second (red) underwear ... also in the region of the fingernails of the right hand one finds several pilous tissues a sample of which was taken for subsequent analysis....<sup>40</sup>

57. The body was recognized by the parents of Paloma Angélica Escobar, Norma Ledezma and Dolores Alberto Escobar Hinojos, on March 29, 2002.<sup>41</sup> Paloma's father recognized the clothes, a chain she was wearing, and her teeth.

58. With respect to the investigation into the death and the circumstances in which she died, the expert documents indicate that the cause of death was a cervical luxation. "There is cervical luxation at C2-C3 with hemorrhagic filtration that extends between the muscular mass of the neck towards the right side of the posterior cervical region with lateralization towards the right." On describing the part of the thorax it indicated: "the wall presents localized ecchymotic contusions on the right anteroexternal face. The lungs collapsed and reduced at the expense of putrefaction of the corpse."<sup>42</sup> That conclusion contradicts the criminalistics opinion rendered on March 31, 2002, which established that it was not possible to note whether there were external lesions "due to the advanced state of decomposition in which the body was found."<sup>43</sup>

59. In a subsequent stage, in September 2006, the Mexican State requested the support of the Argentine Forensic Anthropology Team (Equipo Argentino de Antropología Forense) to carry out a review and analysis of the expert reports on the cause and manner of death of the alleged victims. The Argentine Forensic Anthropological Team issued its report in which it noted a series of irregularities in the expert reports as a result of which it is not possible to determine with certainty the cause of death: (a) the autopsy certificate is not completely in line with the standards for such activities in the investigation of a death; (b) no record is kept of the procedures or methodology employed for the reliable identification of the body; and (c) important flaws are observed in the description of the findings on the body in the official autopsy.<sup>44</sup>

60. Due to the state of decomposition of the body, the expert reports established that it was not possible to perform more specific studies to determine whether there was rape<sup>45</sup>:

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<sup>40</sup> On-site inspection of the corpse performed on March 29, 2002, at 3:20 p.m., included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>41</sup> By testimonial of identification of corpse, March 29, 2002, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>42</sup> Autopsy certificate of March 29, 2002, issued by Samuel Dco. Villa de la C., forensic physician. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>43</sup> Expert criminalistics field report of March 31, 2002, reg. 2810, issued by experts Fernando A. Solís Puente and Efraín Gutiérrez Galindo, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>44</sup> Report of the Argentine Forensic Anthropology Team on the cause and manner of death of Paloma Angélica Escobar Ledezma included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication received January 26, 2009.

<sup>45</sup> Expert report, Field Criminalistics Laboratory, of March 31, 2002, issued by Fernando A. Solís Puente and Efraín Gutiérrez Galindo, Official Note No, 16495/2002. It should be noted that years later an expert report to amend the autopsy

According to the lesions described in the autopsy certificate, which are ecchymotic contusions located in the anteroexternal face of the left hemithorax, as well as other similar contusions located in the dorsal region of the right hemithorax, it is established that the deceased was subjugated and physically assaulted prior to her death.

Due to the advanced stage of decomposition of the body it was not possible to perform more specific studies to determine whether the deceased was sexually assaulted before or after her death.

61. The first autopsy certificate could not establish that rape had been committed, but the amended report of the autopsy certificate issued three years later determined that there was no rape.<sup>46</sup>

62. The time of death of Paloma Angélica Escobar Ledezma could not be determined by the expert reports; they indicated that she had been dead approximately 20 to 30 days<sup>47</sup> when her body was found.<sup>48</sup> The Expert Report on the Cause and Manner of Death of Paloma Angélica Escobar Ledezma drawn up by the Argentine Forensic Anthropology Team (undated)<sup>49</sup> also points to the impossibility of determining the time of death, indicating that the information available suggests a time of death of approximately 20 to 30 days prior to the finding of the body.<sup>50</sup>

63. The documents that appear in the file reflect that several samples were taken of pilous tissues<sup>51</sup> as well as evidence found on the corpse, distant from the corpse, and at the place it was found. Among the

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certificate was issued that determined that there was no rape, based on the study of the protocol of the autopsy certificate and the photographic series of the official act of removing the body. That amended report established in its conclusions that in the gynecological and proctological examination, the body did not show any data of genital violence or forced copulation. Expert report on amendment of the Autopsy Protocol, Official note 166/2006 of February 2, 2006, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>46</sup> Expert report on amendment of Autopsy Protocol, Official note 166/2006 of February 2, 2006, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006. That amended report establishes in its conclusions that the gynecological and proctological review did not present data indicative of genital violence or forced copulation. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>47</sup> Autopsy certificate of March 29, 2002, issued by Samuel Dco. Villa de la C., forensic physician. The autopsy certificate indicated that the body was in a state of dry mummification. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>49</sup> The report was prepared based on the analysis of the field criminalistics report of March 31, 2002; the autopsy certificate of March 29, 2002; the amendment to the autopsy protocol signed February 2, 2006; and 58 photographs in photocopies by the Office of the Attorney General of the place of the events; the result of forensic chemical laboratory report No. 4449/39/III/02, Reg. 002818. Report included in the record on preliminary inquiry 77/02, provided by the petitioners as an annex to the communication received January 26, 2009.

<sup>50</sup> Report of the Argentine Forensic Anthropology Team on the cause and manner of the death of Paloma Angélica Escobar Ledezma included in the file regarding preliminary inquiry 77/02, provided by the petitioners as an attachment to the communication received on January 26, 2009. The report from the Argentine Forensic Anthropology Team indicates that the report presented as amendment to the autopsy protocol of February 2, 2006, contains a more detailed description based on photographs, but flaws are observed in the adequate interpretation of what was observed, particularly with respect to the cause of death.

<sup>51</sup> On-site inspection of the corpse, of March 29, 2002, incluido en el expediente relativo a la averiguación previa 77/02 proporcionado por los peticionarios como anexo a la comunicación de fecha 14 de julio de 2006, recibida el 17 de julio de 2006.

evidence collected, the following were documented: (1) hairs located on the beige underwear with padding, external part; (2) beige underwear with padding on the glutei; (3) red underwear which has dark stains on the front; beige underwear; (4) hairs located in the pubic region (loose); (5) stone approximately five centimeters long; (6) blue cotton sweater with a zipper on the front and a hood on the back; (7) on the right ankle is attached a red woven bracelet and on the central part in black it bears the legend, woven in white, with the names of "Paloma and Gera"; (8) woven sleeveless blouse with transversal stripes in white and green and with golden thread, low-cut in front; (9) white clasp, plastic material located in the hair; (10) beige bra with bone-colored plastic clasp in front; (11) pilous elements were secured between the index and ring fingers; (12) pilous elements were secured on the left hand, among others.<sup>52</sup>

64. The IACHR finds that the methodology for recording the chain of custody of the different samples taken from the body, and of the body itself, was not established. The expert report by the Argentine Forensic Anthropology Team determined that there were flaws in the methodology for recording the chain of custody of the different samples taken from the body and of the victim's body; and the non-existence of available records on the transport of the evidence, including the body, or of the methodology used to identify evidence, including the body.<sup>53</sup>

65. It appears in the record that it was not possible to produce expert evidence in several respects because the samples needed were not collected when the body was found.<sup>54</sup> On several occasions samples were taken of filaments related to Paloma Angélica Escobar, and of various persons, to compare them with the samples taken, without any positive results.<sup>55</sup>

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<sup>52</sup> The same report documents a general tracking done subsequently in the company of the Office of Public Prosecution in which were found "some pilous elements, a stone approximately eight centimeters in diameter soaked in fluid resulting from the decomposition of the body, a white t-shirt, RIMBROS GL brand, which is at an approximate distance of 300 meters from the place where the body was located, in a southwest direction, at a distance of 300 meters from where the body was located, and to the west was found a piece of dark glass from a lens. Expert report, Field Criminalistics Laboratory, of March 31, 2002, issued by Fernando A. Solís Puente and Efraín Gutiérrez Galindo, Official note No. 16495/2002. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>53</sup> Report of the Argentine Forensic Anthropology Team on the cause and manner of death of Paloma Angélica Escobar Ledezma, included in the record regarding preliminary inquiry 77/02, provided by the petitioners as an annex to the communication received January 26, 2009.

<sup>54</sup> The report by the expert on forensic chemistry of March 30, 2002, indicated that there was a lack of the samples needed both from the body of Paloma Angélica Escobar and from the crime scene, and therefore the following chemical expert exams requested could not be performed: determination of the blood type of the deceased, tracing the blood at the crime scene, comparing these with those taken from the underwear of the deceased, to determine whether there is correspondence with that of the deceased, toxicological exam, and seminological exam. Official note No. 4433/30/III/2002, Report of the Expert on Forensic Chemistry, Nicolás Cruz Hernández, of March 30, 2002, directed to the Coordinator of the Group of Crimes against life and personal health, Record No. 2810. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>55</sup> Official note No. 14354/02 of March 29, 2002, by which a request is made to the General Coordinator of Expert Services to issue an expert report on chemistry of the pilous elements found on the right hand of the corpse of Paloma Angélica Escobar Ledezma, "and to carry out a comparison with the pubic hair and hair in the area of the head that should be collected from the bodies of Carlos Octavio Pillado and Carlos Gerardo Ortega; Official note No. 14360/02 of March 30, 2002, by which it is requested that an expert chemistry report be issued on the pilous elements found on the hands of Paloma Angélica Escobar Ledezma and "to make a comparison with the pubic hair and hair from the area of the head that should be collected from the body of Vicente Cárdenas Anchondo, as well as the toxicological report." Official note 30986/02, of June 12, 2002, by which a request is made to the General Coordinator of the Office of Technical and Expert Services of the State to issue expert opinions on the samples taken (pubic hairs) from Vicente Cárdenas and Carlos Gerardo Ortega. Expert opinion on Forensic Genetics, file 077/02 of January 18, 2006, that determines that from the analysis of 215 filaments, it was not possible to obtain the genetic profile, since the phases of growth were not found, "which, together with the time elapsed since they were separated from the body, are not optimal conditions for obtaining a complete genetic profile"; Official note 3172/01/09/05 of September 30, 2005,

66. Several irregularities in the investigation into the case were documented by the Office of the UN High Commissioner for Human Rights in Mexico.<sup>56</sup> The report by the Office of the UN High Commissioner for Human Rights in Mexico, which investigated the judicial file of Paloma Angélica Escobar Ledezma through an Agreement with the Chihuahua PGJ, highlighted the insufficient performance of investigative procedures on the objects obtained.<sup>57</sup>

One does not observe the performance of sufficient procedures on the clothes and personal objects of the victim that were found as the investigation unfolded; similarly, the motive why they were not shown for their identification, given by the persons who testified, is striking.

One should bear in mind that in this investigation, the direction and administration of the prosecutorial activity is not clear, as reflected in the absence of greater determination in the investigative steps to get to the bottom of the facts, in the failure to abide by the requirements and protocols in the handling and conservation of the site where the corpse was found, in the proper custody of the evidence, in the lack of thorough knowledge of the case file by the officers taking evidence, in the lack of orders or decisions by the Prosecutor ordering further investigative steps and evidence, and even where these exist, in the lack of specificity for giving direction to the tasks entrusted to the prosecutorial personnel. In addition, one does not note any evaluation of the results partially obtained during the inquiry to adopt the corresponding measure.

While it is true that these failings are recurrent in the inquiries and proceedings under the prior criminal justice system, the inquisitive system, or are part of the structural flaws of prosecution in Mexico, in this inquiry they take on greater meaning not only because some of them were noted in due course by the third-party accuser and mother of the victim but because in addition, a complaint was lodged against the Mexican State for these facts before the Inter-American Commission on Human Rights, an international organ of protection that formally admitted the case.

67. More than one year after the discovery of the body of Paloma Angélica Escobar Ledezma, Manuel Juárez Palomino asked Commander Mayorga to go to the place where the body of Paloma Angélica Escobar was found (kilometer 4.8 of the highway to Ciudad Aldama) to give him a plastic bag with objects that belonged to Paloma Angélica Escobar Ledezma. He indicated that approximately 20 days earlier a mustard-color

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by which it was determined that of the 243 filaments found, 215 were hairs of human origin, and 28 of non-human animal origin. Of the 215 hairs of human origin, only 133 have a root, and therefore are susceptible to evaluation. In addition, it is determined that one cannot establish whether they correspond to Paloma Angélica Escobar since they do not have pubic hair for that purpose. Documents included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>56</sup> By Agreement between the Office of the UN High Commissioner for Human Rights in Mexico and the Chihuahua PGJ, a consultancy was performed in order to strengthen the review of the investigative files on homicides of women and girls in the state of Chihuahua. Joint activities were begun as of July 31, 2007; it was agreed to review, among the cases, that of Paloma Angélica Escobar Ledezma (file 77/02). In this proceeding, three reports were issued. The first, of August 31, 2007, addressed the review, analysis, and suggestions of file 77/02; the follow-up report of November 15, 2007, analyzed the steps taken by the State after the recommendations were made by the consultancy and those considered still pending, and the final report, of June 28, 2009. The three reports are attached to the communication from the petitioners received August 26, 2009.

<sup>57</sup> First Report from Consultancy “Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el Estado de Chihuahua – Informe Caso desaparición y homicidio de Paloma Angélica Escobar Ledezma. Radicado 77/02. Procuraduría General de Justicia del Estado de Chihuahua.” page 40, no date. Document presented by the petitioners as attachment to the communication received August 26, 2009.

vehicle driven by three youths who were drinking beer had tipped over and he helped them with some chains. The next day he returned to collect his chains and continued looking to see if something more was left. During the search he found the bag. The on-site inspection was conducted on May 12, 2003.<sup>58</sup>

68. It is a proven fact that during the investigation of the instant case, the authorities responsible for the investigation committed irregularities, on planting evidence at the crime scene that implicated the former boyfriend of Paloma Angélica Escobar, Vicente Cárdenas, in the murder. On March 30, 2002, judicial agents reported that they found a photograph of Paloma Angélica Escobar with Vicente Cárdenas, the alleged former boyfriend, at the place where her body appeared. That same day, Vicente Cárdenas, was charged with her murder.<sup>59</sup> From the record it appears that Linda Patricia López and her mother testified that the photograph that was allegedly found by the authorities where the corpse was found was provided by them to commander Gloria Isaura Cobos, at that time Chief of Group of the then-Judicial Police, assigned to the Specialized Unit on Sex Crimes, at her request when she went to her home on several occasions to question her.<sup>60</sup> They also testified that the photo had been delivered the day before in good condition to Gloria Cobos, whereas when it was found it was dirty and folded.<sup>61</sup>

69. Ms. Cobos was subjected to an investigation resulting in her being found criminally liable for committing the crime of false accusation, and was sentenced to 11 months in prison and the payment of a fine. With that, Vicente Cárdenas was immediately released.<sup>62</sup>

70. It appears in the record that several statements were taken from persons directly or indirectly associated with the ECCO school, where Paloma A. Escobar studied, which contradicted one another, and the authorities limited themselves to taking them without comparing them. From the record before the IACHR, it appears that the ECCO school was first inspected on March 19, 2003, almost one year after the disappearance of

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<sup>58</sup> On-site inspection of May 12, 2003, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>59</sup> In addition, the IACHR is struck by the Informational Bulletin that indicates that when Vicente Cárdenas Anchando was arrested, two rings, one a band, and the other with a figure, a chain, a cut photograph of a full-bodied woman, and a brochure showing sexual positions were placed at the disposal of the Chief of Preliminary Inquiries. It is not clear in the informational bulletin whether the accused had those objects on his person or whether they were found elsewhere. Informational Bulletin of March, 2002, signed by judicial police agents Rodolfo Ortiz García and Sabas Eduardo Villalobos. In addition, the Commission finds the statements by Avimael Quintana unusual. In an initial statement he alleged that Vicente Cárdenas had offered him money to kidnap Paloma, and subsequently in the amended statement he retracts what he had said earlier, indicating that what he had said was a lie. He stated: "... as I already said out of fear, the judicial police agents beat me and I said what they wanted to know so they would let me go." In addition, he noted in his written statement "at that time I was a drug addict and I was scared of the judicial police agents, since they assumed that I knew what I was saying, at that time they were trying to get two or three addicts to testify, who did not testify, and they turned them on me when they got me...."

<sup>60</sup> Criminal Case 138/02, the agent of the Office of Public Prosecution Assigned to the First Criminal Court, Ms. Bibiana Esparza Enríquez, issued a ruling directed to the First Criminal Judge for the District of Morelos, establishing "The Indictment Stands" against Gloria Isaura Cobos Ximello for the crime of false accusations to the detriment of the administration of justice. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>61</sup> The authorities established that "the likely responsibility of Vicente Cárdenas Anchando" is found "proven in the record, mainly with the inclusion of the circumstantial evidence, in relation to the well-founded probability that Vicente Cárdenas Anchando has engaged in the criminal conduct which up to this point in this procedure is attributed to him." Order for Arrest Warrant, of March 30, 2002, issued by Ms. Sandra Cecilia Delgado, Assistant Chief of the Office of Preliminary Inquiries, in which the detention of Vicente Cárdenas Anchando was ordered. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>62</sup> Communication from the State, Note OEA-00137, January 23, 2007.

Paloma Angélica Escobar Ledezma.<sup>63</sup> The IACHR notes that in that inspection it was merely noted that the procedure was performed, the entrance and exit of the school are established, without providing further relevant details and without including photographs.

71. It is now up to the IACHR to determine whether the authorities, with the large number of investigative steps that appear in the record, acted with due diligence to investigate what happened to Paloma Angélica Escobar Ledezma.

**C. The law**

**1. Right to a fair trial and to effective judicial protection (Articles 8 and 25) in relation to Articles 1(1) and 2 of the American Convention**

72. The inter-American human rights system has affirmed the obligation of states to act with due diligence in the face of human rights violations.<sup>64</sup> This duty entails four obligations: prevention, investigation, punishment, and reparation of the violations of human rights.<sup>65</sup> In this respect, the Inter-American Court has stated that:

This obligation implies the duty of States Parties to organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights. As a consequence of this obligation, the States must prevent, investigate and punish any violation of the rights recognized by the Convention and, moreover, if possible attempt to restore the right violated and provide compensation as warranted for damages resulting from the violation.<sup>66</sup>

73. The obligation of states to act with due diligence includes facilitating access to judicial remedies that are suitable and effective for addressing a violation of human rights.<sup>67</sup> The Inter-American Court has established that every person who has suffered a violation of human rights has the right “to obtain clarification of the events that violated human rights and the corresponding responsibilities from the competent organs of the State, through the investigation and prosecution that are established in Articles 8 and 25 of the Convention.”<sup>68</sup> The Inter-American Court has also indicated that access to justice should ensure, in a reasonable time, the right of the alleged victims or their next-of-kin to do everything necessary to learn the truth of what happened and to punish those who turn out to be responsible.<sup>69</sup>

74. Article 25 of the American Convention establishes that:

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<sup>63</sup> On-site Inspection at the ECCO school, conducted March 19, 2003. Inspection headed up by Ms. María de Jesús Ruiz, agent of the Office of Public Prosecution. Handwritten document. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>64</sup> See I/A Court H.R., *Case of Velásquez Rodríguez*, Judgment of July 29, 1988. Series C No. 4, para. 172.

<sup>65</sup> See I/A Court H.R., *Case of Velásquez Rodríguez*, Judgment of July 29, 1988. Series C No. 4, para. 172.

<sup>66</sup> I/A Court H.R. *Case of Velásquez Rodríguez*, Judgment of July 29, 1988, Series C No. 4, para. 166.

<sup>67</sup> IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L/V/II. doc. 68, January 20, 2007.

<sup>68</sup> I/A Court H.R., *Barrios Altos Case*, Judgment of March 14, 2001, Series C No. 75, para. 48.

<sup>69</sup> See I/A Court H.R., *Case of the Miguel Castro Castro Prison*, Judgment of November 25, 2006. Series C No. 160, para. 382, citing *Case of Vargas Areco*; I/A Court H.R., *Case of the Ituango Massacres*. Judgment of July 1, 2006. Series C No. 148, para. 289; and *Case of the Pueblo Bello Massacre*, I/A Court H.R., *Case of the Pueblo Bello Massacre*. Judgment of January 31, 2006. Series C No. 140, para. 171.

1. 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.

2. The States Parties undertake:

- a. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;
- b. to develop the possibilities of judicial remedy; and
- c. to ensure that the competent authorities shall enforce such remedies when granted.

75. Article 8(1) of the American Convention provides that:

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.

76. The protection of these rights is reinforced by the general obligation to respect and ensure the rights, imposed by Article 1(1) of the American Convention. In this respect, the Inter-American Court has established that:

Article 25 in relation to Article 1(1) of the American Convention obliges the State to guarantee to every individual access to the administration of justice and, in particular, to simple and prompt recourse, so that, *inter alia*, those responsible for human rights violations may be prosecuted and reparations obtained for the damages suffered. As this Court has ruled, Article 25 "is one of the fundamental pillars not only of the American Convention, but of the very rule of law in a democratic society in the terms of the Convention." ... That article is closely linked to Article 8(1), which provides that every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, for the determination of his rights, whatever their nature.<sup>70</sup>

77. For its part, Article 2 of the American Convention establishes: "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."

78. The main objectives of the regional human rights system and the principle of efficacy require the implementation of said guarantees in practice. Accordingly, when the exercise of any of these rights is not yet guaranteed *de jure* and *de facto* by the states within the scope of their jurisdiction, according to Article 2 of the American Convention, they have a commitment to adopt legislative or other measures necessary to uphold those rights in practice. Therefore, the duty of the states to provide judicial remedies is not limited to formally making them available to victims, but rather such remedies must be suitable for remedying the human rights violations alleged. The Inter-American Court has held that

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<sup>70</sup> I/A Court H.R., *Case of Loayza Tamayo. Reparations*. Judgment of November 27, 1998. Series C No. 42, para. 169; I/A Court H.R., *Case of Velásquez Rodríguez. Preliminary Objections*. Judgment of June 26, 1987. Series C No. 1, para. 91; I/A Court H.R., *Case of Fairén Garbí and Solís Corrales. Preliminary Objections*. Judgment of June 26, 1987. Series C No. 2, para. 90; I/A Court H.R., *Case of Godínez Cruz. Preliminary Objections*. Judgment of June 26, 1987. Series C No. 3, para. 93.

the absence of an effective remedy to violations of the rights recognized by the Convention is itself a violation of the Convention by the State Party in which the remedy is lacking. In that sense, it should be emphasized that, for such a remedy to exist, it is not sufficient that it be provided for by the Constitution or by law or that it be formally recognized, but rather it must be truly effective in establishing whether there has been a violation of human rights and in providing redress.<sup>71</sup>

79. Inter-American precedent has highlighted the importance of undertaking an immediate, exhaustive, serious, and impartial investigation in the case of human rights violations. The Court has noted that the investigation should be carried out:

in a serious manner and not as a mere formality preordained to be ineffective. An investigation must have an objective and be assumed by the State as its own legal duty, not as a step taken by private interests that depends upon the initiative of the victim or his family or upon their offer of proof, without an effective search for the truth by the government.<sup>72</sup>

80. The IACHR has found that the Convention of Belém do Pará establishes that the obligation to act with due diligence takes on a special meaning in cases of violence against women.<sup>73</sup> The IACHR has established that one of the most important principles of that obligation of states in cases of violence against women includes the duties to investigate, prosecute, and punish the persons responsible, as well as the duty “to prevent these degrading practices.”<sup>74</sup> It has also indicated that judicial ineffectiveness in cases of violence against women creates an environment of impunity that facilitates such violence, “since society sees no evidence of willingness by the State, as the representative of the society, to take effective action to sanction such acts.”<sup>75</sup> The Inter-American Court, for its part, has noted that in cases of violence against women, the duty to effectively investigate takes on additional meaning.<sup>76</sup> Also, to effectively conduct an investigation, the states should investigate with a gender perspective.<sup>77</sup>

81. The Inter-American Court has also noted that the duty to investigate is an obligation of means and not of results.<sup>78</sup> The Inter-American Court has established that in carrying out the duty to investigate and punish, the states must remove all obstacles and mechanisms of fact and of law that maintain impunity, grant

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<sup>71</sup> I/A Court H.R., *The “Streetchildren” Case (Villagrán Morales et al.)*. Judgment of November 19, 1999. Series C No. 63, para. 235 citing I/A Court H.R., *Case of Cesti Hurtado*. Judgment of September 29, 1999. Series C No. 56, para. 121; I/A Court H.R. *Case of Castillo Petruzzi et al.* Judgment of May 30, 1999. Series C No. 52, para. 185; I/A Court H.R., *Judicial Guarantees in States of Emergency* (Arts. 27.2, 25 and 8 American Convention on Human Rights). Advisory Opinion OC-9/87 of October 6, 1987. Series A No. 9, para. 24.

<sup>72</sup> I/A Court H.R., *Case of Godínez Cruz*. Judgment of January 20, 1989. Series C No. 5, para. 188; I/A Court H.R., *Case of Velásquez Rodríguez*, Judgment of July 29, 1988. Series C No. 4, para. 177; I/A Court H.R., *The “Streetchildren” Case (Villagrán Morales et al.)*. Judgment of November 19, 1999. Series C No. 63, para. 226.

<sup>73</sup> IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L/V/II. doc. 68, January 20, 2007, para. 32.

<sup>74</sup> IACHR, Report on the Merits, No. 54/01, Maria Da Penha Fernandes (Brazil), April 16, 2001, para. 56.

<sup>75</sup> IACHR, Report on the Merits, No. 54/01, Maria Da Penha Fernandes (Brazil), April 16, 2001, para. 56.

<sup>76</sup> I/A Court H.R., *Case of González et al. (“Cotton Field”) v. Mexico. Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 16, 2009. Series C No. 205, para. 293.

<sup>77</sup> I/A Court H.R., *Case of González et al. (“Cotton Field”) v. Mexico. Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 16, 2009. Series C No. 205, para. 455.

<sup>78</sup> I/A Court H.R., *Case of Baldeón García*. Judgment of April 6, 2006. Series C No. 147, para. 93.

sufficient guarantees to witnesses, judicial authorities, prosecutors, other judicial officers, and the victims' next-of-kin, and make use of all measures within their reach to expedite the process.<sup>79</sup>

82. In addition, the IACHR has established that the state must show that the investigation "was not the product of a mechanical implementation of certain procedural formalities without the State genuinely seeking the truth, the State must show that it carried out an immediate, exhaustive and impartial investigation"<sup>80</sup> that should be geared to exploring all possible lines to identify the perpetrators of the crime, for subsequent prosecution and punishment. To that end, the Court has specified that the efficient determination of the truth in the context of the obligation to investigate a death should be shown from the first investigative steps with full diligence.<sup>81</sup> The state may be responsible for not "ordering, collecting, or evaluating" evidence that may be fundamental for clarifying the facts.<sup>82</sup>

83. In this sense, the Inter-American Court has specified the main guidelines that must be observed in an investigation into a violent death. The authorities who conduct such an investigation must endeavor at a minimum, *inter alia*: (i) to identify the victim; (ii) to recover and preserve the evidentiary material related to the death, in order to help in any potential criminal investigation to determine the persons responsible; (iii) to identify possible witnesses and obtain statements in relation to the death investigated; (iv) to determine the cause, manner, place, and moment of death, as well as any pattern or practice that may have caused the death, and (v) distinguish among natural death, accidental death, suicide, and homicide.<sup>83</sup> In addition, it is necessary to carry out an exhaustive investigation into the crime scene; autopsies and analyses of human remains should be performed rigorously by competent professionals and employing the most appropriate procedures.<sup>84</sup> In the case of homicides, specific evidence should be preserved if sexual violence is suspected.<sup>85</sup>

84. In addition, the Inter-American Court has noted that international standards indicate in relation to the crime scene that investigators must, at a minimum, photograph that scene, any other physical evidence, and the body as found and after being moved; all samples of blood, hair, fibers, threads, or other clues should be collected and conserved; examine the area in search of footprints of shoes or anything else in the nature of evidence; and make a report detailing any observation of the scene, the actions of the investigators, and the

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<sup>79</sup> I/A Court H.R., *Case of Carpio Nicolle et al.* Judgment of November 22, 2004. Series C No. 117, para. 134.

<sup>80</sup> IACHR, Report on the Merits, No. 55/97, *Juan Carlos Abella et al.* (Argentina), November 18, 1997, para. 412.

<sup>81</sup> I/A Court H.R., *Case of González et al. ("Cotton Field") v. Mexico. Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 300; I/A Court H.R. *Case of Miguel Castro Castro Prison.* Judgment of November 25, 2006. Series C No. 160, para. 383.

<sup>82</sup> I/A Court H.R., *The "Streetchildren" Case (Villagrán Morales et al.)*. Judgment of November 19, 1999. Series C No. 63, para. 230.

<sup>83</sup> I/A Court H.R., *Case of González et al. ("Cotton Field"). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 300; IACHR, Report No. 10/95, *Manuel Stalin Bolaños* (Ecuador), September 12, 1995, paras. 32-34; Report No. 55/97, *Juan Carlos Abella et al.* (Argentina), November 18, 1997, paras. 413 to 424; Report No. 48/97, *Ejido Morelia* (Mexico), April 13, 1996, paras. 109-112. IACHR, *Access to Women Victims of Violence in the Americas*, OEA/Ser. L/V/II. doc. 68, January 20, 2007, para. 47.

<sup>84</sup> I/A Court H.R., *Case of González et al. ("Cotton Field"). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 300; I/A Court H.R. *Case of Juan Humberto Sánchez v. Honduras.* Preliminary Objection, Merits, Reparations and Costs. Judgment of June 7, 2003. Series C No. 99, para. 127; I/A Court H.R., *Case of Escué Zapata v. Colombia.* Merits, Reparations and Costs. Judgment of July 4, 2007. Series C No. 165, para. 106; I/A Court H.R., *Case of Kawas Fernández v. Honduras.* Merits, Reparations and Costs. Judgment of April 3, 2009 Series C No. 196, para. 102.

<sup>85</sup> One must preserve oral, vaginal, and rectal fluids, and external and pubic hair of the victim. United Nations, *United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*, U.N. Doc. E/ST/CSDHA/12 (1991), paras. 29-30.

disposition of all evidence collected.<sup>86</sup> The Minnesota Protocol establishes among other obligations that upon investigating a crime scene one must seal off the area contiguous to the corpse and prohibit entry to it except for the investigator and his or her team.<sup>87</sup>

85. In keeping with the standards of international law, the IACHR observes that the victim was reported as formally disappeared to the State on March 3, 2002. From that moment, some procedures were adopted such as the Order to Open the Preliminary Inquiry of March 3, 2002<sup>88</sup>, the order directed to Gloria Cobos Ximello, Chief of the Special Group on Sex Crimes and Crimes against the Family of the Judicial Police of the state to initiate investigations aimed at clarifying the facts<sup>89</sup>, taking statements from persons close to the family, affective, and educational life of Paloma Angélica Escobar, and the order to reproduce 40 photographs of Paloma Angélica Escobar. The IACHR observes that 18 days elapsed from the filing of the report that she was missing and the photographs being ordered.<sup>90</sup> The State has not controverted this assertion.

86. The IACHR observes a series of irregularities during the investigation into the disappearance and subsequent death of Paloma Angélica Escobar, among which special mention should be made of the lack of diligence in the investigative steps taken when she was reported disappeared; the failure to crosscheck information obtained in the various statements taken, or to compare them so as to carry out a serious investigation aimed at clarifying the facts; shortcomings in the handling and analysis of the evidence collected; and failure to preserve the crime scene. In addition, the obstruction of justice entailed in the false placement of the photograph by state officials to incriminate a suspect is extremely serious. While the officer directly responsible was sanctioned, an important measure, it does not appear that the authorities have taken any measure to correct and redirect the perspective of the investigation.

87. The Inter-American Court has indicated that in cases of violence against women, there is a duty of strict due diligence in response to complaints of disappearance, with respect to the search in the first hours and first days.<sup>91</sup> This obligation of means, on being stricter, requires an immediate and effective response by the authorities in response to reports of disappearance and to adequately prevent violence against women.<sup>92</sup> This includes exhaustively carrying out the search activities. It also requires that the officials in charge of receiving the complaints have the capacity and sensitivity to understand the gravity of the phenomenon of violence against

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<sup>86</sup> I/A Court H.R., *Case of González et al. ("Cotton Field")*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 301. The Court makes reference to the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, UN document ST/CSDHA/.12 (1991).

<sup>87</sup> I/A Court H.R., *Case of González et al. ("Cotton Field")*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 301.

<sup>88</sup> Order to Open Preliminary Inquiry, of March 3, 2002. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>89</sup> Request of the Coordinator of the Specialized Unit for sex crimes and crimes against life of March 3, 2002, sent to Gloria Cobos Ximello, Chief of the Special Group on Sex Crimes and Crimes against the Family of the state Judicial Police, Official note 929/02, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>90</sup> Official note 14148/02 of March 21, 2002, issued by Ms. Sandra Delgado Ordaz, directed to the chief of the Technical Office of Expert Services of the Office of the Attorney General. Photographic series issued by Aurelio Melendez Quiñones of March 21, 2002, directed to the Assistant Chief of Preliminary Inquiries, Sandra Delgado Ordaz. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>91</sup> I/A Court H.R., *Case of González et al. ("Cotton Field")*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 283.

<sup>92</sup> I/A Court H.R., *Case of González et al. ("Cotton Field")*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 285.

women and the will to act immediately.<sup>93</sup> In particular, it is essential that the police, prosecutorial, and judicial authorities take prompt and immediate action, ordering timely and necessary measures aimed at determining the whereabouts of the victims or the place where they may be found deprived of liberty.<sup>94</sup> In addition, there must be adequate procedures for the complaints that entail an effective investigation from the first hours. The authorities should presume that the person disappeared is deprived of liberty and continues to be alive until there is no more uncertainty as to his or her fate.<sup>95</sup>

88. In addition, in cases of violence against girls, the Court has held that the states are under an obligation to adopt all positive measures necessary to guarantee the rights of disappeared girls.<sup>96</sup> Specifically, the states have a duty to ensure that such girls are found as soon as possible once their family reports their absence. Once the body is found, the state should undertake the investigation and prosecute and punish those responsible effectively and expeditiously.<sup>97</sup>

89. As found in the chapter on “Facts Proven” of this report, the IACHR takes note of two statements given to the Office of Public Prosecution that suggested they had seen Paloma Angélica Escobar alive several days after she was reported missing. Nonetheless, the authorities did not exhaustively investigate those statements.<sup>98</sup> In the case of the statement by Patricia Huisar, the IACHR notes that two months elapsed before the authorities investigated or questioned the tenants of the house where it was said that Paloma had been seen. Statement by Patricia Huisar Pérez of March 13, 2002, to the agent of the Office of Public Prosecution. In the case of the anonymous phone call, it is not reflected in the record that the authorities have gone to Calle Puno #322, where it was said that Paloma Angélica Escobar was alive. Statement by Manuel Adrián Gutiérrez Escobar of March 11, 2002.

90. As shown in the section on facts proven, the body of Paloma Angélica Escobar Ledezma was found on March 29, 2002, by a family that was passing by, and which informed a patrol that was passing by the highway that they stopped to tell them what they had found.<sup>99</sup> The IACHR also observes that Paloma Angélica Escobar Ledezma was identified by her mother and father.<sup>100</sup> According to the Argentine Forensic Anthropology

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<sup>93</sup> I/A Court H.R., *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 285.

<sup>94</sup> I/A Court H.R., *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 283.

<sup>95</sup> I/A Court H.R., *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 283.

<sup>96</sup> I/A Court H.R., *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 409.

<sup>97</sup> I/A Court H.R., *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 410.

<sup>98</sup> In the case of the statement by Patricia Huisar, the IACHR notes that two months elapsed before the authorities investigated or questioned the tenants of the house where it was said that Paloma had been seen. Statement by Patricia Huisar Pérez of March 13, 2002, to the agent of the Office of Public Prosecution. In the case of the anonymous phone call, it does not appear in the record that the authorities have gone to Calle Puno #322, where Paloma Angélica Escobar was said to have been seen alive. Statement by Manuel Adrián Gutiérrez Escobar of March 11, 2002. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>99</sup> Statement by Alfredo Pacheco Escarcega, of March 29, 2002 and Statement by Teresa Flores Olivas of March 29, 2002. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>100</sup> Testimony of the identification of the corpse, March 29, 2002. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

Team, there wasn't clarity as to the method employed or the grounds for ultimately establishing identity of the body.<sup>101</sup> In their report, the Argentine Team determined that Paloma Angélica Escobar was identified "apparently based on indicia by characteristics of her dentition and by recognition of her apparel."<sup>102</sup> In this respect, the IACHR considers that the State did not act with due diligence to identify the alleged victim, since it could have used technology that would have made it possible to identify her with certainty.

91. The IACHR is also struck by the lack of coherence in the results obtained from the expert reports. The criminalistics report determined that no external lesions were observed on the victim's body due to the advanced state of putrefaction, which was at odds with the autopsy report, which indicated that "in the region of the thorax on the wall there are ecchymotic contusions located in the anteroexternal face of the left hemithorax, as well as other similar contusions located in the dorsal region of the right hemithorax...", and it was determined that there was cervical luxation on the neck with hemorrhagic infiltration (see section on facts proven). This irregularity was documented in the report of the consultancy on "Strengthening the case investigation of homicides and disappearances of women and girls in the state of Chihuahua – Case Report disappearance and homicide of Paloma Angélica Escobar Ledezma File 77/02."<sup>103</sup> Despite the characteristics of this murder, the facts established reveal that the investigation was not undertaken with due seriousness, rigor, or diligence by the state authorities.

92. In effect, the IACHR observes that while it was not possible to determine that Paloma Angélica Escobar was raped, there were signs of violence on her body; in addition the victim, found in an open area, had three pair of underwear on top of her denim pants.

93. Based on the record before the IACHR, it appears that the state authorities, during the disappearance of Paloma Angélica Escobar and afterwards, once her body was found, took several statements from persons associated with the circles in which she moved. Nonetheless, it does not appear in the file that the authorities undertook a more in-depth inquiry into reasonably relevant facts that derived from the various statements taken.

94. For example, the IACHR observes contradictions in the statements by Lucy Mancinas, who alleges to know Francisco Ramírez, when he alleges in his statement that he doesn't even know Lucy.<sup>104</sup> Nonetheless, in the statement by Edna Patricia Dávila Fierro, she says that Francisco had told her that Lucy hadn't wanted to go out with him to his farewell party but that they had left it that they would go out the next Sunday.<sup>105</sup> Furthermore, Lucy Mancinas made several statements to the Office of Public Prosecution, and in 2005, three years after her first

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<sup>101</sup> Report by the Argentine Forensic Anthropology Team on the cause and manner of death of Paloma Angélica Escobar Ledezma included in the record of preliminary inquiry 77/02, provided by the petitioners as an attachment to the communication received on January 26, 2009.

<sup>102</sup> Report by the Argentine Forensic Anthropology Team on the cause and manner of death of Paloma Angélica Escobar Ledezma included in the record of preliminary inquiry 77/02 provided by the petitioners as an attachment to the communication received on January 26, 2009.

<sup>103</sup> Final Report of the Consultancy, "Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el Estado de Chihuahua – Informe Caso desaparición y homicidio de Paloma Angélica Escobar Ledezma. Radicado 77/02. Procuraduría General de Justicia del Estado de Chihuahua." Document produced as an attachment by the petitioners by communication received August 26, 2009.

<sup>104</sup> Statement by Francisco Ramírez of March 9, 2002. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>105</sup> Statement by Edna Patricia Dávila Fierro, of April 7, 2002, Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

statement, she retracted some statements made, except those of March 7 and December 10, 2002. Subsequently, in 2007, Lucy Mancinas cast doubt on her first statement of March 7, 2002.<sup>106</sup>

95. The inspection of the ECCO school, where Paloma Angélica Escobar studied, took place almost one year after she was reported missing (section on facts proven). Despite constituting a key line of investigation, it is an indication of how investigative procedures were conducted, to abide by the formalities required but without an interest in clarifying the case.<sup>107</sup>

96. This lack of diligence in the investigative procedures was also noted in the Report resulting from the Agreement between the Office of the UN High Commissioner for Human Rights in Mexico and the Chihuahua PGJ, which indicates that based on a review of the file it is clear “that there is no interest in accessing the information, but rather in complying administratively with the formality of the processing of a case of criminal investigation.”<sup>108</sup>

97. With respect to the evidence collected, according to the expert documents, the items collected from both hands, the head, the pelvis, the underwear, and the vaginal canal were all sent to the laboratory for analysis, along with the red-colored underwear to examine the origin of the dark stains.<sup>109</sup> Nonetheless, there is no documentation showing that those objects were actually taken to the laboratory and analyzed. In addition, it does not appear in the record that the other evidence collected was sent to the laboratory in timely fashion.<sup>110</sup>

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<sup>106</sup> Amended testimony of Luz María Mancinas Zamarrón to the Office of Public Prosecution of September 20, 2007. That was also the case of the testimony of Patricia Huisar Pérez to the Office of Public Prosecution of August 29, 2007. According to her statement of March 13, 2002, she indicates that it is not true that she said she had seen Paloma in the yard, that she never assured that she had seen her there, nor that the young people who were to be found in her house had the ECCO logo on their t-shirts. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>107</sup> On-site Inspection at the ECCO school, conducted March 19, 2003. Headed up by Ms. María de Jesús Ruiz, agent of the Office of Public Prosecution. Handwritten document. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>108</sup> Agreement between the Office of the UN High Commissioner for Human Rights in Mexico and the Chihuahua PGJ, Consultancy “Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el Estado Chihuahua” – Informe caso desaparición y homicidio de Paloma Angélica Escobar Ledezma. File 77/02, Office of the Attorney General of the state of Chihuahua, p. 57, no date. Document submitted by the petitioners as an annex to the communication received on August 26, 2009.

<sup>109</sup> Expert Field Criminalistics Opinion, Official note 16495/2002 of March 31, 2002, signed by experts Fernando A. Solís Puente and Efraín Gutiérrez Galindo, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>110</sup> “Evidence collected: (a) hairs located on the beige underwear with padding, exterior part, (2) beige underwear with padding on the glutei, (3) red underwear that appears to have dark stains on the front; (4) beige underwear; (5) hairs located in the pubic region (loose); (6) stone approximately five centimeters long; (7) blue cotton sweater with zipper on the front and hood on the back; (8) on the right ankle is a bracelet woven in red, and in the center in black...; (9) sleeveless woven blouse with transversal stripes in white and green with golden throat, low-cut in front; (10) white clasp, of plastic, in the hair; (11) beige bra with bone-colored white clasp in front; (12) pilous elements were secured between the index and ring fingers; (13) pilous elements were secured in the left hand; (14) pilous elements were taken from the now-deceased for comparison; (15) denim pants...; (16) gray knee socks with blue colors...; (17) a pilous element was taken from the vaginal canal; (18) Boya black platform shoes with heels...” Expert Criminalistics Field Opinion, Official note 16495/2002, of March 31, 2002, signed by experts Fernando A. Solís Puente and Efraín Gutiérrez Galindo. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

98. It is striking to the Commission that the three pair of underwear of Paloma Angélica Escobar (and the filaments found) were not sent for analysis until May 2005, more than three years after having been found.<sup>111</sup> The results of the tests performed in 2005 concluded that it was not possible to obtain a genetic profile of the filaments processed.<sup>112</sup> In addition, it appears in the expert report that all the samples used were consumed in that study, thwarting the possibility of having samples for other tests.

99. As regards the chemical analysis to characterize and determine the composition of the pilous elements found on the fingernails of the right hand and on the underwear and matching them with the pilous elements of the deceased<sup>113</sup>, several samples were taken of pubic hair of persons who gave statements in the case to compare them with those found on Paloma Angélica Escobar. Nonetheless, no positive results were obtained. In this regard, the IACHR observes that during the investigation various materials were collected for DNA testing. In some cases the samples were sent to be studied, with negative results, and in other cases what happened to the samples is not known. On this point, the report *Diagnóstico sobre el caso de Paloma Angélica Escobar Ledezma* (Diagnostic Report of the case of Paloma Angélica Escobar Ledezma) produced by the “Agreement between the Office of the UN High Commissioner on Human Rights in Mexico and the Chihuahua PGJ” indicated that:

There have been important findings of material with a high criminalistic content, which in some cases has been sent to the laboratory to undergo a forensic chemical or DNA test, and in others it has simply been obviated; the absence of positive results, despite the quantity and quality of evidence obtained for performing such a study is striking.<sup>114</sup>

100. The lack of rigor in the handling of the evidence compiled was exemplified in an expert DNA report that indicates that the sample of pubic hair located in the vaginal channel of Paloma Angélica Escobar was hers and that the hairs found in the vehicle subject to investigation – whose characteristics are not identified, nor its owner – correspond to Paloma Angélica Escobar.<sup>115</sup> In addition, the IACHR observes that when a bag of plastic

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<sup>111</sup> The IACHR observes that at an on-site inspection was conducted three years later in the storage area for safekeeping of the belongings of the group of crimes against life and personal health, on May 18, 2005, “a medium-sized brown paper bag” was found “on which one observes the legend ‘Paloma three underwear File 77/03.’” That evidence was sent to the laboratory in May 2005. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>112</sup> Due to the fact that the phase of growth in which they were found are not active growth. In addition, by Official note 3172/01/09/05 of September 30, 2005, signed by Luis Arturo Herrera García, an effort is made to characterize the elements of filament recovered from the three pair of underwear. In the conclusions, of the 243 filaments found only 215 corresponded to pubic hairs of human origin, and 28 are of non-human animal origin. Of the 215 hairs of human origin, only 133 have the root, which makes them susceptible to determination of genetic profile. It is not possible to compare to establish whether they correspond to the minor Paloma since there is no reference pubic hair for that purpose. The expert opinion establishes the time elapsed since the filaments separated from the body was not helpful for obtaining a complete genetic profile. Official note 871/2005 of January 18, 2006, issued by M.C. Ada Karina León Jiménez: issuing results of the expert opinion on forensic genetics, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>113</sup> Official note 16495/02 of March 29, 2002, issued by Mr. Ernesto Jáuregui Venegas directed to the chief of the technical and expert services office of the Office of the Attorney General of the state, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>114</sup> Consultant report “Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el estado de Chihuahua,” p. 61. Document submitted by the petitioners as an annex to the communication received on August 26, 2009.

<sup>115</sup> Opinion of April 9, 2002, official note 2667 in relation to the sample hair located in Paloma’s vaginal channel, whether it corresponds to Carlos Gerardo Ortega, Vicente Cárdenas, and Carlos Pillado and whether the samples found in the vehicle under investigation (without mentioning which vehicle) correspond to Paloma Angélica Escobar. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

material was found in 2003 with objects that belonged to Paloma Angélica Escobar and that she had with her the day of her disappearance, the investigations required were not conducted diligently. For example, among the objects found was a “Ladatel” phone card that had an issue date subsequent to her disappearance. Nonetheless, even though the authorities went through the basic administrative procedures to obtain the information on the phone card, there was no follow-up on the responses, and the time was allowed to elapse passively without any attempt to go personally and directly to the source to obtain the information sought.<sup>116</sup>

101. With respect to the chain of custody, the IACHR observes that the judicial file does not indicate how the evidence was handled, from its recognition, protection and preservation, packaging and sealing and transfer, and with no indication as to the procedure established to preserve such evidence, that is, without the necessary chain of custody, in violation of the relevant international standards. In addition, the IACHR observes that the area where the body was found was not secured to preserve the crime scene. Evidence of this is that an informational bulletin states that in May 2002, two persons entered the place where the body was found and engaged in “suspicious movements ... and they climbed up quickly to leave<sup>117</sup>; this was not controverted by the State.<sup>118</sup> The consultant’s report that analyzed the record in the case of Paloma Angélica Escobar under the “Agreement between the OHCHR in Mexico and the Chihuahua PGJ” determined that irregularities were committed in the handling of the crime scene and in treating the evidence:

The lack of criminalistics knowledge of the team that worked the crime scene is apparent in all aspects having to do with the handling of the crime scene, processing of evidence, from its recognition, protection, preservation by all means and forms, interpretation, collection, packaging, sealing, and transfer to the laboratory. No records are observed of the chain of custody of the evidence collected at the scene.<sup>119</sup>

The outlook for the investigators is complicated by the fragility of the technical or expert evidence stemming initially from the poor handling and custody of the crime scene as well as the improper manipulation of the evidence.<sup>120</sup>

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<sup>116</sup> Final Report of the Consultancy “Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el Estado de Chihuahua – Informe Caso desaparición y homicidio de Paloma Angélica Escobar Ledezma. Radicado 77/02. Procuraduría General de Justicia del Estado de Chihuahua.” Document produced as an attachment by the petitioners by communication received August 26, 2009.

<sup>117</sup> Informational bulletin of May 31, 2002, issued by Eleazar Rascon Méndez and Andrés Hernández Ibarvio, where it is reported that due to a call from the radio operator on duty, they went to the place where the body was found since there had been a white van there, and that two male persons got out and made suspicious movements, went down walking towards the stream, and came up quickly to leave. A walk-through was done at the place to see if these persons left something, but nothing was found. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>118</sup> This irregularity was also identified by the Argentine Forensic Anthropology Team (section on facts proven) and in the Diagnostic Report about the Case of Paloma Angélica Escobar Ledezma done by means of the Agreement between the Office of the UN High Commissioner for Human Rights in Mexico and the Chihuahua PGJ. Initial and Final Report of the Consultancy “Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el Estado de Chihuahua – Informe Caso desaparición y homicidio de Paloma Angélica Escobar Ledezma. Radicado 77/02. Procuraduría General de Justicia del Estado de Chihuahua.” Document produced as an attachment by the petitioners by means of communication received August 26, 2009.

<sup>119</sup> Final Report of the Consultancy “Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el Estado de Chihuahua – Informe Caso desaparición y homicidio de Paloma Angélica Escobar Ledezma. Radicado 77/02. Procuraduría General de Justicia del Estado de Chihuahua.” Document produced as an attachment by the petitioners by communication received August 26, 2009.

<sup>120</sup> Final Report of the Consultancy “Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el Estado de Chihuahua – Informe Caso desaparición y homicidio de Paloma Angélica Escobar Ledezma. Radicado

102. Paloma Angélica Escobar Ledezma was a student and on the day of her disappearance she was at the ECCO school, where she was pursuing her studies. In this regard, the IACHR observes the statements that appear in the record and that could imply suspicious conduct by officials at that school, but it does not appear from the judicial record that such conduct has been investigated. This situation was also documented in the Diagnostic Report on the case of Paloma Angélica Escobar Ledezma by the Office of the UN High Commissioner for Human Rights. The failure to investigate this situation is grave, considering the possible relationship between the disappearances of some young women reported to the authorities and who presumably had some connection to the ECCO school.

103. The IACHR observes that as of 2005, the Chihuahua PGJ ordered the Prosecutor (Procurador de Justicia) for the Central Zone to place several cases in the preliminary inquiry stage related to other cases of young women who had disappeared and been murdered, associated with the ECCO school, including that of Paloma Angélica Escobar, in the hands of a single agent of the Office of Public Prosecution, for analysis and follow-up on the investigations conducted. Nonetheless, the record does not indicate any crosscheck of information on the various cases to determine some common nexus.<sup>121</sup>

104. The IACHR observes that the facts proven plainly show the obstruction of justice in the effort to clarify the facts in the form of the planting of evidence by Commander Gloria Cobos (section on facts proven). This incident was documented by several international agencies and civil society organizations<sup>122</sup> as an emblematic case of the murders of women perpetrated in the state of Chihuahua, where the irregularities in the investigation into the facts led to it being diverted and to the falsification of evidence by the state authorities. The report by the United Nations Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, noted:

According to reports, in some instances, investigators deliberately obstructed the investigations by concealing or planting evidence. In the murder case of Paloma Escobar, for instance, expert analysis showed that the police commander initially heading the investigation had fabricated evidence to incriminate the boyfriend of the victim....<sup>123</sup>

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...continuation

77/02. Procuraduría General de Justicia del Estado de Chihuahua.” Document produced as an attachment by the petitioners by means of the communication received August 26, 2009.

<sup>121</sup> In addition, the IACHR observes that by Official note 4399/2007 of October 24, 2007, two years after the request to pull together the cases in question, the agent of the Office of Public Prosecution assigned to the Unit for Investigation of Crimes against Liberty and Sexual Security and against the Family delivered the respective preliminary inquiries corresponding to the homicides of Erika Ivone Ruiz Zavala (999-15657/07), Perla Chávez Rodríguez (023/02), Paloma Angélica Escobar Ledezma (77/2002), Marcela Viviana Rayas Arellanes (1501-6433/03), Neyra Azucena Cervantes (1302-8636/03), Minerva Teresa Torres Albeldaño (1302-8723/03), Diana Yazmín García Medrano (1302-10100/03), Rosalba María Pizarro Ortega (1602-1542/04), and Claudia Judith Urías Bertahud (1302-20249/05). Official note No. 4399/2007 issued by Gabriela S. Márquez Blanco, agent of the Office of Public Prosecution assigned to the Unit for Investigations of Crimes against Liberty and Sexual Security and against the Family directed to Jesús Manuel Fernández Domínguez of October 24, 2007. He was informed that preliminary inquiry numbers 999-15657/07, 023/02, 77/2002, 1501-6433/03, 1302-8636/03, 1302-8723/03, 1302-10100/03, 1602-1542/04, and 1302-20249/05 were delivered.

<sup>122</sup> According to Amnesty International, in addition to unwarranted delays and the lack of action to follow up on investigative leads, or to summons possible witnesses to testify, fundamental evidence does not appear in the record. In some cases, such as that of Paloma Angélica Escobar Ledezma, false evidence was included in the record. Amnesty International, *10 years of Abductions and Murders of Women in Ciudad Juárez and Chihuahua*, AI AMR 41/026/2003/s. Available on the Internet: <http://web.amnesty.org/library/Index/ESLAMR410262003?open&of=ESL-MEX>.

<sup>123</sup> United Nations, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, *Integration of the Human Rights of Women and a Gender Perspective: Violence against Women*, Mission to Mexico, E/CN.4/2006/61/Add.4, January 13, 2006, para. 42.

105. The Committee on the Elimination of Discrimination against Women, in its report on Mexico, spoke in similar terms in this respect: “Mention can also be made of the case of Commander Gloria Cobos, to whom many of the people interviewed referred, because she helped cover up the murder of Paloma Escobar while directing the work of the judicial police, by planting false evidence in order to incriminate the victim’s boyfriend; expert analyses showed that the evidence was planted.”<sup>124</sup> While Commander Cobos was sanctioned, the IACHR observes that it does not appear in the record that the persons who participated in that irregular act along with her were investigated by the authorities.

106. Moreover, the IACHR is struck by the scant receptivity of the authorities to the information that the victim’s family members wished to contribute to the investigation. In effect, on December 9, 2002, Norma Ledezma and Alberto Escobar presented their considerations with respect to the lines of investigation in the case and the suggestion of evidence to be considered.<sup>125</sup> In response, Ms. María de Jesús Ruiz Romo, the agent of the Office of Public Prosecution assigned to the Chihuahua PGJ, noted “that while it is true that the law authorizes persons who have been offended or victims of the crime to propose to the Office of Public Prosecution that it consider evidence, it is also true that neither the Federal Constitution and much less the Code of Criminal Procedure or any other law authorizes the persons offended or victims to hinder the investigations calling into question or opposing the investigative measures programmed by the Office of Public Prosecution.”<sup>126</sup>

107. While the State has performed and continues to perform a large number of investigative acts in the instant case, and one observes an effort, particularly as of 2005, to obtain supplemental statements, reports, and expert opinions, and to add evidence and activities duly performed to the record, the IACHR notes that eight years after the murder of Paloma Angélica Escobar Ledezma, the State has not carried out its duty to act with due diligence to identify the persons responsible for her disappearance, leaving this act of violence in impunity, and as a result creating an environment propitious for the chronic repetition of acts of violence against women.<sup>127</sup>

108. In this regard, the consultancy by the Office of the UN High Commissioner for Human Rights in Mexico highlighted the efforts and activities of the State to physically organize the record, to obtain supplemental evidence, statements, reports, and expert opinions, to locate and properly compile some of the material evidence, activities carried out by the team of agents and prosecutorial investigators in charge of the investigation since 2005, or the establishment of a new team of public prosecutors and a Chief of Investigators, which, while not having produced the necessary results due to all the considerations indicated, is indicative of a constructive change.

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<sup>124</sup> United Nations, Committee on the Elimination of Discrimination against Women, Report by Mexico produced by the Committee on the Elimination of Discrimination against Women under Article 8 of the Optional Protocol to the Convention, and response of the Government of Mexico, CEDAW/C/2005/OP.8/MEXICO, January 27, 2005, para. 148, presented by the petitioners on July 19, 2006.

<sup>125</sup> Letter of December 9, 2002, issued by Norma Ledezma and Alfredo Escobar, directed to Mr. Jesús Ruiz Romo, agent of the Office of Public Prosecution, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>126</sup> Order of December 9, 2002, issued by Mr. Jesús Ruiz Romo, agent of the Office of Public Prosecution assigned to the Office of the Attorney General of the state, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>127</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 454. I/A Court H.R., *Case of Loayza Tamayo. Reparations* (Article 63(1) American Convention on Human Rights). Judgment of November 27, 1998. Series C No. 42, para. 176 citing I/A Court H.R., *Case of Paniagua Morales et al.* Judgment of March 8, 1998. Series C No. 37, para. 173.

109. In addition, in its report, the Office of the UN High Commissioner for Human Rights in Mexico highlighted some shortcomings in the conduct of the investigations<sup>128</sup>:

The changes in the direction of the investigation have become one of the weaknesses in this investigation, both because of the different ways of administering and conducting the investigation and because of the decision-making with regard to the investigative activities.

If we add to the foregoing the different police units that were involved in the investigation into the disappearance of Paloma Angélica Escobar Ledezma initially, and subsequently others that took charge days later, to find her corpse, all because there was no specialized unit for properly responding to these events, without the record including the informational bulletins which should have issued by each of the units involved in the investigation, and which should have led to the an order setting a preliminary hearing on the record of the case, gravely prejudice the normal development of a criminal investigation of these characteristics, on not having the information on the first inquiries by the investigators.

In this context, it is apparent that the decision to appoint different prosecutorial authorities to be in charge of administering and conducting the investigation, became a weakness, for in none of them does one observe genuine conduct, direction, and supervision of the case, which has consequences for the make-up and management of the case file. Accordingly, the next-to-last prosecutorial authority assigned to the case, in 2005, i.e. three years after the crime was committed, undertook the task of constructing and forming the current file of the case, which as reported was not duly bound, and documents appearing in the record were missing.

110. The IACHR has identified the investigation as a crucial stage in cases of violence against women, both in the state of Chihuahua, in reference to the situation of Ciudad Juárez, and in general, and has affirmed: “The importance of a due investigation cannot be overestimated, as deficiencies often prevent and/or obstruct further efforts to identify, prosecute and punish those responsible,” a situation that has occurred in the instant case.<sup>129</sup> In view of the foregoing, the Commission observes that in this case the State breached its obligation to investigate with the necessary diligence the violations of the human rights of Paloma Angélica Escobar.

111. As regards the duty to adopt provisions of domestic law guaranteed by Article 2 of the American Convention, the Commission observes that there are no policies or procedures that guarantee an immediate, exhaustive, serious, and impartial investigation into these facts in keeping with the duty of the state to act with due diligence in the city of Chihuahua. The IACHR observes that the initial measures implemented by the state authorities were focused in Ciudad Juárez, without comprehensively addressing other cities in the state, such as the city of Chihuahua, by applying statewide measures. In 2002, the Unit on Sex Crimes of the city of Chihuahua was performing the initial steps in response to complaints of disappeared persons. When the disappearance transformed into another crime, homicide, the specialized units took charge of the investigation. In 2005, the Special Unit for Investigation of Absent or Missing Persons with statewide jurisdiction.

112. Impunity for human rights violations exists when there is “the total lack of investigation, prosecution, capture, trial and conviction of those responsible for violations of the rights protected by the

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<sup>128</sup> First Report Consultancy (August 31, 2007) “Fortalecimiento de la investigación caso de homicidios y desaparición de mujeres y niñas en el Estado Chihuahua.” Agreement of the Office of the UN High Commissioner for Human Rights in Mexico and the Chihuahua PGJ. Case of the disappearance and homicide of Paloma Angélica Escobar Ledezma. File 77/02, pp. 7-8, no date. Document submitted by the petitioners as an attachment to the communication received August 26, 2009.

<sup>129</sup> IACHR, *The Situation of the Rights of Women in Ciudad Juárez, Mexico: The right to be free from violence and discrimination*, OEA/Ser.L/V/II.117, Doc. 44, March 7, 2003, para. 137; IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L/V/II. doc. 68, January 20, 2007.

American Convention.” The Inter-American Court has established that “the State has the obligation to use all the legal means at its disposal to combat that situation, since impunity fosters chronic recidivism of human rights violations, and total defenseless of victims and their relatives.”<sup>130</sup>

113. To prevent impunity, the state is under an obligation, pursuant to Article 1 of the American Convention, to respect and ensure the rights enshrined in the Convention:

The State is obligated to investigate every situation involving a violation of the rights protected by the Convention. If the State apparatus acts in such a way that the violation goes unpunished and the victim's full enjoyment of such rights is not restored as soon as possible, the State has failed to comply with its duty to ensure the free and full exercise of those rights to the persons within its jurisdiction. The same is true when the State allows private persons or groups to act freely and with impunity to the detriment of the rights recognized by the Convention.<sup>131</sup>

114. Based on the foregoing considerations, the Commission concludes that in the instant case the State failed in its duty to act with due diligence to undertake an adequate investigation and to sanction the conduct entailed in the disappearance and subsequent death of Paloma Angélica Escobar, and its duty to avoid impunity, in breach of Articles 8(1) and 25 of the American Convention, all in relation to Articles 1(1) and 2 of that Convention. The Commission also considers that the State is responsible for the violation of Articles 8(1) and 25 of the Convention, in relation to its Articles 1(1) and 2, to the detriment of Norma Ledezma, the mother of Paloma A. Escobar.<sup>132</sup>

## **2. Right to live free from violence and discrimination (Article 7 of the Convention of Belém do Pará) and Right to equality before the law (Article 24) in relation to Articles 1(1) and 2 of the American Convention**

115. Article 24 of the Convention establishes: “All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.” In this respect, the Inter-American Court has indicated that:

The notion of equality springs directly from the oneness of the human family and is linked to the essential dignity of the individual. That principle cannot be reconciled with the notion that a given group has the right to privileged treatment because of its perceived superiority. It is equally irreconcilable with that notion to characterize a group as inferior and treat it with hostility or otherwise subject it to discrimination in the enjoyment of rights which are accorded to others not so classified. It is impermissible to subject human beings to differences in treatment that are inconsistent with their unique and congenerous character.<sup>133</sup>

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<sup>130</sup> I/A Court H.R., *Case of Loayza Tamayo. Reparations* (Article 63(1) American Convention on Human Rights). Judgment of November 27, 1998. Series C No. 42, para. 176 citing I/A Court H.R., *Paniagua Morales et al.* Judgment of March 8, 1998. Series C No. 37, para. 173.

<sup>131</sup> IACHR, Report on the Merits No. 54/01, *Maria Da Penha Fernandes* (Brazil), April 16, 2001, para. 43, citing I/A Court H.R., *Case of Velásquez Rodríguez*. Judgment of July 29, 1988. Series C No. 4, para. 176 and I/A Court H.R., *Case of Godínez Cruz*. Judgment of January 20, 1989. Series C No. 5, para. 175.

<sup>132</sup> See case law of the Inter-American Court of Human Rights: I/A Court H.R., *Case of the Miguel Castro Castro Prison*, Judgment of November 25, 2006. Series C No. 160, para. 408; I/A Court H.R., *Case of Pueblo Bello Massacre*. Judgment of March 31, 2006. Series C No. 140, para. 212; I/A Court H.R., *Case of the Mapiripán Massacre*. Judgment of September 15, 2005. Series C No. 134, para. 241.

<sup>133</sup> I/A Court H.R., *Proposed Amendments to the Naturalization Provisions of the Constitution of Costa Rica*. Advisory Opinion OC-4/84 of January 19, 1984. Series A No. 4.

116. With respect to the obligation of non-discrimination, Articles 1(1) of the American Convention establishes that

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.

117. The Convention of Belém do Pará<sup>134</sup>, ratified by Mexico on June 19, 1998, establishes that violence against women is “a manifestation of the historically unequal power relations between women and men” and recognizes that the right of every woman to a life free from violence includes the right to be free from all forms of discrimination. That Convention reflects the uniform concern throughout the hemisphere as to the seriousness of the problem of violence against women, its relationship to discrimination historically suffered and the need to adopt comprehensive strategies to prevent, punish, and eradicate it. It also affirms that the obligation to act with due diligence takes on a special connotation in cases of violence against women.

118. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) establishes that discrimination against women denotes “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 in the political, economic, social, cultural, civil or any other field.”<sup>135</sup> According to the Committee of the CEDAW, that definition includes violence based on sex, i.e. violence directed against women because they are women, or that affects them disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats to commit such acts, coercion, and other forms of deprivation of liberty.<sup>136</sup>

119. As can be observed, the close relationship between violence and discrimination is broadly recognized in international and regional instruments for the protection of women’s rights. The IACHR, in the case of *María Eugenia Morales de Sierra*, stated its concern over the serious consequences, for women, and the stereotyped notions of their roles, and also referred to the relationship among discrimination, subordination, and violence. In addition, it noted that traditional attitudes according to which women are considered subordinate to men or according to which they have stereotyped functions perpetuate widespread practices that entail violence or coercion, such as family violence and abuse.<sup>137</sup> In this way, violence against women is a form of discrimination that seriously impedes women from being able to enjoy rights and liberties on an equal footing with men.<sup>138</sup>

120. The Commission also observes the close relationship among violence against women, discrimination, and due diligence. The CEDAW Committee has affirmed that violence against women is a form of discrimination and that discrimination is not limited to the acts committed by governments or in their name, but that states can also be responsible for private acts if they fail to adopt measures with due diligence to investigate

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<sup>134</sup> The Convention of Belém do Pará has been ratified by 32 member states of the OAS.

<sup>135</sup> United Nations, Convention on the Elimination of all Forms of Discrimination against Women, Article 1. Mexico ratified the Convention on March 23, 1981.

<sup>136</sup> United Nations, CEDAW, General Recommendation 19. Violence against women, 1992, U.N. Doc. HRI/GEN/1/Rev.1 at 84 (1994).

<sup>137</sup> IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L/V/II. doc.68, January 20 2007, Section II.A, Administration of justice: inefficacy and impunity in cases involving violence against women, para. 65.

<sup>138</sup> IACHR, *Access to Justice for Women Victims of Violence in the Americas*, OEA/Ser. L/V/II. doc.68, January 20, 2007, Section II.A, Administration of justice: inefficacy and impunity in cases involving violence against women, para. 65.

and punish acts of violence and pay compensation to victims<sup>139</sup> In effect, according to the Commission on Human Rights of the United Nations, “all forms of violence against women occur within the context of *de jure* and *de facto* discrimination against women and the lower status accorded to women in society and are exacerbated by the obstacles women often face in seeking remedies from the State.”<sup>140</sup>

121. In this regard, the Inter-American Court has held that the lack of due diligence that leads to impunity reproduces the violence sought to be attacked, without prejudice to it constituting itself discrimination in access to justice.<sup>141</sup>

122. Article 7 of the Convention of Belém do Pará establishes a set of complementary and immediate obligations of the state to secure the effective prevention, investigation, sanction, and reparation in cases of violence against women, which include:

- 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.

123. In the case of *María da Penha*, against Brazil, the IACHR established, among the most important principles, that the obligation of states in the context of cases of violence against women include the duties to investigate, prosecute, and punish those responsible, as well as the duty to “prevent these degrading practices.”<sup>142</sup> In addition, the IACHR established that judicial ineffectiveness in cases of violence against women creates an environment of impunity that facilitates violence and discrimination against women, “since society sees no evidence of willingness by the State, as the representative of the society, to take effective action to sanction such

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<sup>139</sup> United Nations, CEDAW, General Recommendation 19. Violence against women, 1992, U.N. Doc. HRI\GEN\1\Rev.1 at 84 (1994).

<sup>140</sup> Resolution 2003/45 of the Human Rights Commission. European Court of Human Rights, Case of Opuz v. Turkey, Application No. 33401/02 of June 9, 2009.

<sup>141</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 400.

<sup>142</sup> IACHR, Report on the Merits No. 54/01, *María Da Penha Fernandes* (Brazil), April 16, 2001, para. 56.

acts.”<sup>143</sup> The Court, for its part, has argued that impunity in crimes against women sends the message that violence against women is tolerated, which favors the perpetuation and social acceptance of this phenomenon, women’s feeling and sensation of insecurity, as well as a persistent distrust on their part in the administration of justice.<sup>144</sup> In the case of *González et al. v. Mexico*, the Court determined that violence against women constitutes a form of discrimination and that the state violated its duty of non-discrimination in relation to the duty to ensure the rights, and also in relation to access to justice.<sup>145</sup>

124. In the instant case, the IACHR observes that from the moment of the filing of the report of the disappearance, the state authorities did not act with due diligence to look for Angélica Escobar Ledezma and subsequently to investigate her death. These irregularities exemplify the breach of the duty to guarantee imposed by the Convention of Belém do Pará in cases of violence against women.

125. In addition, the Commission considers that this lack of a state response to a case of violence against women constitutes a form of discrimination, a breach of its obligation not to discriminate, as well as a violation of the right to equality before the law of Paloma Angélica Escobar. In effect, the European Court has held that the state’s failure to protect women from violence constitutes a violation of their right to equal protection before the law and that a finding of such a violation does not require that it be intentional.<sup>146</sup>

126. Along these lines, the United Nations General Assembly has repeatedly established the obligation of states to “exercise due diligence to prevent and investigate acts of violence against women and girls and punish the perpetrators, to eliminate impunity and ... that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms.”<sup>147</sup>

127. As indicated in the previous section, the irregularities observed in the investigation of this case, including the lack of diligence in the measures taken when it was reported that she was missing; the failure to crosscheck the information obtained in the various statements taken, the failure to compare the information obtained to carry out a serious investigation aimed at clarifying the facts; the shortcomings in the handling and analysis of the evidence collected; the failures to preserve the crime scene and the obstruction of justice when state officials planted evidence to incriminate a suspect all reflect the lack of due diligence in the investigation of this case, and constitute a form of discrimination and a violation of the right to equality before the law of Paloma Angélica Escobar.

128. Notwithstanding the measures taken in recent years by the Mexican State to confront the situation in the state of Chihuahua, particularly in Ciudad Juárez, which the IACHR recognizes as constructive changes, the IACHR considers that at the time of the facts, the State had not adopted the necessary policies or measures, in keeping with the obligations contracted on ratifying the Convention of Belém do Pará, to guarantee the effective investigation and punishment of the violent acts against women in the state, and particularly in the city of Chihuahua. The IACHR, in its decision in the case of *Maria da Penha Maia Fernandes*, emphasized that for a state to prove it fulfilled its obligation to act with due diligence under Article 7 of the Convention of Belém do Pará, it is not sufficient for it to present evidence of measures taken to eliminate the general and social tolerance of

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<sup>143</sup> IACHR, Report on the Merits No. 54/01, *María Da Penha Fernandes* (Brazil), April 16, 2001, para. 56.

<sup>144</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 400.

<sup>145</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 402.

<sup>146</sup> European Court of Human Rights, *Case of Opuz v. Turkey*, Application No. 33401/02 of June 9, 2009, para. 191.

<sup>147</sup> United Nations, Resolution approved by the United Nations General Assembly, Intensification of efforts to eliminate all forms of violence against women, A/RES/64/137, February 11, 2010, and Resolution A/HRC/14/L.9/Rev.1 of July 16, 2010.

violence against women.<sup>148</sup> The state must show that it has a real commitment to addressing a context of impunity, the case under analysis being an example.<sup>149</sup> Eight years after the disappearance and death of Paloma Angélica Escobar Ledezma, the matter continues to be an emblematic case of impunity.

129. In addition, notwithstanding the measures taken in recent years by the Mexican State in terms of its legislation, as well as through the Agreement with the Office of the UN High Commissioner, which the IACHR recognizes as meaningful efforts, the IACHR considers that at the time of the facts, the State had not adopted the policies or measures necessary for guaranteeing effective equality in the investigation and punishment of acts of violence against women. In the view of the Inter-American Commission, the State did not implement the necessary measures, pursuant to Article 2 of the American Convention, so as to enable the authorities to offer an immediate and effective response when the disappearance was announced, and to adequately prevent violence against women.<sup>150</sup> Nor did not it show it had adopted provisions or taken measures for the officials in charge of receiving the complaints to have the capacity and sensitivity to understand the gravity of the phenomenon of violence against women and the will to take immediate action.<sup>151</sup> In summary, the State did not show it had adopted necessary measures that enable the authorities to investigate with due diligence.

130. Accordingly, the IACHR determines that the Mexican State failed in its duty to act with due diligence to prevent, investigate, and punish the acts of violence suffered by Paloma Angélica Escobar in violation of Article 7 of the Convention of Belém do Pará. In addition, it is internationally responsible for the violation of Article 24 of the American Convention to the detriment of Paloma Angélica Escobar, in keeping with the general obligation to respect and ensure the rights provided for in Articles 1(1) and 2 of this international instrument.

### **3. Rights of the Child (Article 19) in relation to Article 1(1) of the American Convention**

131. The petitioners argue that the facts alleged tend to establish a violation of the rights of the child protected in the American Convention. The Mexican State has not referred specifically to this allegation.

132. Article 19 of the American Convention guarantees every child “the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.” The Inter-American Court has established that the American Convention and the Convention on the Rights of the Child, which was ratified by the Mexican State on October 21, 1990, are part of a comprehensive international *corpus juris* for the protection of children that is useful for “establish[ing] the content and scope of the general provision established in Article 19 of the American Convention.”<sup>152</sup> Article 19 of the American Convention should be interpreted as a complementary right that the treaty establishes for human beings who, based on their physical and emotional development, are in need of measures of special protection.<sup>153</sup>

133. The Convention on the Rights of the Child establishes that every child, due to his or her lack of physical and mental maturity, requires special protection and care. To that end, the Convention on the Rights of

<sup>148</sup> IACHR, Report on the Merits No. 54/01, *Maria Da Penha Fernandes* (Brazil), April 16, 2001, para. 57.

<sup>149</sup> IACHR, Report on the Merits, No. 54/01, *Maria Da Penha Fernandes* (Brazil), April 16, 2001, para. 57.

<sup>150</sup> See I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 285.

<sup>151</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 285.

<sup>152</sup> I/A Court H.R., *The “Streetchildren” Case (Villagrán Morales et al.)*. Judgment of November 19, 1999. Series C No. 63, para. 194.

<sup>153</sup> I/A Court H.R., *Juridical Status and Human Rights of the Child*. Advisory Opinion OC-17/02 of August 28, 2002. Series A No. 17, para. 54. See also I/A Court H.R., *Case of “Children’s Rehabilitation Institute.”* Judgment of September 2, 2004. Series C No. 112, para. 147.

the Child establishes that “child” is understood to mean every human being under 18 years of age, except in those cases in which the applicable law establishes a lower limit (Article 1). The Convention on the Rights of the Child recognizes the intrinsic right to life of children as well as that no child may be subject to arbitrary or illegal interference in his private life, and the right to protection of the law against such interference or attacks (Article 16). In addition, the states parties shall see to it that no child is subjected to torture or other cruel, inhuman, or degrading treatment or punishment.

134. The Inter-American Court has indicated: “In the light of Article 19 of the American Convention, the Court wishes to record the particular gravity of the fact that a State Party to this Convention can be charged with having applied or tolerated a systematic practice of violence against at-risk children in its territory.”<sup>154</sup>

135. In addition, the Convention of Belém do Pará stipulates that the state, on acting with due diligence in response to acts of violence, should be especially mindful of the particular exposure to violence and discriminatory acts that a woman may suffer because of being of minor age, among other conditions that expose them to a greater risk of their rights being violated.<sup>155</sup> The IACHR has established that said provision is due to the fact that discrimination, in its different expressions, does not always affect all women equally: there are women who are exposed to an even greater extent to the violation of their rights and to acts of violence and discrimination.<sup>156</sup>

136. In that framework of international responsibility, the duties of the State under the instruments of the inter-American human rights system take on special connotations in the case of girls. The Inter-American Court has indicated that children “have the same rights as all human beings ... and also special rights derived from their condition, and these are accompanied by specific duties of the family, society, and the State.”<sup>157</sup> In addition, their condition requires special protection that should be understood as an additional right, complementary to all other rights, which the Convention recognizes to vest in every person.<sup>158</sup> Therefore, the State should take special measures geared to protecting especially children, with greater care and responsibility in keeping with the principle of the paramount interest of the child.<sup>159</sup>

137. The Court has also indicated that the prevalence of the paramount interest of the child should be understood as the need to satisfy all the rights of children and adolescents that bind the state and that has effects in the interpretation of all other rights of the Convention when the case refers to minors.<sup>160</sup> In addition, the state

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<sup>154</sup> I/A Court H.R., *The “Streetchildren” Case (Villagrán Morales et al.)*. Judgment of November 19, 1999. Series C No. 63, para. 191.

<sup>155</sup> Article 9, Convention of Belém do Pará.

<sup>156</sup> IACHR, *Violence and Discrimination against Women in the Armed Conflict in Colombia*, OEA/Ser/L/V/II. 124/Doc.6, October 18, 2006, para. 140.

<sup>157</sup> I/A Court H.R., *Juridical Status and Human Rights of the Child*. Advisory Opinion OC-17/02 of August 28, 2002. Series A No. 17, para. 54.

<sup>158</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 16, 2009. Series C No. 205, para. 408.

<sup>159</sup> I/A Court H.R., *Case of the Gómez Paquiyauri Brothers*. Judgment of July 8, 2004. Series C No. 110, paras. 124, 163-164, and 171; I/A Court H.R., *Case of Bulacio*. Judgment of September 18, 2003. Series C No. 100, paras. 126 and 134; and I/A Court H.R., *The “Streetchildren” Case (Villagrán Morales et al.)*. Judgment of November 19, 1999. Series C No. 63, paras. 146 and 191. See also, I/A Court H.R., *Juridical Status and Human Rights of the Child*. Advisory Opinion OC-17/02 of August 28, 2002. Series A No. 17, paras. 56 and 60.

<sup>160</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 16, 2009. Series C No. 205, para. 408; I/A Court H.R., *Juridical Status and Human Rights of the Child*. Advisory Opinion OC-17/02 of August 28, 2002. Series A No. 17, paras. 56, 57 and 60, and I/A Court H.R., *Case of the Yean and Bosico Children v. Dominican Republic*, Preliminary Objections, Merits, Reparations and Costs. Judgment of September 8, 2005. Series C No. 130, para. 134.

must pay special attention to the needs and rights of women in consideration of their condition as girls, who belong to a group in a vulnerable situation.<sup>161</sup>

138. This duty is reinforced by the special vulnerability and exposure of girls to acts of violence, recognized in the Convention of Belém do Pará. Therefore, the Mexican State had a reinforced duty to protect the human rights of Paloma Angélica Escobar, on two counts, her status as a minor child, and her sex and the obligation to adopt special measures of care, prevention, and guarantee.

139. The Inter-American Court has indicated that in cases of violence against girls, states should show that they have adopted effective measures to begin a prompt search, they should set in motion all resources to mobilize the different institutions and deploy internal mechanisms to obtain information that makes it possible to locate girls quickly; and once their body is found, they should conduct all the investigations, and prosecute and punish the persons responsible effectively and expeditiously.<sup>162</sup>

140. In this case Paloma Angélica Escobar was 16 years old at the moment she was reported missing. In effect, the IACHR received information from Amnesty International in 2003 that indicated that most killings in Ciudad Juárez and in the city of Chihuahua were perpetrated against women and girls ages 13 to 22 years old, even though there had been at least one case of an 11-year-old girl.<sup>163</sup> In addition, it received information that indicated that “being a teenager is one of the selection criteria used by the killers and for this reason the appropriate authorities should devise specific prevention strategies to improve the protection of that vulnerable group.”<sup>164</sup>

141. The Court has held that states have the obligation to adopt all positive measures necessary to guarantee the rights of girls who have gone missing.<sup>165</sup> Specifically, states have the duty to ensure that the girls are found as soon as possible once the family reports their absence. Once the body is found, the state must undertake the investigations and prosecute and punish those responsible effectively and expeditiously.<sup>166</sup>

142. From the facts it appears that the Mexican State did not act with due diligence to prevent, investigate, and punish the violence of which the girl Paloma Angélica Escobar was victim. The State has not shown that it has implemented special measures to search for her in view of her condition as a girl since she went missing, and later, when her body was found, it has not acted with due diligence to investigate the facts. Accordingly, the IACHR determines that the Mexican State is internationally responsible for the violation of Article 19 of the American Convention to the detriment of Paloma Angélica Escobar, in conjunction with the general obligation to respect and ensure the rights provided for at Article 1(1) of this international instrument.

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<sup>161</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 408; CEDAW, General Recommendation 24: Women and health, 30<sup>th</sup> regular session, A/54/38/Rev.1, 1999, para. 6 and I/A Court H.R., *Case of the Yean and Bosico Children v. Dominican Republic.* Preliminary Objections, Merits, Reparations, and Costs. Judgment of September 8, 2005. Series C No. 130, para. 134.

<sup>162</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 410.

<sup>163</sup> Amnesty International, *Intolerable Killings: 10 years of Abductions and Murders of Women in Ciudad Juárez and Chihuahua*, August 11, 2003, AI: AMR 41/026/2003. Available on the Internet: <http://web.amnesty.org/library/Index/ESLAMR410262003?open&of=ESL-MEX>.

<sup>164</sup> Amnesty International, *Mexico: Intolerable Killings: 10 years of Abductions and Murders of Women in Ciudad Juárez and Chihuahua*, August 11, 2003, AI: AMR 41/026/2003. Available on the Internet: <http://web.amnesty.org/library/Index/ESLAMR410262003?open&of=ESL-MEX>.

<sup>165</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 409.

<sup>166</sup> I/A Court H.R. *Case of González et al. (“Cotton Field”). Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 16, 2009. Series C No. 205, para. 410.

#### 4. Right to humane treatment (Article 5(1)) in relation to Article 1(1) of the American Convention

143. The petitioners allege that the State is responsible for the anguish and permanent pain of the next-of-kin of Paloma Angélica Escobar due to not knowing her whereabouts and then not knowing the conditions of her death. They allege that it will not be possible to alleviate the pain they suffer “even a bit so long as impunity and the frustration of not knowing the truth of the facts persist.”<sup>167</sup> They argue that in addition to the grave suffering that these facts cause the victim’s next-of-kin, the treatment the authorities gave the case since she was reported missing and the subsequent irregularities committed in the case, especially the “fabrication of guilty persons,” has caused the next-of-kin permanent harm. The petitioners indicate as one sign of the change in their day-to-day lives, in particular, that Ms. Norma Ledezma devoted a large part of her time to taking all possible steps to obtain justice and finding out the truth of what happened. In addition, they have engaged in activities in support of the families of other women victims in Chihuahua and in Ciudad Juárez, with the organizations of family members that have formed in the wake of these events.

144. In response to the petitioners’ allegations, the State expresses the “unflinching interest and resolve of the corresponding offices of the State to provide integral support to the rest of the next-of-kin of Paloma Angélica Escobar.”<sup>168</sup> It notes that it has reported on the scope of the provisions applicable to the case, the chronological development, and the course of the proceedings, as well as the decisions; it has allowed their opinions and concerns to be presented and examined at appropriate stages of the proceedings, has provided assistance during the whole process of inquiry. It also specifies that it has not violated the rights of Ms. Norma Ledezma since it “did not generate or tolerate a prior situation of risk to the rights of her daughter.”<sup>169</sup>

145. Article 5(1) of the American Convention establishes: “Every person has the right to have his physical, mental, and moral integrity respected.” The Inter-American Court has established repeatedly that the next-of-kin of the victims of human rights violations may also be victims because of the additional suffering they have endured as a result of the violations perpetrated against their loved ones and because of the subsequent acts or omissions of the state authorities in response to the facts.<sup>170</sup> In this line of case-law, the Court has found violations of the psychic and moral integrity of the next-of-kin to be protected by Article 5(1) of the American Convention.<sup>171</sup>

146. The IACHR observes that it has been shown in the instant case that the next-of-kin, that is her mother, her father, and her brother, have undergone profound suffering and anguish as a result of the irregularities and delays of the Mexican State in investigating the disappearance and subsequent death of Paloma Angélica Escobar, and that despite the seriousness of the facts, almost eight years after the corpse was found, the persons responsible have not been punished. The body of Paloma Angélica Escobar was found murdered and with

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<sup>167</sup> Communication from the petitioners of July 14, 2006.

<sup>168</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>169</sup> Communication from the State, Note OEA-00137, January 23, 2007.

<sup>170</sup> I/A Court H.R., *Case of the Pueblo Bello Massacre*. Judgment of January 31, 2006. Series C No. 140, para. 154; I/A Court H.R., *Case of Gómez Palomino*. Judgment of November 22, 2005. Series C No. 136, para. 60; I/A Court H.R., *Case of the Mapiripán Massacre*. Judgment of September 15, 2005. Series C No. 134, paras. 144-146; I/A Court H.R., *Case of the Serrano Cruz Sisters*. Judgment of March 1, 2005. Series C No. 120, paras. 113-114; I/A Court H.R., *Case of the 19 Merchants*. Judgment of July 5, 2004. Series C No. 109, para. 210.

<sup>171</sup> I/A Court H.R., *Case of the Pueblo Bello Massacre*. Judgment of January 31, 2006. Series C No. 140, para. 154; I/A Court H.R., *Case of Gómez Palomino*. Judgment of November 22, 2005. Series C No. 136, para. 60; I/A Court H.R., *Case of the Mapiripán Massacre*. Judgment of September 15, 2005. Series C No. 134, paras. 144-146; I/A Court H.R., *Case of the Serrano Cruz Sisters*. Judgment of March 1, 2005. Series C No. 120, paras. 113-114; I/A Court H.R., *Case of the 19 Merchants*. Judgment of July 5, 2004. Series C No. 109, para. 210.

signs of having been physically assaulted prior to her death and possibly the victim of sexual assault, yet it was not possible to determine this.<sup>172</sup>

147. The next-of-kin have had to suffer having observed the precarious state of their daughter's remains, in which one could not make out any characteristic of the facial features.<sup>173</sup> In addition, they have had to suffer the authorities denying them participation in the investigations, as well as the mistreatment entailed in not wanting to hear what they have to say. In this respect, the IACHR notes that in the interview and report on the psychological impact on the Escobar Ledezma family, it is noted that the father evidences signs of grave depression and the mother, on recognizing her daughter's body, was in shock. According to the report, the family has suffered psychological harm, harm to their health, physical harm, moral harm, and harm to their life project.<sup>174</sup>

148. The IACHR at the same time notes the scant importance attributed to and scant sensitivity displayed in response to the concerns and suffering of the mother of Paloma Angélica Escobar, Norma Ledezma. One example of that are the statements by Commander Lozano in response to the disappearance of Paloma Angélica Escobar:

Ma'am, your daughter doesn't want to let herself be found, we have already located her, she's in a house in Villa Juárez, but we already investigated with the neighbors and the watchman of the closest store, and they have all seen her, they recognize her from the photograph we showed them, and the storeowner says he fully recognizes her and that she goes every day to buy sausage and bread and cigarettes and beer, they just got away from us in a car but we already have the tags of the car and the traffic police are informed, she's not going to leave the city, place a notice in the newspaper, telling her to return, and don't scold her, right now she's very happy because you had her shut in, you didn't let her go out dancing or to enjoy herself.<sup>175</sup>

149. In view of all the foregoing, the Commission concludes that the Mexican State has violated Article 5(1) of the American Convention on Human Rights to the detriment of Norma Ledezma Ortega, Dolores Alberto Escobar Hinojos, and Fabian Alberto Escobar Ledezma, in conjunction with the general obligation to respect and ensure the rights set out at Article 1(1) of the same international instrument.

**5. Violation of Article 17 of the American Convention; Article 5 of the American Convention in relation to Paloma Angélica Escobar; and Article 24 of the American Convention with respect to Norma Ledezma Ortega, Dolores Alberto Escobar Hinojos, and Fabian Alberto Escobar Ledezma**

150. The petitioners argue that the State failed to protect the Escobar Ledezma family as it should have pursuant to Article 17 of the American Convention. The loss of Paloma Angélica Escobar provoked not only the emotional rupture but also the material rupture of the family group.

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<sup>172</sup> The Expert Criminalistics Report, Official note 16495/2002 of March 31, 2002, establishes that due to the advanced state of decomposition of the body it was not possible to perform studies to determine whether Paloma Angélica Escobar was sexually assaulted before or after her death. Document included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>173</sup> Expert Criminalistics Report, Official note 16495/2002 of March 31, 2002, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

<sup>174</sup> Report, Interview with the Family of Paloma Escobar Ledezma by Dr. Cristina Bottineli, City of Chihuahua, December 2003, annexed to the initial petition of December 30, 2003, received on February 4, 2004. Annex to the initial petition dated December 30, 2003, received on February 4, 2004.

<sup>175</sup> Amended statement of November 9, 2005, of Norma Ledezma, regarding comments by Commander Lozano, included in the file related to preliminary inquiry 77/02, submitted by the petitioners as an annex to the communication of July 14, 2006, received on July 17, 2006.

151. After analyzing the information produced by the parties, the IACHR concludes that it does not have sufficient criteria for finding violations to the rights to life and humane treatment under Articles 4 and 5 of the American Convention, respectively, in relation to Paloma Angélica Escobar, or of the right to protection of the family under Article 17 and the right to equality before the law under Article 24 of the American Convention with respect to Norma Ledezma Ortega, Dolores Alberto Escobar Hinojos, and Fabian Alberto Escobar Ledezma.

## **V. CONCLUSIONS**

152. In this report the Inter-American Commission has evaluated all the information and evidence available in the record of the case, in light of the human rights provisions of the inter-American system and other applicable instruments, the case-law, and scholarly legal writings, in order to decide on the merits of the issue raised. The IACHR ratifies its conclusions according to which the Mexican State is responsible for violations of the rights to a fair trial and judicial protection, the rights of the child, and the right to equal protection of the law, enshrined in Articles 8(1), 19, 24, and 25 of the American Convention, all in connection with the obligations imposed on the State by Articles 1(1) and 2 of the same Convention.

153. In addition, the IACHR concludes that the State violated the rights of Paloma Angélica Escobar under Article 7 of the Convention of Belém do Pará. Finally, in relation to Norma Ledezma Ortega, Dolores Alberto Escobar Hinojos, and Fabian Alberto Escobar Ledezma, the IACHR concludes that the State violated the right to humane treatment enshrined in Article 5(1) of the American Convention in connection with the obligation imposed on the State by Article 1(1) of that treaty, as well as the rights to a fair trial and to judicial protection enshrined in Articles 8(1) and 25 of the American Convention in relation to the obligations imposed on the State by Articles 1(1).

## **VI. RECOMMENDATIONS**

Based on the analysis and conclusions of the instant case, the Inter-American Commission on Human Rights recommends to the Mexican State that it:

1. Complete the investigation in a timely, immediate, serious, and impartial manner for the purpose of clarifying the murder of Paloma Angélica Escobar and identifying, prosecuting, and, as appropriate, punishing the persons responsible.
2. Make full reparation to the next-of-kin of Paloma Angélica Escobar for the violations of human rights established herein.
3. Implement, as a measure of non-repetition, an integral and coordinated state policy, backed with adequate public resources, to ensure that specific cases of violence against women are adequately prevented, investigated, punished, and remedied in the city of Chihuahua.
4. Adopt reforms in state education programs, starting at the pre-school and early stage, in order to promote respect for women as equals and observance of their right not to be subjected to violence or discrimination.
5. Investigate the irregularities in the investigation of the case that have been committed by state agents and punish the persons responsible.
6. Strengthen the institutional capacity to fight impunity in response to cases of violence against women in the state of Chihuahua through effective criminal investigations with a gender perspective that have consistent judicial follow-up, thereby guaranteeing adequate punishment and reparation.
7. Implement public awareness measures and campaigns on the duty to observe and ensure children's human rights.

8. Develop training programs for state officials that take into account the international standards established in the Istanbul Protocol, so that those officials have the technical and scientific foundations necessary for evaluating the murders of women.

9. Continue adopting public policies and institutional programs aimed at restructuring stereotypes concerning the role of women in the state of Chihuahua and promoting the eradication of discriminatory sociocultural patterns that impede their full access to justice, including training programs for public officials in all of the branches of the administration of justice and the police, and comprehensive prevention policies.

## **VII. PROCEEDINGS SUBSEQUENT TO REPORT No. 87/10**

154. The Commission adopted Report on Merits 87/10 on July 14, 2010 and forwarded to the state on August 2, 2010, giving it two months to inform the IACHR of the measures taken to comply with the Commission's recommendations. At the request of the State the initial deadline was extended by two months, until January 2, 2011. In a communication dated December 31, 2010, the Mexican State requested the IACHR for an extension in view of the start of talks with the petitioners with a view to reaching a possible settlement. On January 1, 2011, as well as by a formal letter dated January 2, 2011, the IACHR granted the State an extension of one month in order to continue the negotiations.

155. On January 21, 2011 and January 24, 2011, the Mexican State requested another extension, this time of three months, in order to continue exploring ways of reaching a settlement between the parties. On January 31, 2011, the IACHR granted the State an extension of three months to continue proceeding with the negotiations until May 2, 2011. On May 2, 2011, the State sought an extension of two days, which the IACHR granted on May 2, 2011, until May 5, 2011. On May 4, 2011, the State requested another extension, which the IACHR granted on May 5, 2011 until August 5, 2011.

156. On August 3, 2011, the State of Mexico signed an "Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10" with Norma Ledezma Ortega and Fabián Alberto Escobar Ledezma, and their representatives. Furthermore, on August 4, 2011, the State of Mexico signed an "Agreement on Compliance with the Second Recommendation Contained in Report on Merits No 87/10" with Dolores Alberto Escobar Hinojos.

157. In view of an additional request for an extension from the State and the agreement signed by the parties, on August 5, 2011, the IACHR granted a further extension, of six months, until February 5, 2012.

158. On February 3, 2012, the State, referring to the agreement signed by the parties, announced that the parties had agreed to request another extension in order "to continue to comply diligently with the agreement" and, therefore, requested that the deadline envisaged in Article 51(1) of the Convention be suspended. The petitioners agreed with the extension request. On February 3, the IACHR granted another six-month extension. On August 3, 2012, the State requested an extension of 15 days in order to submit a report on compliance and requested the suspension of the deadline provided at Article 51(1) of the Convention. Said extension was granted on August 5, 2012. On August 17, 2012, the State requested an extension of 15 days to submit its report on compliance and requested the suspension of the deadline provided at Article 51(1) of the Convention. Said extension was granted on August 20, 2012. On September 1, the State presented a brief on compliance with recommendations in which it offered a detailed report on progress under the agreement signed with the petitioners and requested that the IACHR "express its opinion on the state of compliance with the recommendations set forth in its Report on Merits."

159. The IACHR received information from the petitioners on September 5, 2010; September 20, 2010; January 21, 2011; April 27, 2011; May 4, 2011; February 2, 2011; and August 2, 2011.

160. On October 23, 2012, the IACHR notified the parties that, given the expiration of the deadline of the last extension granted to the State, which expired on September 4, 2012, the IACHR decided to proceed to

the publication of the Merits Report, in accordance with the procedure established by article 51.1 of the American Convention.

161. On November 3, 2012, during the 146 Regular Period of Sessions of the IACHR, a working meeting was held at the facilities of the Commission with the participation of the parties, at which a report was presented regarding compliance with the recommendations of the IACHR and with the commitments contained in the agreement subscribed by the parties. In addition, the parties indicated the pertinence of having a schedule for the compliance with the outstanding recommendations and commitments.

**VIII. AGREEMENT ON COMPLIANCE WITH THE RECOMMENDATIONS IN REPORT ON MERITS No. 87/10**

162. On August 3, 2011, the Mexican State signed an "Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10" with Norma Ledezma Ortega and Fabián Alberto Escobar Ledezma, and their representatives, which is transcribed as follows:

AGREEMENT ON COMPLIANCE WITH THE RECOMMENDATIONS CONTAINED IN REPORT ON MERITS 87/10, CASE 12.551 "PALOMA ANGELICA ESCOBAR LEDEZMA ET AL.," ISSUED BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, ENTERED UPON, ON ONE HAND, BY THE SECRETARIAT OF THE INTERIOR, REPRESENTED IN THIS ACT BY FELIPE DE JESUS ZAMORA CASTRO, UNDERSECRETARY FOR LEGAL AFFAIRS AND HUMAN RIGHTS, AND OMEHEIRA LOPEZ REYNA, HEAD OF THE UNIT FOR PROMOTION AND PROTECTION OF HUMAN RIGHTS; THE SECRETARIAT FOR FOREIGN AFFAIRS, THROUGH MINISTER ALEJANDRO NEGRIN MUNOZ, DIRECTOR GENERAL OF HUMAN RIGHTS AND DEMOCRACY, HEREINAFTER "THE FEDERAL GOVERNMENT" IN REPRESENTATION OF THE MEXICAN STATE; THE GOVERNMENT OF THE STATE OF CHIHUAHUA, REPRESENTED IN THIS ACT BY GRACIELA ORTIZ GONZALEZ, SECRETARY GENERAL OF THE INTERIOR, CARLOS MANUEL SALAS, STATE PROSECUTOR GENERAL, AND ANDRES OCTAVIO GARIBAY CUEVAS, DIRECTOR GENERAL OF ADMINISTRATION OF THE SECRETARIAT OF FINANCE, HEREINAFTER "THE STATE GOVERNMENT"; AND, ON THE OTHER HAND, BY CITIZENS NORMA LEDEZMA ORTEGA AND FABIAN ALBERTO ESCOBAR LEDEZMA, HEREINAFTER "THE VICTIMS," WHO APPEAR IN THEIR OWN RIGHT; AND JUAN CARLOS GUTIERREZ CONTRERAS AND LUZ ESTELA CASTRO, HEREINAFTER "REPRESENTATIVES OF THE VICTIMS"; WHEN THOSE APPEARING ACT JOINTLY THEY SHALL BE TERMED "THE PARTIES" AND SHALL ABIDE BY THE FOLLOWING FACTS, DECLARATIONS AND CLAUSES:

**FACTS**

**ONE.**- The Inter-American Commission on Human Rights is one of the two entities that comprise the inter-American system for protection and promotion of human rights and a principal and autonomous organ of the Organization of American States (OAS), whose mandate arises from the Charter of the OAS, which Mexico ratified on November 23, 1948, and from the American Convention on Human Rights.

In that connection, the Mexican State, as a party to the American Convention on Human Rights since March 24, 1981, hereby expresses its broadest and absolute commitment to compliance, observance, and advancement of the human rights contained therein.

**TWO.**- On July 14, 2010, the Inter-American Commission on Human Rights issued Report on Merits 87/10, Case 12.551 "Paloma Angélica Escobar Ledezma et al.," in which its principal conclusions were as follows:

"152. ...

... The IACHR ratifies its conclusions according to which the Mexican State is responsible for violations, to the detriment of Paloma Angélica Escobar, of the rights to a fair trial and judicial protection, the rights of the child, and the right to equal protection of the law, enshrined in Articles 8(1), 19, 24, and 25 of the American Convention, all in connection with the obligations imposed on the State by Articles 1(1) and 2 of the same Convention.

153. In addition, the IACHR concludes that the State violated the rights of Paloma Angélica Escobar under Article 7 of the Convention of Belém do Pará. Finally, in relation to Norma Ledezma Ortega, Dolores Alberto Escobar Hinojos, and Fabian Alberto Escobar Ledezma, the IACHR concludes that the State violated the right to humane treatment enshrined in Article 5(1) of the American Convention in connection with the obligation imposed on the State by Article 1(1) of that treaty, as well as the rights to a fair trial and to judicial protection enshrined in Articles 8(1) and 25 of the American Convention in relation to the obligations imposed on the State by Articles 1(1) and 2 of the Treaty.”

## **VI. RECOMMENDATIONS**

Based on the analysis and conclusions of the instant case, the Inter-American Commission on Human Rights recommends to the Mexican State that it:

1. Complete the investigation in a timely, immediate, serious, and impartial manner for the purpose of clarifying the murder of Paloma Angélica Escobar and identifying, prosecuting, and, as appropriate, punishing the persons responsible.
2. Make full reparation to the next-of-kin of Paloma Angélica Escobar for the violations of human rights established herein.
3. Implement, as a measure of non-repetition, a coordinated state policy, backed with adequate public resources, to ensure that specific cases of violence against women are adequately prevented, investigated, punished, and remedied in the city of Chihuahua.
4. Adopt reforms in state education programs, starting at the pre-school and early stage, in order to promote respect for women as equals and observance of their right not to be subjected to violence or discrimination.
5. Investigate the irregularities in the investigation of the case that have been committed by state agents and punish the persons responsible.
6. Strengthen the institutional capacity to fight impunity in response to cases of violence against women in the state of Chihuahua through effective criminal investigations with a gender perspective that have consistent judicial follow-up, thereby guaranteeing adequate punishment and reparation.
7. Implement public awareness measures and campaigns on the duty to observe and ensure children’s human rights.
8. Develop training programs for state officials that take into account the international standards established in the Istanbul Protocol, so that those

*officials have the technical and scientific foundations necessary for evaluating the murders of women.*

*9. Continue adopting public policies and institutional programs aimed at restructuring stereotypes concerning the role of women in the state of Chihuahua and promoting the eradication of discriminatory sociocultural patterns that impede their full access to justice, including training programs for public officials in all state sectors, including the education sector, the different branches of justice administration and the police, and comprehensive prevention policies.*

**THREE.-** In accordance with Article 50(3) of the American Convention on Human Rights and Articles 44 and 46 of the Rules of Procedure of the Inter-American Commission on Human Rights, the Mexican State, represented under the terms mentioned in the preamble of this agreement and in conjunction with the State Government, expresses its complete willingness to implement the recommendations put forward by the IACHR in Report 87/10, Case 12.551, with which this agreement is concerned, with a particular interest in repairing, to the extent possible and in accordance with international standards on such matters, the human rights violations found to have been committed to the detriment of Paloma Angélica Escobar Ledezma and her next of kin.

Both the Federal Government and the State Government of Chihuahua are committed to complying with the foregoing, to which end each will implement, within the sphere of their powers and functions, the specific measures stipulated in the body of this instrument.

#### **DECLARATIONS**

**“THE FEDERAL GOVERNMENT” declares:**

1. That the Secretariat of the Interior is an agency of the federal executive branch in accordance with Articles 19 of the Constitution of the United Mexican States and 26 and 27 of the Federal Public Administration Organizational Law.
2. That within the sphere of its authority is the responsibility to monitor compliance by the country’s authorities with the principles of the Constitution, especially where individual guarantees are concerned, and to order the necessary measures to that effect under mechanisms for participation and coordination by the authorities of both federative entities and municipalities.
3. That it is represented in this act by Felipe de Jesús Zamora Castro, Undersecretary for Legal Affairs and Human Rights, whose standing is accredited by his official appointment issued by the President of the United Mexican States on July 29, 2010, and by Omeheira López Reyna, Head of the Unit for Promotion and Protection of Human Rights, whose standing is accredited by her official appointment issued by the Secretary of the Interior, Francisco Blake Mora in August 2010.
4. That the Secretariat of Foreign Affairs is an agency of the federal executive branch in accordance with Articles 90 of the Constitution of the United Mexican States and 26 and 28 of the Federal Public Administration Organizational Law.
5. That within the sphere of its authority is the responsibility to promote, propitiate, and ensure the coordination of measures abroad by the agencies and entities of the Federal Public Administration, and, without detriment to the exercise of the functions incumbent upon each of them, to direct foreign policy, for which purpose it shall intervene in every type of treaty, agreement, and convention to which the country is a party.

6. That it is presented in this act by Minister Alejandro Negrón Muñoz, Director General for Human Rights and Democracy, whose standing is accredited by his official appointment issued by the Secretariat for Foreign Affairs.

7. That the budget resources necessary for the outlays with which this instrument are concerned are available.

8. That it states as legal domicile for the purposes of this agreement that which is situated at Bucareli N° 99, Col. Juárez, Delegación Cuauhtémoc, México DF CP 06600.

**“THE STATE GOVERNMENT” declares:**

1. That it is a federative entity that is an integral part of the Mexican State, Free and Sovereign as regards its internal regime, constituted as a representative and popular republican government under the terms of Articles 40 and 43 of the Constitution of the United Mexican States and 1, 2, 3, 30, and 31 of the Constitution of the Free and Sovereign State of Chihuahua .

2. That under Article 24 of the Organizational Law of the State Executive Branch, the state executive branch shall have, among other agencies, the General Secretariat of the Interior for the study, planning, and disposal of administrative matters

3. That, pursuant to Article 25 (I-III) of the Organizational Law of the Executive Branch of the State of Chihuahua, the General Secretariat of the Interior shall be responsible, *inter alia*, for the conduct of the internal political affairs of the State, as well as for the conduct and coordination of the relations of the executive branch with the Federation, other branches of government of the State, the municipalities of the Entity, and consular agents, in relation to its jurisdiction.

4. That the Secretary General of the Interior, Graciela Ortiz González, has authority to sign this Agreement pursuant to Article 7(VIII) of the Internal Rules of Procedure of the General Secretariat of the Interior, her standing as such being accredited by her appointment issued by the State Governor, Cesar Horacio Duarte Jáquez, on October 4, 2010, and her respective swearing-in.

5. That the Office of the State Prosecutor General is an agency of the centralized public administration pursuant to Articles 2(II) and 24(XIV) of the Organizational Law of the Executive Branch of the State of Chihuahua, and in accordance with Article 35 of said law it has the authority to implement and coordinate measures, *inter alia*, with respect to public security and crime prevention, investigation and prosecution of crime, and assistance to crime victims and injured parties within its jurisdiction. Furthermore, under Article 6(IX) of the Organizational Law of the Office of the State Prosecutor General, it is empowered to enter upon contracts and agreements for the better performance of its functions.

6. That Carlos Manuel Salas accredits his standing by his appointment issued by Cesar Horacio Duarte Jáquez, Constitutional Governor of the State of Chihuahua, on October 5, 2010 and with the Official State Gazette of October 9, 2010, which contains Decree 6-2010 P.O. whereby the Sixty-Third Legislature of the Honorable Congress of the State of Chihuahua approves his appointment as State Prosecutor General.

7. That under Article 26(I) and (II) of the Organizational Law of the Executive Branch of the State of Chihuahua, the Secretariat of Finance has the authority, *inter alia*, to attend to all matters of financial and fiscal administration and, in general, to exercise the powers conferred upon it by the Constitution of the State of Chihuahua; the Tax Code of the State of Chihuahua; the Budget,

Accounting, and Public Spending Law of the State Chihuahua; the Public Debt Law of the State of Chihuahua and Its Municipalities; the Planning Law of the State of Chihuahua, and other laws, as well as to define, design, and implement the overall financial system for the collection of revenue and the exercise of spending.

8. That Andrés Octavio Garibay Cuevas is empowered to sign this agreement by the official delegating letter of October 5, 2010, by which the Secretary of Finance, Cristian Rodallegas Hinojosa, authorizes him to exercise the powers of his office contained in various sections of Article 26 of the Organizational Law of the Executive Branch; his standing as Director General of Administration of the Secretariat of Finance being accredited by his appointment issued on October 4, 2010, by Cesar Horacio Duarte Jáquez, Constitutional Governor of the State of Chihuahua, and his respective swearing-in.

9. That it states as legal domicile for the purposes of this agreement that which is situated at Palacio de Gobierno primer piso, Calle Aldama 901, Colonia Centro, Ciudad de Chihuahua, Estado de Chihuahua.

**“THE PETITIONERS” declare:**

1. That Norma Ledezma Ortega and Fabián Alberto Escobar Ledezma appear in this act in their own right.

2. That Juan Carlos Gutiérrez Contreras, Director of *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C.*; Luz Estela Castro, Director of *Centro de Derechos Humanos de las Mujeres A.C.*; and Alejandra Nuño, Director of the Central America and Mexico Program of the Center for Justice and International Law (CEJIL), act as representatives of the victims in this agreement.

3. That they state as legal domicile for the purposes of this agreement that which is situated at Calle Libertad N° 1916 altos, Colonia Centro, Ciudad de Chihuahua.

**“THE PARTIES” declare:**

1. That they mutually recognize the standing that they bear in signing this agreement.

2. That it is their will to combine the efforts of the Federal and State Governments to execute and propitiate measures with the purpose of complying with the recommendations issued by the Inter-American Commission on Human Rights in Report on Merits 87/10, Case 12.551 “Paloma Angélica Escobar Ledezma et al.”

3. That the Parties hereby express their will to move forward in complying with the recommendations issued by the IACHR in Case 12.551, in accordance with this Agreement. The IACHR will verify compliance with this agreement and make the appropriate decisions in accordance with the provisions contained in the American Convention on Human Rights and its Rules of Procedure.

4. That this document suspends the statutory time limits for the referral of the case to the Inter-American Court of Human Rights and, once signed, will be sent to the IACHR by August 5 of this year, with the representatives of the Mexican state expressing to the IACHR the desire that the statutory time limits for referring the case to the Inter-American Court be suspended.

5. That compliance with the points agreed upon by the parties will be evaluated after a period of six months counted from the signing of this agreement, or such a period as the IACHR should deem appropriate.

6. That fifteen (15) days before the expiration of the above period, or that which the IACHR deems appropriate, each of the parties will send the IACHR a report on compliance with the points contained in this Agreement and, subject to the assessment made by the organ, a decision will be made pursuant to the Rules of procedure of the IACHR to submit the case to the Inter-American Court of Human Rights or proceed in accordance with Article 51(3) of the Convention.

Based on the foregoing, **THE PARTIES** undertake to observe the form and terms set forth in the following:

### CLAUSES

**ONE.- PURPOSE** The purpose of this Agreement is the coordination by **THE PARTIES** of the propitiation and implementation of measures necessary to comply with the recommendations issued by the Inter-American Commission on Human Rights in Report on Merits 87/10, Case 12.551 "Paloma Angélica Escobar Ledezma et al." vs. Mexico.

**TWO. DEFINITIONS** For the purposes of this Agreement, the following definitions shall apply:

**Agreement:** Agreement on compliance with the recommendations issued by the Inter-American Commission on Human Rights in Report on Merits 87/10, Case 12.551 "Paloma Angélica Escobar Ledezma et al." vs. Mexico.

**IACHR:** Inter-American Commission on Human Rights.

**Federal Government:** Represented for the purposes of this Agreement by the Secretariats of the Interior and Foreign Affairs.

**State Government:** Represented for the purposes of this Agreement by the General Secretariat of the Interior, the Office of the Prosecutor General of the State of Chihuahua, and the Secretariat of Finance.

**Mexican State:** In accordance with Public International Law it shall be understood that the signatory of the American Convention on Human Rights are the United Mexican States, which is represented in this agreement by the Federal Government.

**Victims:** Citizens Norma Ledezma Ortega and Fabián Alberto Escobar Ledezma.

**Representatives of the Victims:** Juan Carlos Gutiérrez Contreras, Director of *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos*; Luz Estela Castro, Director of *Centro de Derechos Humanos de las Mujeres A.C.*; and Alejandra Nuño, Director of the Central America and Mexico Program of the Center for Justice and International Law (CEJIL).

**Report on Merits:** Report on Merits 87/10, Case 12.551 "Paloma Angélica Escobar Ledezma et al." vs. Mexico.

**Parties:** Federal Government, Government of the State of Chihuahua, and The Victims and their representatives.

**Material damages:** The damages comprising the loss or harm to the victim's income (lost earnings) and the costs incurred by them or their next of kin as a result of the human rights violations (consequential damages).

**Non-pecuniary damages:** The harmful effects of the violations in the case that are not economic or financial in nature and include both suffering and affliction caused to the direct victims and their circle, the undermining of values held dear by persons, and disruptions of a non-pecuniary character to the conditions of existence of the victim or their family.

**Measures of satisfaction:** Investigation of the facts, public disclosure of the truth and acts of apology, punishment of the perpetrators, remembrance of and tribute to the victims.

**Guarantees of non-repetition:** The purpose of such guarantees is to ensure that the victims are not subjected to further violations. They also require, *inter alia*, legal reforms as well as promotion and observance of human rights to avoid the repetition of human rights violations, as established in Article 23 of the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

**THREE.- UNDERTAKINGS OF THE PARTIES** To achieve the purpose of this Agreement, the Parties undertake the following:

**1.- THE MEXICAN STATE:**

The Mexican State, through its representatives in this Agreement, together with the State Government, undertake to carry out reparation measures consisting of: 1. Compensation for material and non-pecuniary damages; 2. Measures of satisfaction; 3. Rehabilitation measures; and 4. Guarantees of non-repetition. Implementation of each of these measures shall be done under the terms set out as follows:

## A. FEDERAL GOVERNMENT

**l) Compensation measures<sup>176</sup>:** Recognition of material and non-pecuniary damages. The total amount recognized in material and non-pecuniary damages is [...] which shall be delivered to the victims as specified below.

### i. Forms of payment

The modalities of payment set out in this agreement shall be decided upon with the aim of providing full reparation to the victims, citizens Norma Ledezma Ortega, Fabián Alberto Escobar Ledezma, and Dolores Alberto Escobar Hinojos as established in recommendation 2 in the Report on Merits.

In that connection, in the case of Dolores Alberto Escobar Hinojos, the Parties agree to draw up a document separate to this one, which shall be signed by the representatives of the State and Mr. Escobar Hinojos, recognizing to Mr. Escobar Hinojos, as the father of Paloma Escobar Ledezma, a sum in non-pecuniary damages of [...]. The determination of this amount took into account the criteria contained in the case law of the Inter-American Court of Human Rights with respect to who are victims and who are beneficiaries of the direct victim. In that connection, consideration is given to the fact that all these years the search for Paloma and the efforts to determine the truth and prevent impunity have been borne exclusively by Norma Ledezma Ortega, Paloma's mother, and Fabián Alberto Escobar Ledezma, her brother.

In the case of Norma Ledezma Ortega and Fabián Alberto Escobar Ledezma it is agreed to determine an overall amount in financial reparation based on the standards set in previous cases by the Inter-American Court of Human Rights and taking into account the material and non-pecuniary damages suffered both by Paloma Escobar Ledezma and by her mother and brother. Based on the foregoing, the Parties consider it reasonable to set the amount in compensation for material and non-pecuniary damages, their efforts in search of the truth, and the harassment suffered, at a total of [...].

These sums are derived from the payments to be made by the Federal Government in the amount of [...] disaggregated as follows:

The Mexican State, through the Federal Government, **will make a cash payment** to the victims, Norma Ledezma and Fabián Alberto Escobar Ledezma, of a total of [...].

## B. STATE GOVERNMENT

As regards the State Government, **Norma Ledezma Ortega** will receive, as a **payment in kind** in the amount disclosed below, a dwelling from the State of Chihuahua Housing Institute in the city of Chihuahua, Chihuahua, at a location to be agreed upon by the State Government and the victim. The dwelling will be delivered within not more than three months counted from the date of the signing of this Agreement.

In addition, the Government of the State of Chihuahua will grant **Fabián Alberto Escobar Ledezma** economic assistance to pay for his university and postgraduate studies, to which he will have access as of the next academic year, that is, August 2011.

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<sup>176</sup> In a note dated May 5, 2013, the petitioners asked the IACHR not to divulge the amounts of money received for compensation and scholarships to Mrs. Norma Ledezma and her family.

For the purposes of the disbursement of the amount to pay for his studies, the sum agreed was [...]to the citizen **Fabián Alberto Escobar Ledezma**, to be administered by him for the completion of his studies [...]

Under this item, as an additional measure, the Government of the State of Chihuahua undertakes to provide the petitioners with medical and psychological care for as long as they may need. That care will be provided by professional staff of the State Health Care System and the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties, attached to the Office of the State Prosecutor General whom the petitioners may choose for that purpose. The State of Chihuahua undertakes to ensure preferential access for Norma Ledezma Ortega and Fabián Alberto Escobar Ledezma at the aforementioned institutions and will establish the necessary institutional mechanisms for that purpose, including the issuance of a credential for preferential access to those services and instructions at the highest level to that end.

Upon signing this agreement, the Government of the State of Chihuahua will take the necessary administrative steps to make the in-kind payments.

#### **PUBLIC CEREMONY OF ACKNOWLEDGMENT OF INTERNATIONAL RESPONSIBILITY**

In order to make full reparation to the petitioners in keeping with recommendation 2 of the report on merits, a public ceremony of acknowledgment of responsibility will be held at the premises of the Center for Justice for Women of the City of Chihuahua, Chihuahua, on a date to be set by common consent of **the Parties**. The date for holding this event will not extend beyond the first fortnight in September and will make it possible to issue, by common consent, the necessary invitations for the ceremony, define the guest list, and organize its logistical aspects. The victims and their representatives believe that the event should be attended by a senior official from the Inter-American Commission on Human Rights, the Federal Secretary of the Interior, the Governor of the State of Chihuahua, and the heads of the state legislative and judicial branches (the latter to be cordially invited by the state executive branch).

The Secretariat of the Interior will coordinate the logistics of the aforesaid event with the General Secretariat of the Interior of the State of Chihuahua. Through the Secretariat for Foreign Affairs, the Mexican State will make the necessary arrangements with the Inter-American Commission on Human Rights to invite the Rapporteur for Mexico, Rodrigo Escobar Gil, or the Executive Secretary, Santiago Canton, to attend the public ceremony as honored witnesses.

#### **MEDIA SENSITIZATION STRATEGY “FOR A MEXICO FREE OF VIOLENCE AGAINST WOMEN”**

In order to implement recommendation 9 of the Report on Merits, the National Commission for the Prevention and Eradication of Violence against Women (CONAVIM) will be instructed to launch a sensitization strategy targeting the media for a Mexico free of violence against women, in keeping with the guidelines set forth in recommendation 9.

Within the State of Chihuahua, the State authorities pledge that as part of the consultations for the preparation of investigation protocols for disappeared women and female homicides, the consultation of the organization *Justicia para Nuestras Hijas* will be ensured and the effort made to heed their observations, and that instruction on the proper implementation of those protocols will be imparted by personnel suitably trained to that end.

For the purpose of implementing the strategy and public policies set out in recommendation 9 of the Report on Merits, the engagement will be sought of civil society organizations, academic institutions, the media, and journalists.

## **NATIONWIDE AWARENESS STRATEGY FOR COLLECTION OF DATA ON DISAPPEARED PERSONS**

According to recommendations 3 and 6 of the report on merits, particularly as regards the effectiveness of investigations in the area of violence against women, the Secretariat of the Interior will carry out a 12-month nationwide campaign consisting of publicizing government mechanisms available to both authorities and private citizens for collecting data, records, and facts about disappeared persons cases, in order to continue the creation of the various databases by the state authorities, which will be administered by the Office of the Attorney General of the Republic using a standard software package called CODIS. The State Government undertakes to continue to follow the procedures set forth in the Law Governing the Genetic Database for the State of Chihuahua. This undertaking includes the Federal Government, through the Office of the Attorney General of the Republic, screening genetic samples in an attempt to find matches between family members and victims.

In addition, civil society organizations will inform the Secretariat of the Interior of their various proposed protocols applicable to the investigation of crimes against women, particularly those that involve disappearance or homicide, in order to include those proposals in the processes for establishing protocols pursued by the federal and state governments.

### **INVESTIGATION**

The State Government has prepared jointly with Norma Ledezma Ortega an appropriate investigation strategy to complete the investigation as suggested in recommendation 1 of the Report on the Merits and adopts the following commitments:

That comprehensive reparation requires that the State conduct a meaningful, impartial, and thorough investigation with due diligence into the disappearance and subsequent murder of Paloma Angélica Escobar Ledezma in order to reveal the historic truth of the facts. To that end, the State will adopt all necessary judicial and administrative measures to complete the investigation; locate, prosecute, and, where appropriate, punish the architects and perpetrators of the crimes; and present a report on the results. In that connection, upon the signing of this agreement the Special Prosecution Unit undertakes to provide Norma Ledezma with a monthly written report on the lines of investigation, procedures, and activities pursued in the case until it is clarified and, as appropriate, the persons responsible, punished.

The State Government commits to reviewing and, as appropriate, exhausting the lines of investigation proposed by Norma Ledezma Ortega together with any additional ones undertaken by the Prosecutor's Office, and may also propose new lines investigation should it deem it advisable.

The State Government will ensure in full the third-party rights of Norma Ledezma Ortega wherever she is recognized as such in investigations of acts connected with violence against women, homicides, and disappearances of women and girls in the State of Chihuahua, on the assumption that if pursued correctly the steps taken by the Special Prosecution Unit will benefit the victims of such crimes and their families.

Furthermore, for the purposes of the investigation, Norma Ledezma Ortega has the right to consult actors outside the State and may request their recognition as third parties in proceedings. Wherever that is the case, the Prosecutor's Office will extend them every facility for their involvement in the investigation.

The State Government undertakes to complete the creation of the Special Prosecution Unit. The Government shall complete a draft of the rules of procedure that will govern the operations of

the Prosecutor's Office within no more than three months after the decree creating it comes into force. The draft rules of procedure shall be presented to Norma Ledezma for her consideration and comments.

The State Government shall formalize the creation of the aforesaid Prosecution Unit by publishing the decree creating it in the Official Gazette of the State of Chihuahua. Furthermore, it shall appoint the head of the Prosecution Unit and allocate sufficient material and financial resources, within its financial and budgetary capacities, for the Unit to operate in all four of the State's zones. The profile of the Special Prosecutor shall be set down in law and/or regulations.

#### **PUNISHMENT OF OFFICIALS**

As regards measures designed to impose criminal or administrative penalties on officials who were involved in the investigation, as suggested in recommendation 5 of the Report on Merits, the Government of the State of Chihuahua undertakes to verify within not more than two months after the signing of this instrument that all the investigations that were opened into those crimes have been carried out, and to notify Norma Ledezma Ortega of the results obtained and the persons responsible.

The Government of the State of Chihuahua commits to setting up a review board with Norma Ledezma Ortega, in coordination with the Special Prosecution Unit for Oversight, Review, and Evaluation, to conduct a detailed examination of the ministerial actions taken and, should it suggest suspected responsibility on the part of other officials, to institute the appropriate administrative and/or criminal proceedings in accordance with the applicable laws.

#### **MEMORIAL**

In order to make full reparation to the petitioners in keeping with recommendation 2 of the Report on Merits, the Government of the State of Chihuahua promises that the **Center for Justice for Women of the City of Chihuahua**, opened in memory of Paloma Angélica Escobar Ledezma on March 8, 2011 (International Women's Day), will carry her name.

It also promises to build a memorial that will include a water fountain and pigeons, as well as a commemorative plaque engraved with a poem written by Mrs. Ledezma. The specific characteristics of the memorial have been agreed upon in full with Norma Ledezma.

Finally, the inauguration of the memorial will take place at the same time as the public ceremony of acknowledgment of responsibility mentioned in this clause.

#### **PUBLIC POLICIES**

Regarding compliance with recommendation 3 of the Report on Merits, concerning implementation of a coordinated, comprehensive state policy of prevention of violence, in carrying this out, the effort shall be made to ensure the participation of organizations that specialize in gender violence in the State, which shall present their suggestions and proposals through a link set up for that purpose by the Office of the State Prosecutor General.

The State Government undertakes to design a personnel training program on assistance to victims to ensure that they receive the necessary instruction on the psychosocial impact of human rights violations and violence against women. To that end, within the time limits set forth in this agreement, an awareness and training workshop will be held for professional staff of the State Health Care System and the Special Prosecution Unit for Assistance to Crime Victims and

Injured Parties attached to the Office of the State Prosecutor General, which will be led by experts on the subject.

The State Government promises to publish and distribute to the State's public libraries, nongovernmental organizations, and community centers a book entitled *Justicia para Nuestras Hijas* [Justice for Our Daughters] with a prologue written by Norma Ledezma and agreed upon with the State Government. The book will contain a compilation of laws on women's human rights: Convention on the Elimination of All Forms of Discrimination against Women, the recommendations of the Committee on that Convention, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), the General Law on Access for Women to a Violence Free Life, and the provisions contained in state codes on gender crimes. Up to 3,000 copies will be printed, subject to the volume and cost of the publication. The book's design will be proposed by Norma Ledezma. The book will also be disseminated over the Internet via the State Government's web page.

With respect to compliance with recommendation 6 of the Report on Merits, the State Government undertakes to present the Protocol for Investigation of Female Homicides with a gender perspective and to include Paloma's name in it. The State will furnish the petitioners and Norma Ledezma with the relevant draft within three months in order to receive her comments and those of her representatives.

With the aim of complying with recommendation 7 in the Report on Merits, regarding the implementation of public awareness measures and campaigns on the duty to observe and ensure children's human rights, the State Government commits to heeding the opinions on the content of those campaigns of *Justicia de Nuestras Hijas* and other organizations specializing in the subject.

For the purpose of implementing recommendation 6 in the Report on Merits, the State Government undertakes within three months to draft and disseminate a Charter on the Rights of Crime Victims in line with the restructuring of the Female Homicide and Missing Persons Investigation Unit and, at the appropriate time, the Special Prosecution Unit. The State Government undertakes to present the draft to *Justicia para Nuestras Hijas* and, as appropriate, other organizations with an interest in the subject. It also pledges the widespread distribution of the Charter, for which purpose it will print 3,000 copies.

To comply with recommendation 8 of the Report on Merits, so as to have in place an effective training program, the Government of the State of Chihuahua shall impart said training to specialized personnel with the appropriate profile in criminal investigations with the aim of certifying and strengthening the capacity of personnel in charge of investigating disappearances of women and girls, feminicides, and trafficking in persons, taking into account the particular context of the State, a gender perspective, and effective implementation of the investigation protocols agreed upon among the parties. In particular, the instruction courses shall ensure the provision of training to all the personnel of the Special Prosecution Unit in question; the trainers and topics may be suggested by Norma Ledezma and/or her representatives.

Regarding recommendation 4 of the Report on Merits, the State Government and the Federal Government shall encourage the inclusion of gender and human rights as a course subject in the curricula of primary, secondary, and preparatory schools, as well as public universities. To that end, insofar as the Federal Government is concerned, through the Committee on Government Policy on Human Rights, it shall invite civil society organizations to participate in the consultations that the Subcommittee on Education will coordinate, with a view to developing a concrete plan for including gender and human rights as a subject in the above curricula, which

shall be submitted at the next meeting of the Committee on Government Policy on Human Rights.

In order to continue adopting public policies and programs aimed at restructuring stereotypes of the role of women in the State of Chihuahua, in keeping with recommendation 9, the State Government recognizes the contribution of the civil association *Justicia para Nuestras Hijas*, which has designed a program on prevention of gender violence and prevention of courtship violence for women who work in the in-bond industry, and therefore, it undertakes to arrange an agreement with the State-owned in-bond sector so that the organization can present and implement its program. In that connection, a period of one month counted from the signing of this Agreement is established for implementing those measures.

**FOUR.-ACCEPTANCE.-** The petitioners expressly agree with and accept the commitments adopted herein by the Federal Government and the Government of the State of Chihuahua and further acknowledge the institutional effort made by the authorities to provide an adequate and timely response in implementing the recommendations under this Agreement.

**FIVE.-MONITORING AND VERIFICATION.-** The Parties agree that the mechanism for verification of compliance with Report 87/10 and this Agreement, shall be implemented by the Inter-American Commission on Human Rights and that it shall be incumbent upon the Secretariat of Foreign Affairs to provide the information that may be required by same. The petitioners and their representatives may present information to the aforesaid international agency should they consider it necessary and whenever they choose to do so.

Furthermore, the Parties agree to request the Office in Mexico of the United Nations High Commissioner for Human Rights to monitor the implementation of this agreement, in accordance with that office's competencies under the "Agreement between the Office of the United Nations High Commissioner for Human Rights and the United Mexican States on the Continuation of Its Activities in Mexico."

**SIX.- SETTLEMENT.-** The parties expressly recognize that this Agreement is governed by the principle of good faith and that its signing lays the foundation for a settlement in Case 12.551, which is proceeding before the Inter-American Commission on Human Rights and identified by the title "Paloma Angélica Escobar Ledezma et al." vs Mexico, Report 87/10 on which contains the specific recommendations addressed herein. Based on these considerations, the Parties hereby express their will to move forward with the implementation of the recommendations issued by the IACHR in Case 12.551 and their intention of reaching a settlement is made plain as progress is made in accordance with the time limits and conditions. In the event of noncompliance, the IACHR may submit the case to the contentious jurisdiction of the Inter-American Court of Human Rights in accordance with the time limits set down in the Rules of Procedure of the IACHR and the recitals contained herein.

**SEVEN.- CONFIDENTIALITY.-** The Parties undertake to keep in strict confidence those matters which they agree by common consent to hold secret, in particular, the amounts assigned in financial compensation.

**EIGHT.- ENTRY INTO FORCE.-** This agreement shall enter into force on the day of its signing and shall conclude upon full compliance with the commitments adopted herein. Unless the Parties should decide otherwise, they shall act in accordance with the recitals in the Agreement.

**NINE.- NOTICES AND COMMUNICATIONS.-** All notices and communications under this instrument shall be made in writing, and their receipt acknowledged, at the domiciles given in the Declarations section herein, with a copy thereof to be delivered to each of the Parties.

**TEN.- SETTLEMENT OF DISPUTES.-** In the event of any doubts or dispute with respect to interpretation of this Agreement, **the Parties** agree to submit to the arbitration of the Inter-American Commission on Human Rights.

**ELEVEN.- AMENDMENTS.-** This agreement shall be open to amendment, additions, or revocation by common consent of the parties, which shall be set down for the record in writing and enter into effect upon their signing.

Having read this agreement and being aware of its scope and content, **the parties** sign it in 12 copies in the City of Chihuahua, Chihuahua, on this, the third (3rd) day of August 2011.

163. On August 4, 2011, the State of Mexico signed an "Agreement on Compliance with the Second Recommendation Contained in Report on Merits No 87/10" with Dolores Alberto Escobar Hinojos, which is transcribed as follows:

**AGREEMENT ON COMPLIANCE WITH THE SECOND RECOMMENDATION CONTAINED IN REPORT ON MERITS 87/10, CASE 12.551 "PALOMA ANGÉLICA ESCOBAR LEDEZMA ET AL.,"** ISSUED BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, ENTERED UPON, ON ONE HAND, BY THE SECRETARIAT OF THE INTERIOR, REPRESENTED IN THIS ACT BY . OMEHEIRA LOPEZ REYNA, HEAD OF THE UNIT FOR PROMOTION AND PROTECTION OF HUMAN RIGHTS; HEREINAFTER "THE FEDERAL GOVERNMENT" IN REPRESENTATION OF THE MEXICAN STATE; THE GOVERNMENT OF THE STATE OF CHIHUAHUA, REPRESENTED IN THIS ACT BY ROSA MARÍA SANDOVAL CHÁVEZ, SPECIAL PROSECUTOR FOR OVERSIGHT, REVIEW, AND EVALUATION OF THE OFFICE OF THE STATE PROSECUTOR GENERAL; AND ON THE OTHER HAND BY CITIZEN DOLORES ALBERTO ESCOBAR HINOJOS, HEREINAFTER "THE VICTIM," WHO APPEARS IN HIS OWN RIGHT; WHEN THOSE APPEARING ACT JOINTLY THEY SHALL BE TERMED "THE PARTIES" AND SHALL ABIDE BY THE FOLLOWING FACTS, DECLARATIONS AND CLAUSES:

#### FACTS

**ONE.-** The Inter-American Commission on Human Rights is one of the two entities that comprise the inter-American system for protection and promotion of human rights and a principal and autonomous organ of the Organization of American States (OAS), whose mandate arises from the Charter of the OAS, which Mexico ratified on November 23, 1948, and from the American Convention on Human Rights.

In that connection, the Mexican State, as a party to the American Convention on Human Rights since March 24, 1981, hereby expresses its broadest and absolute commitment to compliance, observance, and advancement of the human rights contained therein.

**TWO.-** On July 14, 2010, the Inter-American Commission on Human Rights issued Report on Merits 87/10, Case 12.551 "Paloma Angélica Escobar Ledezma et al.," in which its principal conclusions were as follows:

"152. ...

The IACHR ratifies its conclusions according to which the Mexican State is responsible for violations, to the detriment of Paloma Angélica Escobar, of the rights to a fair trial and judicial protection, the rights of the child, and the right to equal protection of the law, enshrined in Articles 8(1), 19, 24, and 25 of the American Convention, all in connection with the obligations imposed on the State by Articles 1(1) and 2 of the same Convention.

153. In addition, the IACHR concludes that the State violated the rights of Paloma Angélica Escobar under Article 7 of the Convention of Belém do Pará. Finally, in relation to Norma Ledezma Ortega, Dolores Alberto Escobar Hinojos, and Fabian Alberto Escobar Ledezma, the IACHR concludes that the State violated the right to humane treatment enshrined in Article 5(1) of the American Convention in connection with the obligation imposed on the State by Article 1(1) of that treaty, as well as the rights to a fair trial and to judicial protection enshrined in Articles 8(1) and 25 of the American Convention in relation to the obligations imposed on the State by Articles 1(1) and 2 of the Treaty.”

## VI. RECOMMENDATIONS

Based on the analysis and conclusions of the instant case, the Inter-American Commission on Human Rights recommends to the Mexican State that it:

2. Make full reparation to the next-of-kin of Paloma Angélica Escobar for the violations of human rights established herein.

**THREE.** In accordance with Article 50(3) of the American Convention on Human Rights and Articles 44 and 46 of the Rules of Procedure of the Inter-American Commission on Human Rights, the Mexican State, represented under the terms mentioned in the preamble of this agreement, expresses its complete willingness to implement recommendation 2 of IACHR Report 87/10, with which this agreement is concerned, with a particular interest in repairing, to the extent possible and in accordance with international standards on such matters, in favor of DOLORES ALBERTO ESCOBAR HINOJOS, the human rights violations found to have been committed to the detriment of Paloma Angélica Escobar Ledezma and her next of kin.

Para el cumplimiento de lo anterior, se cuenta con el compromiso tanto del Gobierno Federal como del Gobierno del Estado de Chihuahua, a fin de que cada uno desarrolle, en el ámbito de sus atribuciones y competencias, las acciones específicas que se estipularán en el cuerpo del presente instrumento.

## DECLARATIONS

“THE FEDERAL GOVERNMENT” declares:

1. That the Secretariat of the Interior is an agency of the federal executive branch in accordance with Articles 90 of the Constitution of the United Mexican States and 26 and 27 of the Federal Public Administration Organizational Law.

2. That within the sphere of its authority is the responsibility to monitor compliance by the country’s authorities with the principles of the Constitution, especially where individual guarantees are concerned, and to order the necessary measures to that effect under mechanisms for participation and coordination by the authorities of both federative entities and municipalities.

3. That it is represented in this act by Omeheira López Reyna, Head of the Unit for Promotion and Protection of Human Rights, whose standing is accredited by her official appointment issued by the Secretary of the Interior, Francisco Blake Mora on August 16, 2010.

4. That the budget resources necessary for the outlays with which this instrument are concerned are available.

5. That it states as legal domicile for the purposes of this agreement that which is situated at Bucareli N° 99, Col. Juárez, Delegación Cuauhtémoc, México DF CP 06600.

“THE STATE GOVERNMENT” declares:

1. That it is a federative entity that is an integral part of the Mexican State, Free and Sovereign as regards its internal regime, constituted as a representative and popular republican government under the terms of Articles 40 and 43 of the Constitution of the United Mexican States and 1, 2, 3, 30, and 31 of the Constitution of the Free and Sovereign State of Chihuahua.

2. That under Article 24 of the Organizational Law of the State Executive Branch, the state executive branch shall have, among other agencies, the General Secretariat of the Interior for the study, planning, and disposal of administrative matters.

3. That, pursuant to Article 25 (I-III) of the Organizational Law of the Executive Branch of the State of Chihuahua, the General Secretariat of the Interior shall be responsible, *inter alia*, for the conduct of the internal political affairs of the State, as well as for the conduct and coordination of the relations of the executive branch with the Federation, other branches of government of the State, the municipalities of the Entity, and consular agents, in relation to its jurisdiction.

4. That the Office of the State Prosecutor General is an agency of the centralized public administration pursuant to Articles 2(II) and 24(XIV) of the Organizational Law of the Executive Branch of the State of Chihuahua, and in accordance with Article 35 of said law it has the authority to implement and coordinate measures, *inter alia*, with respect to public security and crime prevention, investigation and prosecution of crime, and assistance to crime victims and injured parties within its jurisdiction. Furthermore, under Article 6(IX) of the Organizational Law of the Office of the State Prosecutor General, it is empowered to enter upon contracts and agreements for the better performance of its functions.

5. That Rosa María Sandoval Chávez, Special Prosecutor for Oversight, Review, and Evaluation, accredits her standing by her appointment issued by Cesar Horacio Duarte Jáquez, Constitutional Governor of the State of Chihuahua, on October 6, 2010, and her respective swearing-in.

6. That it states as legal domicile for the purposes of this agreement the Special Prosecution Unit for Oversight, Review, and Evaluation, situated at Calle Vicente Guerrero número 616, tercer piso, Colonia Centro, Ciudad de Chihuahua, Chihuahua.

“THE PETITIONER” declares:

1. That Mr. Dolores Alberto Escobar Hinojos, appears in this act in his own right.

2. That he states as legal domicile for the purposes of this agreement that which is situated at Río Soto la Marina 8204, Colonia Alfredo Chávez, Ciudad de Chihuahua.

“THE PARTIES” declare:

1. That they mutually recognize the standing that they bear in signing this agreement.

2. That it is their will to combine the efforts of the Federal and State Governments to execute and propitiate measures with the purpose of complying with the second recommendation issued by the Inter-American Commission on Human Rights in Report on Merits 87/10, Case 12.551 “Paloma Angélica Escobar Ledezma et al..

3. That the Parties hereby express their will to move forward in complying with the recommendations issued by the IACHR in Case 12.551, in accordance with this Agreement. The IACHR will verify compliance with this agreement and make the appropriate decisions in accordance with the provisions contained in the American Convention on Human Rights and its Rules of Procedure.

4. That this document suspends the statutory time limits for the referral of the case to the Inter-American Court of Human Rights and, once signed, will be sent to the IACHR by August 5 of this year, with the representatives of the Mexican state expressing to the IACHR the desire that the statutory time limits for referring the case to the Inter-American Court be suspended. The Mexican State undertakes to send the appropriate reports on compliance to the IACHR, within the time limits set by the latter. The terms for monitoring and verification of this Agreement, including for all purposes under the American Convention on Human Rights and [the IACHR's] Rules of Procedure, are set down in Clauses Five and Six herein.

Based on the foregoing, THE PARTIES undertake to observe the form and terms set forth in the following:

#### **CLAUSES**

**ONE.- PURPOSE.** The purpose of this Agreement is the coordination by THE PARTIES of the propitiation and implementation of measures necessary to comply with the second recommendation issued by the Inter-American Commission on Human Rights in its Report on Merits 87/10, Case 12.551 "Paloma Angélica Escobar Ledezma et al." vs. Mexico, with respect to the victim DOLORES ALBERTO ESCOBAR HINOJOS.

**TWO. DEFINITIONS.** For the purposes of this Agreement, the following definitions shall apply:

**Agreement:** Agreement on compliance with the second recommendation issued by the Inter-American Commission on Human Rights in Report on Merits 87/10, Case 12.551 "Paloma Angélica Escobar Ledezma et al." vs. Mexico.

**IACHR:** Inter-American Commission on Human Rights.

**Federal Government:** Represented for the purposes of this Agreement by the Secretariat of the Interior.

**State Government:** Represented for the purposes of this Agreement by the General Secretariat of the Interior, Special Prosecution Unit for Oversight, Review, and Evaluation of the State of Chihuahua.

**Mexican State:** In accordance with Public International Law it shall be understood that the signatory of the American Convention on Human Rights are the United Mexican States, which is represented in this agreement by the Federal Government.

**Victim:** Citizen Dolores Alberto Escobar Hinojos.

**Report on Merits:** Report on Merits 87/10, Case 12.551 "Paloma Angélica Escobar Ledezma et al." vs. Mexico.

**Parties:** Federal Government, Government of the State of Chihuahua, and The Victim and his representatives.

Non-pecuniary damages: The harmful effects of the violations in the case that are not economic or financial in nature and include both suffering and affliction caused to the direct victims and their circle, the undermining of values held dear by persons, and disruptions of a non-pecuniary character to the conditions of existence of the victim or their family.

THREE.- UNDERTAKINGS OF THE PARTIES. To achieve the purpose of this Agreement, the Parties undertake the following:

I.- THE MEXICAN STATE:

The Mexican State, through its representative in this Agreement, together with the State Government, undertake to carry out reparation measures consisting of compensation for non-pecuniary damages under the following terms:

A. FEDERAL GOVERNMENT

1) Compensation measures: Recognition of non-pecuniary damages. The total amount recognized non-pecuniary damages is [...]

i. Forms of payment

The modalities of payment set out in this agreement shall be decided upon with the aim of providing full reparation to the victims, citizen Dolores Alberto Escobar Hinojos as established in recommendation 2 of the Report on Merits.

In that connection, Mr. Escobar Hinojos, as the father of Paloma Escobar Ledezma, is recognized the sum in non-pecuniary damages of [...]

The determination of this amount took into account the criteria contained in the case law of the Inter-American Court of Human Rights with respect to who are victims and who are beneficiaries of the direct victim. In that connection, consideration is given to the fact that all these years the search for Paloma and the efforts to determine the truth and prevent impunity have been borne exclusively by Norma Ledezma Ortega, Paloma's mother, and Fabián Alberto Escobar Ledezma, her brother; hence the decision only to pay Mr. Dolores Alberto Escobar Hinojos compensation for non-pecuniary damages.

The Mexican State, through the Federal Government, will make a cash payment to the victim, Dolores Alberto Escobar Hinojos, a total sum in non-pecuniary damages of [...]

B. STATE GOVERNMENT

PUBLIC CEREMONY OF ACKNOWLEDGMENT OF INTERNATIONAL RESPONSIBILITY

In order to make full reparation to the victims, Dolores Alberto Escobar Hinojos, Norma Ledezma Ortega, and Fabián Alberto Escobar Ledezma, in keeping with recommendation 2 of the report on merits, a public ceremony of acknowledgment of responsibility will be held at the premises of the Center for Justice for Women of the City of Chihuahua, Chihuahua, on a date to be set by common consent of the Parties. The date for holding this event will not extend beyond the first fortnight in September and will make it possible to issue, by common consent, the necessary invitations for the ceremony, define the guest list, and organize its logistical aspects. The victims and their representatives believe that the event should be attended by a senior official from the Inter-American Commission on Human Rights, the Federal Secretary of the Interior, the Governor

of the State of Chihuahua, and the heads of the state legislative and judicial branches (the latter to be cordially invited by the state executive branch).

The Secretariat of the Interior will coordinate the logistics of the aforesaid event with the General Secretariat of the Interior of the State of Chihuahua. Through the Secretariat for Foreign Affairs, the Mexican State will make the necessary arrangements with the Inter-American Commission on Human Rights to invite the Rapporteur for Mexico, Rodrigo Escobar Gil, or the Executive Secretary, Santiago Canton, to attend the public ceremony as honored witnesses.

#### MEMORIAL

In order to make full reparation to the victims, Dolores Alberto Escobar Hinojos, Norma Ledezma Ortega, and Fabián Alberto Escobar Ledezma, in keeping with recommendation 2 of the Report on Merits, the Government of the State of Chihuahua promises that the Center for Justice for Women of the City of Chihuahua, opened in memory of Paloma Angélica Escobar Ledezma on March 8, 2011 (International Women's Day), will carry her name.

It also promises to build a memorial that will include a water fountain and pigeons, as well as a commemorative plaque engraved with a poem written by Mrs. Norma Ledezma Ortega. The specific characteristics of the memorial have been agreed upon in full with Norma Ledezma.

Finally, the inauguration of the memorial will take place at the same time as the public ceremony of acknowledgment of responsibility mentioned in this clause.

FOUR.-ACCEPTANCE.- The petitioner expressly agrees with and accepts the commitments adopted herein by the Federal Government and the Government of the State of Chihuahua and further acknowledges the institutional effort made by the authorities to provide an adequate and timely response in implementing the recommendations under this Agreement.

FIVE.-MONITORING AND VERIFICATION.- The Parties agree that the mechanism for verification of compliance with Report 87/10 and this Agreement, shall be implemented by the Inter-American Commission on Human Rights and that it shall be incumbent upon the Secretariat of Foreign Affairs to provide the information that may be required by same. The petitioners may present information to the aforesaid international agency should he consider it necessary and whenever he chooses to do so.

Furthermore, the Parties agree to request the Office in Mexico of the United Nations High Commissioner for Human Rights to monitor the implementation of this agreement, in accordance with that office's competencies under the "Agreement between the Office of the United Nations High Commissioner for Human Rights and the United Mexican States on the Continuation of Its Activities in Mexico..

SIX.- SETTLEMENT.- The Parties expressly recognize that this Agreement is governed by the principle of good faith and that its signing lays the foundation for a settlement in Case 12.551, which is proceeding before the Inter-American Commission on Human Rights and identified by the title "Paloma Angélica Escobar Ledezma et al." vs Mexico, Report 87/10 on which contains the specific recommendations addressed herein. Based on these considerations, the Parties hereby express their will to move forward with the implementation of the recommendations issued by the IACHR in Case 12.551 and their intention of reaching a settlement is made plain as progress is made in accordance with the time limits and conditions. In the event of noncompliance, the IACHR may submit the case to the contentious jurisdiction of the Inter-American Court of Human Rights in accordance with the time limits set down in the Rules of Procedure of the IACHR and the recitals contained herein.

SEVEN.- CONFIDENTIALITY.- The Parties undertake to keep in strict confidence those matters which they agree by common consent to hold secret, in particular, the amounts assigned in financial compensation.

EIGHT.- ENTRY INTO FORCE.- This agreement shall enter into force on the day of its signing and shall conclude upon full compliance with the commitments adopted herein. Unless the Parties should decide otherwise, they shall act in accordance with the recitals in the Agreement.

NINE.- NOTICES AND COMMUNICATIONS.- All notices and communications under this instrument shall be made in writing, and their receipt acknowledged, at the domiciles given in the Declarations section herein, with a copy thereof to be delivered to each of the Parties.

TEN.-SETTLEMENT OF DISPUTES.- In the event of any doubts or dispute with respect to interpretation of this Agreement, the Parties agree to submit to the arbitration of the Inter-American Commission on Human Rights.

ELEVEN.- AMENDMENTS.- This agreement shall be open to amendment, additions, or revocation by common consent of the parties, which shall be set down for the record in writing and enter into effect upon their signing.

Having read this agreement and being aware of its scope and content, the parties sign it in four copies in the City of Chihuahua, Chihuahua, on this, the fourth (4th) day of August 2011.

#### **IX. ANALYSIS OF COMPLIANCE WITH THE RECOMMENDATIONS<sup>177</sup>**

164. The IACHR's analysis below examines compliance with the recommendations contained in Report on Merits 87/10 in the light of the "Agreement on Compliance with the Recommendations Contained in Report on Merits No 87/10" signed on August 3, 2011, by the State of Mexico, Norma Ledezma Ortega, Fabián Alberto Escobar Ledezma, and their representatives, and the "Agreement on Compliance with the Second Recommendation Contained in Report on Merits No 87/10" signed on August 4, 2011, by the State of Mexico and Dolores Alberto Escobar Hinojos, both of which are transcribed above.

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<sup>177</sup> The analysis was conducted based on information supplied by the parties after Report on Merits 87/10 was issued.

- **Recommendation 1:** Complete the investigation in a timely, immediate, serious, and impartial manner for the purpose of clarifying the murder of Paloma Angélica Escobar and identifying, prosecuting, and, as appropriate, punishing the persons responsible.

Measures set forth in "Agreement on Compliance with the Recommendations Contained in Report on Merits No 87/10"	Positions of the parties with respect to compliance	Analysis of the IACHR
Conduct a meaningful, impartial, and thorough investigation with due diligence into the disappearance and subsequent murder of Paloma Angélica Escobar Ledezma, to which end, the State should adopt all necessary judicial and administrative measures to complete the investigation; locate, prosecute, and, where appropriate, punish the architects and perpetrators of the crimes; and present a report on the results.	<p><b>State: In process.</b> The investigation is ongoing with various procedures being conducted in order to exhaust the lines of enquiry.</p> <p><b>Petitioners: In process.</b> They say that although the investigations are ongoing, in general, the progress made has been as a result of Mrs. Ledezma's initiative and activities.</p>	<b>In process</b>
Provide Norma Ledezma with a monthly written report on the lines of investigation, procedures, and activities pursued in the case until it is clarified and, as appropriate, the persons responsible, punished.	<p><b>State: Implemented.</b> The Office of the State Prosecutor General provides a monthly report to Mrs. Ledezma on the direction and progress of the investigation and, where necessary, prepares a record of the observations and comments of the petitioner.</p> <p><b>Petitioners: In process.</b> Thus far, this measure is being complied with.</p>	<b>In process</b>
Review and, as appropriate, exhaust the lines of investigation proposed by Norma Ledezma Ortega	<p><b>State: Implemented</b> The Office of the Prosecutor analyzes and, where appropriate, exhausts the lines of investigation proposed by the petitioner.</p> <p><b>Petitioners: In process</b></p>	<b>In process</b>
Ensure in full the third-party rights of Mrs. Norma Ledezma Ortega.	<p><b>State: Implemented</b> The State Government has ensured in full the third-party rights of Mrs. Norma Ledezma Ortega in all authorized investigations.</p> <p><b>Petitioners: Implemented</b></p>	<b>Implemented</b>

- **Recommendation 2:** Make full reparation to the next-of-kin of Paloma Angélica Escobar for the violations of human rights established herein.

Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”	Positions of the parties with respect to compliance	Analysis of the IACHR
Draw up a separate document, which shall be signed by the representatives of the State and Mr. Escobar Hinojos, recognizing to Mr. Escobar Hinojos, as the father of Paloma Escobar Ledezma, a sum in non-pecuniary damages of [...]	<b>State: Implemented</b>	<b>Implemented</b>
	<b>Petitioners: Implemented</b>	
The Mexican State, through the Federal Government, will make a cash payment to the victims, Norma Ledezma and Fabián Alberto Escobar Ledezma, of a total of [...] delivered within not more than three months counted from the date of the signing of this Agreement.	<b>State: Implemented</b>	<b>Implemented</b>
	<b>Petitioners: Implemented</b>	
The Government of the State of Chihuahua will grant Fabián Alberto Escobar Ledezma economic assistance to pay for his university and postgraduate studies, to which he will have access as of the next academic year, that is, August 2011. For the purposes of the disbursement of the amount to pay for his studies, the sum agreed was [...] to be administered by him for the completion of his studies, in a check made out to him.	<b>State: Implemented</b>	<b>In process</b> because the last payment is pending.
	<b>Petitioners: In process</b> The last payment is pending.	
Norma Ledezma Ortega will receive from the State Government, as a payment in kind in the amount disclosed below, a dwelling from the State of Chihuahua Housing Institute in the city of Chihuahua, Chihuahua, at a location to be agreed upon by the State Government and the victim. The dwelling will be delivered	<b>State: In process.</b> Mrs. Ledezma has identified and accepted the dwelling. At her express request, the transfer has not been formalized for family reasons.	<b>In process because delivery of the property is pending</b>
	<b>Petitioners: In process.</b> The agreed necessary improvements to the property have not been made <sup>178</sup> .	

<sup>178</sup> Petitioners’ communication of February 2, 2012.

<p>within not more than three months counted from the date of the signing of this Agreement.</p>		
<p>Provide the petitioners with medical and psychological care for as long as they may need. That care will be provided by professional staff of the State Health Care System and the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties, attached to the Office of the State Prosecutor General whom the petitioners may choose for that purpose. The State of Chihuahua undertakes to ensure preferential access for Norma Ledezma Ortega and Fabián Alberto Escobar Ledezma at the aforementioned institutions and will establish the necessary institutional mechanisms for that purpose, including the issuance of a credential for preferential access to those services and instructions at the highest level to that end.</p>	<p><b>State: Implemented</b> Norma Ledezma and Fabián A. Escobar were formally enrolled in the health care service provided by the <i>Instituto Chihuahuense de Salud</i> [Chihuahua Health Institute] on February 2, 2010.</p> <p><b>Petitioners: Implemented</b> Identity cards for accessing the services of the Instituto Chihuahuense de la Salud were issued.</p>	<p><b>Implemented</b></p>
<p>The public ceremony of acknowledgment of responsibility held by common consent. The victims and their representatives believe that the event should be attended by a senior official from the Inter-American Commission on Human Rights, the Federal Secretary of the Interior, the Governor of the State of Chihuahua, and the heads of the state legislative and judicial branches.</p>	<p><b>State: Implemented</b> The public ceremony was held on February 23, 2012. The guidelines, terms, and logistics of the ceremony were agreed upon with Mrs. Ledezma.</p> <p><b>Petitioners: Implemented</b></p>	<p><b>Implemented</b></p>
<p>The Government of the State of Chihuahua promises that the Center for Justice for Women of the City of Chihuahua, opened in memory of Paloma Angélica Escobar Ledezma on March 8, 2011 (International Women's Day), will carry her name.</p>	<p><b>State: Implemented</b> During the public ceremony of acknowledgment of responsibility, the Center was rechristened with Paloma Angélica Escobar Ledezma's name</p> <p><b>Petitioners: Implemented</b></p>	<p><b>Implemented</b></p>

<p>To build a memorial that will include a water fountain and pigeons, as well as a commemorative plaque engraved with a poem written by Mrs. Ledezma. The specific characteristics of the memorial have been agreed upon in full with Norma Ledezma.</p>	<p><b>State: Implemented</b> The memorials were inaugurated during the ceremonies of acknowledgment of responsibility held on February 23, 2012. The characteristics of the memorial were agreed upon with Mrs. Ledezma.</p>	<p><b>Implemented</b></p>
<p>The inauguration of the memorial will take place at the same time as the public ceremony of acknowledgment of responsibility mentioned in this clause.</p>	<p><b>Petitioners: Implemented</b> The petitioners say that it important for the memorial to undergo periodic maintenance to ensure its care.</p>	

- **Recommendation 3:** Implement, as a measure of non-repetition, a coordinated and comprehensive state policy, backed with adequate public resources, to ensure that specific cases of violence against women are adequately prevented, investigated, punished, and remedied in the city of Chihuahua.

Measures set forth in the "Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10"	Positions of the parties with respect to compliance	Analysis of the IACHR
<p>To complete the creation of the Special Prosecution Unit. The Government shall complete a draft of the rules of procedure that will govern the operations of the Prosecutor's Office within no more than three months after the decree creating it comes into force. The draft rules of procedure shall be presented to Norma Ledezma for her consideration and comments.</p> <p>To formalize the creation of the aforesaid Prosecution Unit by publishing the decree creating it in the Official Gazette of the State of Chihuahua. Furthermore, it shall appoint the head of the Prosecution Unit and allocate sufficient material and financial resources, within its financial and budgetary capacities, for the Unit to operate in all four of the State's zones. The profile of the Special Prosecutor shall be set down in law and/or regulations.</p>	<p><b>State: Implemented</b> And generate 30 2012, the Congress of the state of Chihuahua adopted a decree creating the Specialized Prosecution Unit for Women Victims of Crime. The Decree was published in the Official State Government Gazette on February 4, 2012.</p> <p>On July 25, 2012, the gubernatorial decision enacting the Internal Rules of Procedure of the Office of the State Prosecutor General was published in the Official State Gazette. Those rules set out the areas assigned to the Specialized Prosecution Unit for Women Victims of Gender Crimes as well as its functions.</p> <p><b>Petitioners: In process</b> Although the Special Prosecution Unit has been formally created through the promulgation of a decree, in practice it is far from functioning properly. The Unit lacks sufficient human, financial, or material resources, which prevents it from responding in a timely and effective way to complaints.</p>	<p><b>In process</b> The provision of the Prosecution Unit with sufficient material and financial resources for its operations remains pending.</p>

<p>To design a personnel training program on assistance to victims to ensure that they receive the necessary instruction on the psychosocial impact of human rights violations and violence against women. To that end, within the time limits set forth in this agreement, an awareness and training workshop will be held for professional staff of the State Health Care System and the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties attached to the Office of the State Prosecutor General, which will be led by experts on the subject.</p>	<p><b>State: Implemented</b> Both the Office of the State Prosecutor General and ICHMUJER have implemented training courses, workshops, and diploma programs concerning gender perspective for public servants involved in these tasks.</p> <p>In an official letter dated August 3, 2012, Mrs. Ledezma was provided with up-to-date information about the training programs imparted by both ICHMUJER and personnel from the Specialized Prosecution Unit for Women Victims of Gender Crimes.</p> <p>On August 15, she was supplied information on the training programs on gender perspective and prevention of violence against women imparted at the Judicial Education and Updating Center of the State Supreme Court of Justice.</p> <p>In addition, the Office of the Attorney General of the Republic offers permanent education and training programs and courses on human rights and gender perspective for public officials. In Chihuahua, five awareness courses on gender and trafficking in persons were held, as was a conference on the "Sex-Gender System in the Crime of Trafficking in Persons."</p> <p><b>Petitioners: Not implemented</b> They do not have any information attesting to compliance. The petitioners say that Mrs. Ledezma suggested to the Prosecutor for Victim Assistance that training in psychosocial impact be provided, to which he gave a positive verbal response. However, no concrete measures have been adopted.</p>	<p>The IACHR does not have enough information to determine if the State has complied with the design of a training program on assistance to victims and with holding an awareness and training workshop for professional staff of the State Health Care System and the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties, as part of its implementation of this recommendation.</p>
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<p>Nationwide Awareness Strategy for Collection of Data on Disappeared Persons (See recommendations 3 and 6).</p> <p>The Secretariat of the Interior will carry out a 12-month nationwide campaign consisting of publicizing government mechanisms available to both authorities and private citizens for collecting data, records, and facts about disappeared persons cases, in order to continue the creation of the various databases by the state authorities, which will be administered by the Office of the Attorney General of the Republic using a standard software package called CODIS.</p>	<p><b>State: In process</b> In May 2012, the Federal Government implemented the AMBER Mexico National Warning Program, which brings together the three levels of government in efforts for the immediate search and location of girls who have disappeared in Mexico.</p> <p>The Office of the Attorney General of the Republic has designed a ministerial action protocol for the search and location of disappeared children and women, which was published on August 14, 2012.</p> <p><b>Petitioners: Not implemented</b> They do not have any information attesting to compliance.</p>	<p><b>The IACHR does not have sufficient information to determine if the 12-month nationwide campaign was carried out.</b></p>
<p>The State Government undertakes to continue to follow the procedures set forth in the Law Governing the Genetic Database for the State of Chihuahua. This undertaking includes the Federal Government, through the Office of the Attorney General of the Republic, screening genetic samples in an attempt to find matches between family members and victims.</p>	<p><b>State: In process.</b> There is an agreement between the Federal Bureau of Investigation and the Office of the Attorney General of the Republic to supply a software package known as “CODIS” for the installation of a national database.</p> <p><b>Petitioners: Not implemented</b> They do not have any information attesting to compliance with this measure.</p>	<p><b>The IACHR does not have sufficient information to determine if this measure was implemented.</b></p>
<p>Within the State of Chihuahua, the State authorities pledge that as part of the consultations for the preparation of investigation protocols for disappeared women and female homicides, the consultation of the organization Justicia para Nuestras Hijas will be ensured and the effort made to heed their observations,</p> <p>and that instruction on the proper implementation of those protocols will be imparted by personnel suitably trained to that end.</p>	<p><b>State: In process.</b> The draft was presented to Mrs. Ledezma for consideration and the document is currently being reviewed by her.</p> <p><b>Petitioners: Not implemented.</b> While Norma Ledezma was invited to some meetings, the measure has not been implemented in full. Mrs. Ledezma attended two meetings and was then sent already finalized documents, which did not, therefore, constitute an effective consultation process.</p> <p>As regards consultation on training for proper implementation, that</p>	<p><b>The IACHR finds that this recommendation is in the process of implementation. The final draft of the protocols and the consultations on training for their proper implementation are pending.</b></p>

	measure has not been complied with since the protocols are not being implemented.	
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- **Recommendation 4:** Adopt reforms in state education programs, starting at the pre-school and early stage, in order to promote respect for women as equals and observance of their right not to be subjected to violence or discrimination.

Measures set forth in the "Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10"	Positions of the parties with respect to compliance	Analysis of the IACHR
The State Government and the Federal Government shall encourage the inclusion of gender and human rights as a course subject in the curricula of primary, secondary, and preparatory schools, as well as public universities. To that end, insofar as the Federal Government is concerned, through the Committee on Government Policy on Human Rights, it shall invite civil society organizations to participate in the consultations that the Subcommittee on Education will coordinate, with a view to developing a concrete plan for including gender and human rights as a subject in the above curricula, which shall be submitted at the next meeting of the Committee on Government Policy on Human Rights.	<b>State: In process</b>	<b>The parties have not furnished sufficient information for the IACHR to evaluate compliance.</b>
	<b>Petitioners: Not implemented</b>	

- **Recommendation 5:** Investigate the irregularities in the investigation of the case that have been committed by state agents and punish the persons responsible.

Measures set forth in the "Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10"	Positions of the parties with respect to compliance	Analysis of the IACHR
As regards measures designed to impose criminal or administrative penalties on officials who were involved in the investigation, verify that all the investigations that were opened into those crimes have been	<b>State: In process</b> The Office of the Prosecutor General of the State of Chihuahua keeps Mrs. Ledezma permanently apprised about progress in the investigations in this area.	<b>The IACHR notes that internal investigations are being conducted into officials who were involved in the investigation</b>

<p>carried out, and notify Norma Ledezma Ortega of the results obtained and the persons responsible.</p>	<p><b>Petitioners: In process</b> The analysis of the investigations is ongoing; however, since January 2012 no meetings have been convened nor has Mrs. Ledezma received information in this regard.</p>	
<p>The Government of the State of Chihuahua commits to setting up a review board with Norma Ledezma Ortega, in coordination with the Special Prosecution Unit for Oversight, Review, and Evaluation, to conduct a detailed examination of the ministerial actions taken and, should it suggest suspected responsibility on the part of other officials, to institute the appropriate administrative and/or criminal proceedings in accordance with the applicable laws.</p>	<p><b>State: Implemented</b> The first meeting of the review board composed of Mrs. Ledezma and persons from the Special Prosecution Unit for Oversight, Review, and Evaluation was held on January 11, 2012, and follow-up meetings have been held since then.</p> <p><b>Petitioners: Not implemented</b> It has not been formally implemented, in spite of the fact that Mrs. Ledezma holds discussions with the relevant authorities.</p>	<p><b>The IACHR is unable to conclude from the information supplied by the parties that a review board has been formally established.</b></p>

- **Recommendation 6:** Strengthen the institutional capacity to fight impunity in response to cases of violence against women in the state of Chihuahua through effective criminal investigations with a gender perspective that have consistent judicial follow-up, thereby guaranteeing adequate punishment and reparation.

Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”	Positions of the parties with respect to compliance	Analysis of the IACHR
Nationwide awareness strategy for collection of data on disappeared persons (See recommendation 3).		
Present the Protocol for Investigation of Female Homicides with a gender perspective and to include Paloma’s name in it. The State will furnish the petitioners and Norma Ledezma with the relevant draft within three months in order to receive her comments and those of her representatives.	<p><b>State: In process.</b> The draft was presented to Mrs. Ledezma for consideration and the document is currently being reviewed by her.</p> <p>The final version of the General Guidelines on standardization of investigations of crimes concerning the disappearance of women, rape, and female homicide on gender-related grounds” was presented on November 23, 2011. The document was approved at the National Conference on Law Enforcement with the result that each law enforcement agency will design their own protocol in line with their resources, precisely identify the special measures that they will adopt to ensure its application and compliance in their jurisdiction.</p> <p>The Alba Protocol is also being implemented.<sup>179</sup></p> <p><b>Petitioners: Not implemented.</b> Despite the fact that three protocols were sent to the organization <i>Justicia para Nuestras Hijas</i> for comment, prosecution units continue to operate without protocols and there was no effective consultation process.</p>	<b>Implemented</b> The IACHR notes that the State provided Mrs. Ledezma with the relevant draft protocol in keeping with the undertaking given.

<sup>179</sup> The Alba protocol was created in 2005. It consists of an assistance, response, and coordination board composed of authorities from the three levels of government and representatives of the American Consulate, in which each, within their jurisdiction, carries out cross-border search and location operations for missing or disappeared women. It was formally launched on July 20, 2012 with the signing by the Governor of the State of Chihuahua and the Secretary of the Interior of the Protocol on Assistance, Response, and Coordination among Federal, State, and Municipal Authorities in Cases of Missing Women and Children on National Soil.”

<p>Draft and disseminate a Charter on the Rights of Crime Victims in line with the restructuring of the Female Homicide and Missing Persons Investigation Unit and, at the appropriate time, the Special Prosecution Unit</p>	<p><b>State: In process.</b> The document was submitted to Mrs. Ledezma for consideration through the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties in Chihuahua. It is currently being reviewed by her.</p>	<p><b>In process</b></p>
<p>The State Government undertakes to present the draft to <i>Justicia para Nuestras Hijas</i> and, as appropriate, other organizations with an interest in the subject. It also pledges the widespread distribution of the Charter, for which purpose it will print 3,000 copies.</p>	<p><b>Petitioners: In process.</b></p>	

- **Recommendation 7:** Implement public awareness measures and campaigns on the duty to observe and ensure children’s human rights.

<p><b>Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”</b></p>	<p><b>Positions of the parties with respect to compliance</b></p>	<p><b>Analysis of the IACHR</b></p>
<p>Regarding the implementation of public awareness measures and campaigns on the duty to observe and ensure children’s human rights, the State Government commits to heeding the opinions on the content of those campaigns of <i>Justicia de Nuestras Hijas</i> and other organizations specializing in the subject.</p>	<p><b>State: Implemented</b> ICHMUJER is currently implementing the Campaign on Prevention of Femicide in Ciudad Juárez, the core aim of which is to create widespread public awareness of the Alba Protocol, with a particular focus on women and girls in the State.</p> <p><b>Petitioners: Not implemented</b> There has been no progress in this regard.</p>	<p><b>Despite the implementation of a femicide prevention campaign in Ciudad Juárez, the IACHR has received no information regarding the consultations with <i>Justicia de Nuestras Hijas</i> and other organizations on the contents of the measures and campaigns carried out to implement this recommendation.</b></p>

- **Recommendation 8:** Develop training programs for state officials that take into account the international standards established in the Istanbul Protocol, so that those officials have the technical and scientific foundations necessary for evaluating the murders of women.

<p><b>Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”</b></p>	<p><b>Positions of the parties with respect to compliance</b></p>	<p><b>Analysis of the IACHR</b></p>
<p>So as to have in place an effective training program, the Government of the State of Chihuahua shall impart said training to specialized personnel with the appropriate profile in criminal investigations with the aim of certifying and strengthening the capacity of</p>	<p><b>State: Implemented</b> In 2011, the Government of the State of Chihuahua, through ICHMUJER, organized training courses, workshops, and diploma programs in the State covering approximately 20 topics. The Office of the State Prosecutor General implemented its</p>	<p><b>Although the training courses, workshops, and diploma programs imparted are valuable, the IACHR has received no information regarding the creation of a training program in keeping with this recommendation.</b></p>

<p>personnel in charge of investigating disappearances of women and girls, feminicides, and trafficking in persons, taking into account the particular context of the State, a gender perspective, and effective implementation of the investigation protocols agreed upon among the parties.</p> <p>In particular, the instruction courses shall ensure the provision of training to all the personnel of the Special Prosecution Unit in question; the trainers and topics may be suggested by Norma Ledezma and/or her representatives.</p>	<p>own training program.</p> <p>CONAVIM will provide training on the subject through courses imparted by male and female experts from the Colorado Police Department in the United States to personnel of the Special Prosecution Unit on Organized Crime and Assistance to Victims. In this connection, through the Special Prosecution Unit on Violence against Women and Trafficking in Persons, training courses have been imparted on trafficking in persons, gender perspective, and addressing violence against women. In all, training has been provided to 165 women and 66 men serving as government officials.</p> <p>The Government of the State of Chihuahua and the Secretariat of the Interior are in the process of signing a coordination agreement with the aim of introducing public policies on prevention and eradication of violence. The agreement envisages two lines of action: On one hand, experts will be hired to carry out a detailed study on integration of preliminary investigations in specific cases of female murders on gender-related grounds and, based on a review, will issue lines investigation to follow. The agreement also provides for the hiring of international criminalistics experts to impart a "Technical and Scientific Training Course on Search and Location of Missing or Disappeared Women." Initially the participation is envisaged of 120 police personnel, experts, and ministry staff attached to the areas in charge of finding missing persons.</p>	
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	<p><b>Petitioners: Not implemented,</b> despite the fact that a number of activities have been carried out. Mrs. Ledezma is aware that on November 11, 2011, a diploma course was held on "Violence and Gender" as was a "Review Forum on Femicidal Violence," and that in October 2011, there was a Seminar on Strengthening Access to Justice for Women Violence Victims in Mexico City. Those activities do not amount to systematic "training programs" and it is not known whether or not their contents included the standards contained in the Istanbul Protocol.</p>	
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- **Recommendation 9:** Continue adopting public policies and institutional programs aimed at restructuring stereotypes concerning the role of women in the state of Chihuahua and promoting the eradication of discriminatory sociocultural patterns that impede their full access to justice, including training programs for public officials in all state sectors, including the education sector, the different branches of justice administration and the police, and comprehensive prevention policies.

<b>Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”</b>	<b>Positions of the parties with respect to compliance</b>	<b>Analysis of the IACHR</b>
<p>Media Sensitization Strategy “For a Mexico Free of Violence against Women”: The National Commission for the Prevention and Eradication of Violence against Women (CONAVIM) will be instructed to launch a sensitization strategy targeting the media for a Mexico free of violence against women.</p> <p>The engagement will be sought of civil society organizations, academic institutions, the media, and journalists.</p>	<p><b>State: Implemented.</b> CONAVIM has carried out various activities within the framework of its functions and competencies.</p> <p>The State draws attention to the launch of the campaign “Highlighting Forms of Violence against Women” the aims of which include preventing violence against women, raising public awareness about the issue, and providing a toll-free (01800) assistance number for them to call.</p> <p>As regards work with the media, CONAVIM has encouraged the participation of key actors in accordance with their spheres of competence. In 2011, 20 monitoring exercises were carried out on the contents of various programs transmitted by national media outlets, both digital and printed, in different states. In addition, a number of recommendations for the media were drawn up based on international instruments on eradication of gender-related violence against women and women’s human rights.</p> <p>A communication strategy has been developed based on the Ecological Model for a Life Free from Gender Violence, which covers three stages: 2010-2011, 2011-2012 y 2012</p> <p><b>Petitioners: Not implemented.</b> The petitioners have no information that suggests that the measure is being implemented.</p>	<p><b>The parties have not supplied concrete information on the preparation of a sensitization strategy specifically targeting the media as part of the measures to implement this recommendation.</b></p>

<p>The State Government promises to publish and distribute to the State's public libraries, nongovernmental organizations, and community centers a book entitled <i>Justicia para Nuestras Hijas</i> [Justice for Our Daughters] with a prologue written by Norma Ledezma and agreed upon with the State Government. The book will contain a compilation of laws on women's human rights: Convention on the Elimination of All Forms of Discrimination against Women, the recommendations of the Committee on that Convention, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), the General Law on Access for Women to a Violence Free Life, and the provisions contained in state codes on gender crimes. Up to 3,000 copies will be printed, subject to the volume and cost of the publication. The book's design will be proposed by Norma Ledezma. The book will also be disseminated over the Internet via the State Government's web page.</p>	<p><b>State: In process.</b> The Office of the State Prosecutor General agreed with Mrs. Ledezma to publish 50 hardback copies of the book. It was also agreed that 2000 pamphlets would be released with information on the key points of the book. A link will be established on the website of the Office of the Prosecutor General of the State of Chihuahua providing access to the full texts of the documents that comprise the national and international standards on women's human rights. Mrs. Ledezma must provide a draft of the prologue and the book's design to be agreed upon with the State of Chihuahua.</p> <p><b>Petitioners: Not implemented,</b> despite the fact that at the meeting of July 31, 2012, the authorities promised to send 10 compact disc containing the proposed compilation of standards for review.</p>	<p><b>In process</b></p>
<p>The State Government recognizes the contribution of the civil association <i>Justicia para Nuestras Hijas</i>, which has designed a program on prevention of gender violence and prevention of courtship violence for women who work in the in-bond industry, and therefore, it undertakes to arrange an agreement with the State-owned in-bond sector so that the organization can present and implement its program. In that connection, a period of one month counted from the signing of this Agreement is established for implementing those measures.</p>	<p><b>State: Implemented.</b> On January 30, 2012, the Office of the Prosecutor General of the State of Chihuahua signed a Cooperation Agreement on Public Security and Crime Prevention with <i>Asociación de Maquiladoras A.C.</i>, in Ciudad Juárez.</p> <p><b>Petitioners: Implemented</b> The agreement was signed on January 30, 2012. It provides at clause 3 that programs will be implemented by <i>Justicia para Nuestras Hijas</i>.</p>	<p><b>Implemented</b></p>

**X. CONCLUSIONS**

165. Pursuant to the provisions of Article 51(1) of the Convention, it is incumbent on the IACHR at this stage to determine whether or not the State of Mexico has implemented the recommendations contained in Report on Merits 89/10.

166. Based on the foregoing analysis, the IACHR recognizes and values the substantial progress made in implementing the recommendations contained in a Report on Merits 89/10 by the State of Mexico. Accordingly, in keeping with its Rules of Procedure, it decided not to submit this case for the attention of the Inter-American Court.

167. However, having examined the information furnished by the parties, the IACHR concludes that there are still matters pending implementation and it hopes that they will be completed in the near term. Therefore, it will continue to monitor the case closely.

**XI. RECOMMENDATIONS**

168. Based on the analysis and conclusions given above and in order to establish the points pending implementation that will warrant further monitoring in the wake of this report, in light of the recommendations contained in the report and the agreements on implementation of the recommendations signed, the Inter-American Commission on Human Rights reiterates to the Mexican State the following points on which compliance is pending:

1. Recommendation 1: Complete the investigation in a timely, immediate, serious, and impartial manner for the purpose of clarifying the murder of Paloma Angélica Escobar and identifying, prosecuting, and, as appropriate, punishing the persons responsible. Specifically, this refers to the investigation of the disappearance and subsequent murder of Paloma Angélica Escobar Ledezma.
2. Recommendation 2: Make full reparation to the next-of-kin of Paloma Angélica Escobar for the violations of human rights established herein. In particular, this relates to the completion of the outstanding payment to Fabián Alberto Escobar Ledezma of financial assistance for his studies as well as the transfer of the agreed property to Mrs. Ledezma.
3. Recommendation 3: Implement, as a measure of non-repetition, a coordinated state policy, backed with adequate public resources, to ensure that specific cases of violence against women are adequately prevented, investigated, punished, and remedied in the city of Chihuahua. The matters pending in this regard are to supply the Prosecution Unit with sufficient material and financial resources for it to function properly; provide training to professional staff of the State Health Care System and the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties; provide information on the holding of the 12-month nationwide campaign; and prepare the final versions of the agreed protocols and consult the petitioners with regard to training for their proper implementation.
4. Recommendation 4: Adopt reforms in state education programs, starting at the pre-school and early stage, in order to promote respect for women as equals and observance of their right not to be subjected to violence or discrimination. This recommendation would appear to be pending since the parties have not presented any information on it.
5. Recommendation 5: Investigate the irregularities in the investigation of the case that have been committed by state agents and punish the persons responsible. In this connection, continue the

investigation of officials who were involved in the investigation and formally establish the review board as agreed by the parties.

6. Recommendation 6: Strengthen the institutional capacity to fight impunity in response to cases of violence against women in the state of Chihuahua through effective criminal investigations with a gender perspective that have consistent judicial follow-up, thereby guaranteeing adequate punishment and reparation. In relation to this recommendation, pending are a number of the measures evaluated under recommendation 3 that also pertain to this recommendation; and evaluate and disseminate the Charter on the Rights of Crime Victims.
7. Recommendation 7: Implement public awareness measures and campaigns on the duty to observe and ensure children's human rights. In this regard, despite the implementation of a femicide prevention campaign in Ciudad Juárez, the IACHR has received no information regarding the consultations with *Justicia de Nuestras Hijas* and other organizations on the contents of the measures and campaigns to carried out to implement this recommendation.
8. Recommendation 8: Develop training programs for state officials that take into account the international standards established in the Istanbul Protocol, so that those officials have the technical and scientific foundations necessary for evaluating the murders of women. Although the training courses, workshops, and diploma programs imparted are valuable, the IACHR has received no information regarding the creation of a training program in keeping with this recommendation.
9. Recommendation 9: Continue adopting public policies and institutional programs aimed at restructuring stereotypes concerning the role of women in the state of Chihuahua and promoting the eradication of discriminatory sociocultural patterns that impede their full access to justice, including training programs for public officials in all state sectors, including the education sector, the different branches of justice administration and the police, and comprehensive prevention policies. Pending with respect to this recommendation are the preparation of a sensitization strategy specifically targeting the media "For a Mexico Free of Violence against Women" as well as the publication and distribution of up to 3,000 copies of the book *Justicia para Nuestras Hijas* [Justice for Our Daughters] with a prologue to be written by Norma Ledezma and agreed upon with the State Government.

## **XII. ACTIONS SUBSEQUENT TO REPORT No. 113/12**

169. On November 9, 2012, the IACHR approved Report 113/12, in accordance with Article 51 of the American Convention. The Commission transmitted the report to the State and the petitioners on December 3, 2012, and gave the State one month to report on compliance with the Commission's recommendations in accordance with Article 51.2 of the Convention. On January 17, 2012, the State presented its report on compliance with the IACHR recommendations and on February 11, 2013, it attached additional documents to its response.

170. This information was forwarded to the petitioners on April 5, 2013. On May 5, 2013 and July 5, 2013, the petitioners submitted observations on the State's reply, which were duly transmitted to the State.

## **XIII. ANALYSIS OF COMPLIANCE WITH THE RECOMMENDATIONS**

171. Based on the information received, the IACHR considers that the state of compliance with the recommendations of Report 113/12 is as follows:

- **Recommendation 1:** Complete the investigation in a timely, immediate, serious, and impartial manner for the purpose of clarifying the murder of Paloma Angélica Escobar and identifying, prosecuting, and, as appropriate, punishing the persons responsible.

Measures set forth in "Agreement on Compliance with the Recommendations Contained in Report on Merits No 87/10"	Positions of the parties with respect to compliance	Analysis of the IACHR
<p>Conduct a meaningful, impartial, and thorough investigation with due diligence into the disappearance and subsequent murder of Paloma Angélica Escobar Ledezma, to which end, the State should adopt all necessary judicial and administrative measures to complete the investigation; locate, prosecute, and, where appropriate, punish the architects and perpetrators of the crimes; and present a report on the results.</p>	<p><b>State: In process.</b> The investigation is ongoing with various procedures being conducted in order to exhaust the lines of enquiry. It notes the request for assistance from the PGR to do a forensic report on genetic material on the evidence found at the site where the body was found..</p> <p><b>Petitioners: In process.</b> They say that although the investigations are ongoing, there are gaps in them because of the lack of a clear work plan.</p>	<p><b>In process</b></p>
<p>Provide Norma Ledezma with a monthly written report on the lines of investigation, procedures, and activities pursued in the case until it is clarified and, as appropriate, the persons responsible, punished.</p>	<p><b>State: Implemented.</b> Mrs. Ledezma's active participation has prompted the Office of the State Prosecutor General to analyze and carry out lines of investigation suggested by the interested party.</p> <p><b>Petitioners: Implemented.</b></p>	<p><b>Implemented.</b></p>
<p>Review and, as appropriate, exhaust the lines of investigation proposed by Norma Ledezma Ortega</p>	<p><b>State: Implemented</b> The Office of the Prosecutor analyzes and, where appropriate, exhausts the lines of investigation proposed by the petitioner.</p> <p><b>Petitioners: In process.</b> There have been actions to finish the lines of investigation proposed by Mrs. Ledezma, but those investigations have not been exhausted.</p>	<p><b>In process</b></p>
<p>Ensure in full the third-party rights of Mrs. Norma Ledezma Ortega.</p>	<p><b>State: Implemented</b> The State Government has ensured in full the third-party rights of Mrs. Norma Ledezma Ortega in all authorized investigations.</p> <p><b>Petitioners: Implemented</b></p>	<p><b>Implemented</b></p>

- **Recommendation 2:** Make full reparation to the next-of-kin of Paloma Angélica Escobar for the violations of human rights established herein.

<b>Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”</b>	<b>Positions of the parties with respect to compliance</b>	<b>Analysis of the IACHR</b>
Draw up a separate document, which shall be signed by the representatives of the State and Mr. Escobar Hinojos, recognizing to Mr. Escobar Hinojos, as the father of Paloma Escobar Ledezma, a sum in non-pecuniary damages of [...]	<b>State: Implemented</b>	<b>Implemented</b>
	<b>Petitioners: Implemented</b>	
The Mexican State, through the Federal Government, will make a cash payment to the victims, Norma Ledezma and Fabián Alberto Escobar Ledezma, of a total of [...] delivered within not more than three months counted from the date of the signing of this Agreement.	<b>State: Implemented</b>	<b>Implemented</b>
	<b>Petitioners: Implemented</b>	
The Government of the State of Chihuahua will grant Fabián Alberto Escobar Ledezma economic assistance to pay for his university and postgraduate studies, to which he will have access as of the next academic year, that is, August 2011. For the purposes of the disbursement of the amount to pay for his studies, the sum agreed was [...] to be administered by him for the completion of his studies, in a check made out to him.	<b>State: Implemented</b>	<b>In process</b> because the last payment is pending.
	<b>Petitioners: In process</b> The last payment is pending.	

<p>Norma Ledezma Ortega will receive from the State Government, as a payment in kind in the amount disclosed below, a dwelling from the State of Chihuahua Housing Institute in the city of Chihuahua, Chihuahua, at a location to be agreed upon by the State Government and the victim. The dwelling will be delivered within not more than three months counted from the date of the signing of this Agreement.</p>	<p><b>State: In process.</b> Mrs. Ledezma has identified and accepted the dwelling. At her express request, the transfer has not been formalized for family reasons.</p> <p><b>Petitioners: In process.</b> Mrs. Ledezma will notify State authorities of the manner in which she wishes to receive the housing.</p>	<p><b>In process because delivery of the property is pending</b></p>
<p>Provide the petitioners with medical and psychological care for as long as they may need. That care will be provided by professional staff of the State Health Care System and the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties, attached to the Office of the State Prosecutor General whom the petitioners may choose for that purpose. The State of Chihuahua undertakes to ensure preferential access for Norma Ledezma Ortega and Fabián Alberto Escobar Ledezma at the aforementioned institutions and will establish the necessary institutional mechanisms for that purpose, including the issuance of a credential for preferential access to those services and instructions at the highest level to that end.</p>	<p><b>State: Implemented.</b> Norma Ledezma and Fabián A. Escobar were formally enrolled in the health care service provided by the <i>Instituto Chihuahuense de Salud</i> [Chihuahua Health Institute] on February 2, 2010. They are guaranteed preferential access.</p> <p><b>Petitioners: In process.</b> Identity cards for accessing the services of the Instituto Chihuahuense de la Salud were issued. Mrs. Ledezma does not agree to receive psychological care from the Special Prosecution Unit for Assistance to Crime Victims because she considers it unsatisfactory, so she will contact authorities to solve this issue.</p>	<p><b>Implemented</b></p>
<p>The public ceremony of acknowledgment of responsibility held by common consent. The victims and their representatives believe that the event should be attended by a senior official from the Inter-American Commission on Human Rights, the Federal Secretary of the Interior, the Governor of the State of Chihuahua, and the heads of the state legislative and judicial branches.</p>	<p><b>State: Implemented</b> The public ceremony was held on February 23, 2012. The guidelines, terms, and logistics of the ceremony were agreed upon with Mrs. Ledezma.</p> <p><b>Petitioners: Implemented</b></p>	<p><b>Implemented</b></p>
<p>The Government of the State of Chihuahua promises that the Center</p>	<p><b>State: Implemented</b> During the public ceremony of acknowledgment</p>	<p><b>Implemented</b></p>

<p>for Justice for Women of the City of Chihuahua, opened in memory of Paloma Angélica Escobar Ledezma on March 8, 2011 (International Women's Day), will carry her name.</p>	<p>of responsibility, the Center was rechristened with Paloma Angélica Escobar Ledezma's name</p>	
<p>To build a memorial that will include a water fountain and pigeons, as well as a commemorative plaque engraved with a poem written by Mrs. Ledezma. The specific characteristics of the memorial have been agreed upon in full with Norma Ledezma.</p> <p>The inauguration of the memorial will take place at the same time as the public ceremony of acknowledgment of responsibility mentioned in this clause.</p>	<p><b>State: Implemented</b> The memorials were inaugurated during the ceremonies of acknowledgment of responsibility held on February 23, 2012. The characteristics of the memorial were agreed upon with Mrs. Ledezma.</p>	<p><b>Implemented</b></p>
<p><b>Petitioners: Implemented</b></p>		

- **Recommendation 3:** Implement, as a measure of non-repetition, a coordinated and comprehensive state policy, backed with adequate public resources, to ensure that specific cases of violence against women are adequately prevented, investigated, punished, and remedied in the city of Chihuahua.

Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”	Positions of the parties with respect to compliance	Analysis of the IACHR
<p>To complete the creation of the Special Prosecution Unit. The Government shall complete a draft of the rules of procedure that will govern the operations of the Prosecutor’s Office within no more than three months after the decree creating it comes into force. The draft rules of procedure shall be presented to Norma Ledezma for her consideration and comments.</p> <p>To formalize the creation of the aforesaid Prosecution Unit by publishing the decree creating it in the Official Gazette of the State of Chihuahua. Furthermore, it shall appoint the head of the Prosecution Unit and allocate sufficient material and financial resources, within its financial and budgetary capacities, for the Unit to operate in all four of the State’s zones. The profile of the Special Prosecutor shall be set down in law and/or regulations.</p>	<p><b>State: Implemented</b> And generate 30 2012, the Congress of the state of Chihuahua adopted a decree creating the Specialized Prosecution Unit for Women Victims of Crime. The Decree was published in the Official State Government Gazette on February 4, 2012.</p> <p>On July 25, 2012, the gubernatorial decision enacting the Internal Rules of Procedure of the Office of the State Prosecutor General was published in the Official State Gazette. Those rules set out the areas assigned to the Specialized Prosecution Unit for Women Victims of Gender Crimes as well as its functions.</p> <p>In December 2012 the Special Prosecution Unit was given sufficient human and material resources for optimum operation. It currently has 350 public employees, whose profile includes specialization in the gender perspective. For fiscal year 2013 there are plans for a line item in the budget for the Prosecution Unit of the State of Chihuahua.</p> <p><b>Petitioners: In process</b> Although the Special Prosecution Unit has been formally created through the promulgation of a decree, in practice it is far from functioning properly. The Unit lacks sufficient human, financial, or material resources, which prevents it from responding in a timely and effective way to complaints. In addition, the Prosecution Unit does not investigate trafficking in persons, which is a line of investigation</p>	<p>Implemented</p>

	pending application.	
<p>To design a personnel training program on assistance to victims to ensure that they receive the necessary instruction on the psychosocial impact of human rights violations and violence against women. To that end, within the time limits set forth in this agreement, an awareness and training workshop will be held for professional staff of the State Health Care System and the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties attached to the Office of the State Prosecutor General, which will be led by experts on the subject.</p>	<p><b>State: Implemented.</b> Both the Office of the State Prosecutor General and ICHMUJER have implemented training courses, workshops, and diploma programs concerning gender perspective for public servants involved in these tasks.</p> <p>In an official letter dated August 3, 2012, Mrs. Ledezma was provided with up-to-date information about the training programs imparted by both ICHMUJER and personnel from the Specialized Prosecution Unit for Women Victims of Gender Crimes.</p> <p>On August 15, she was supplied information on the training programs on gender perspective and prevention of violence against women imparted at the Judicial Education and Updating Center of the State Supreme Court of Justice.</p> <p>Recently the State Police School has offered specialized training to various State entities such as the Public Prosecutor's Office and the State Police for the use and management of operating protocols.</p> <p>In addition, the Office of the Attorney General of the Republic offers permanent education and training programs and courses on human rights and gender perspective for public officials. In Chihuahua, five awareness courses on gender and trafficking in persons were held, as was a conference on the "Sex-Gender System in the Crime</p>	<p><b>In process.</b> The IACHR recognizes the State's efforts. It is waiting to receive more information on the design of a personnel training program for victim assistance, and the awareness and training workshop for professional staff of the State Health Care System.</p>

	<p>of Trafficking in Persons.”</p> <p>Personnel of the Special Prosecution Unit for Care of Women Victims of Gender-Related Crime are implementing the recently developed protocols.</p> <p><b>Petitioners: In process.</b> They stress that the training project must be a permanent program, and say it is necessary to evaluate the training’s effectiveness objectively.</p>	
<p>Nationwide Awareness Strategy for Collection of Data on Disappeared Persons (See recommendations 3 and 6).</p> <p>The Secretariat of the Interior will carry out a 12-month nationwide campaign consisting of publicizing government mechanisms available to both authorities and private citizens for collecting data, records, and facts about disappeared persons cases, in order to continue the creation of the various databases by the state authorities, which will be administered by the Office of the Attorney General of the Republic using a standard software package called CODIS.</p>	<p><b>State: In process</b> In May 2012, the Federal Government implemented the AMBER Mexico National Warning Program, which brings together the three levels of government in efforts for the immediate search and location of girls who have disappeared in Mexico.</p> <p>The Office of the Attorney General of the Republic has designed a ministerial action protocol for the search and location of disappeared children and women, which was published on August 14, 2012.</p> <p><b>Petitioners: Not implemented</b> They say the campaign has not been started. Moreover, the action agreed upon involves the dissemination of information that goes beyond the Amber Alert.</p>	<p><b>The IACHR does not have sufficient information to determine if the nationwide campaign was carried out.</b></p>
<p>The State Government undertakes to continue to follow the procedures set forth in the Law Governing the Genetic Database for the State of Chihuahua. This undertaking includes the Federal Government, through the Office of the Attorney General of the Republic, screening genetic samples in an attempt to find matches between family</p>	<p><b>State: In process.</b> There is an agreement between the Federal Bureau of Investigation and the Office of the Attorney General of the Republic to supply a software package known as “CODIS” for the installation of a national database. Recently the government of the State of Chihuahua sent the prosecutors’ offices in the federal</p>	<p><b>The IACHR does not have sufficient information to determine if this measure was implemented.</b></p>

members and victims.	<p>entities and the federal district the database with profiles of the unidentified women and the family members who have filed a complaint of disappearance in Chihuahua, for checking at the national level.</p> <p><b>Petitioners: Not implemented</b> They do not have any information attesting to compliance with this measure, specifically on the functioning of the CODIS system.</p>	
<p>Within the State of Chihuahua, the State authorities pledge that as part of the consultations for the preparation of investigation protocols for disappeared women and female homicides, the consultation of the organization Justicia para Nuestras Hijas will be ensured and the effort made to heed their observations,</p> <p>and that instruction on the proper implementation of those protocols will be imparted by personnel suitably trained to that end.</p>	<p><b>State: In process.</b> The draft was presented to Mrs. Ledezma for consideration and the document is currently being reviewed by her.</p> <p><b>Petitioners: In process.</b> Justicia para Nuestras Hijas is in the final phase of revision of the protocols. The Alba Protocol is applied only in Ciudad Juárez.</p> <p>They say that Justicia para Nuestras Hijas has not been consulted at all concerning the agreed training.</p>	<p><b>The IACHR finds that this recommendation is in the process of implementation. The final draft of the protocols, with the input supplied by the petitioners, and the consultations on training for their proper implementation are pending.</b></p>

- **Recommendation 4:** Adopt reforms in state education programs, starting at the pre-school and early stage, in order to promote respect for women as equals and observance of their right not to be subjected to violence or discrimination.

<b>Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”</b>	<b>Positions of the parties with respect to compliance</b>	<b>Analysis of the IACHR</b>
<p>The State Government and the Federal Government shall encourage the inclusion of gender and human rights as a course subject in the curricula of primary, secondary, and preparatory schools, as well as public universities. To that end, insofar as the Federal Government is concerned, through the Committee on Government Policy on Human Rights, it shall invite civil society organizations to participate in the consultations that the Subcommittee on Education will coordinate, with a view to developing a concrete plan</p>	<p><b>State: In process.</b> The Commission on Government Policy on Human Rights approved the Draft National Program for Human Rights Education 2010-2012 (PRONALEDH), in which a priority area is dissemination and research on human rights education, methodologies, experiences, results, evaluations, impacts and tools needed to achieve, defend, and respect for human rights. .</p> <p><b>Petitioners: Not implemented.</b> They indicate that there has been no concrete action.</p>	<p><b>The parties have not furnished sufficient information for the IACHR to evaluate compliance.</b></p>

<p>for including gender and human rights as a subject in the above curricula, which shall be submitted at the next meeting of the Committee on Government Policy on Human Rights.</p>		
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- **Recommendation 5:** Investigate the irregularities in the investigation of the case that have been committed by state agents and punish the persons responsible.

<b>Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”</b>	<b>Positions of the parties with respect to compliance</b>	<b>Analysis of the IACHR</b>
As regards measures designed to impose criminal or administrative penalties on officials who were involved in the investigation, verify that all the investigations that were opened into those crimes have been carried out, and notify Norma Ledezma Ortega of the results obtained and the persons responsible.	<p><b>State: In process,</b> A preliminary administrative investigation into the irregularities committed in the investigation of the homicide of Paloma A. Escobar began on December 13, 2012.</p> <p><b>Petitioners: In process.</b> They say that the ongoing investigations are incomplete and ineffective. They have concentrated on the planting of evidence, ignoring the many irregularities found by the IACHR.</p>	<b>The IACHR notes that internal investigations are being conducted into officials who were involved in the investigation</b>
The Government of the State of Chihuahua commits to setting up a review board with Norma Ledezma Ortega, in coordination with the Special Prosecution Unit for Oversight, Review, and Evaluation, to conduct a detailed examination of the ministerial actions taken and, should it suggest suspected responsibility on the part of other officials, to institute the appropriate administrative and/or criminal proceedings in accordance with the applicable laws.	<p><b>State: Implemented</b> The first meeting of the review board composed of Mrs. Ledezma and persons from the Special Prosecution Unit for Oversight, Review, and Evaluation was held on January 11, 2012, and follow-up meetings have been held since then.</p> <p><b>Petitioners: Not implemented</b> It has not been formally implemented, in spite of the fact that Mrs. Ledezma holds discussions with the relevant authorities, concerning specific points in the investigations.</p>	<b>The IACHR is unable to conclude from the information supplied by the parties that a review board has been formally established.</b>

- **Recommendation 6:** Strengthen the institutional capacity to fight impunity in response to cases of violence against women in the state of Chihuahua through effective criminal investigations with a gender perspective that have consistent judicial follow-up, thereby guaranteeing adequate punishment and reparation.

Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”	Positions of the parties with respect to compliance	Analysis of the IACHR
Nationwide awareness strategy for collection of data on disappeared persons (See recommendation 3).		
Present the Protocol for Investigation of Female Homicides with a gender perspective and to include Paloma’s name in it. The State will furnish the petitioners and Norma Ledezma with the relevant draft within three months in order to receive her comments and those of her representatives.	<p><b>State: In process.</b> The Protocol for Investigation of Female Homicides with a Gender Perspective and the Protocol for Rape Investigation and Processing of the Scene were submitted to Mrs. Ledezma and she is reviewing them. They are being implemented by the corresponding units.</p> <p>The final version of the General Guidelines on standardization of investigations of crimes concerning the disappearance of women, rape, and female homicide on gender-related grounds” was presented on November 23, 2011. The document was approved at the National Conference on Law Enforcement with the result that each law enforcement agency will design their own protocol in line with their resources, precisely identify the special measures that they will adopt to ensure its application and compliance in their jurisdiction.</p> <p>The Alba Protocol is also being implemented<sup>180</sup>. It was formally launched in July 2012.</p>	<b>Implemented. The IACHR notes that the State provided Mrs. Ledezma with the relevant draft protocol in keeping with the undertaking given.</b>

<sup>180</sup> The Alba protocol was created in 2005. It consists of an assistance, response, and coordination board composed of authorities from the three levels of government and representatives of the American Consulate, in which each, within their jurisdiction, carries out cross-border search and location operations for missing or disappeared women. It was formally launched on July 20, 2012 with the signing by the Governor of the State of Chihuahua and the Secretary of the Interior of the Protocol on Assistance, Response, and Coordination among Federal, State, and Municipal Authorities in Cases of Missing Women and Children on National Soil.”

	<p><b>Petitioners: In process.</b> Justicia para Nuestras Hijas is in the final phase of reviewing the protocols.</p>	
<p>Draft and disseminate a Charter on the Rights of Crime Victims in line with the restructuring of the Female Homicide and Missing Persons Investigation Unit and, at the appropriate time, the Special Prosecution Unit</p> <p>The State Government undertakes to present the draft to <i>Justicia para Nuestras Hijas</i> and, as appropriate, other organizations with an interest in the subject. It also pledges the widespread distribution of the Charter, for which purpose it will print 3,000 copies.</p>	<p><b>State: In process.</b> The document was submitted to Mrs. Ledezma for consideration through the Special Prosecution Unit for Assistance to Crime Victims and Injured Parties in Chihuahua. It is currently being reviewed by her.</p> <p><b>Petitioners: In process.</b> Justicia para Nuestras Hijas will send the State its observations on the Charter.</p>	<p><b>In process</b></p>

- **Recommendation 7:** Implement public awareness measures and campaigns on the duty to observe and ensure children’s human rights.

<b>Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”</b>	<b>Positions of the parties with respect to compliance</b>	<b>Analysis of the IACHR</b>
Regarding the implementation of public awareness measures and campaigns on the duty to observe and ensure children’s human rights, the State Government commits to heeding the opinions on the content of those campaigns of <i>Justicia de Nuestras Hijas</i> and other organizations specializing in the subject.	<p><b>State: Implemented</b> ICHMUJER implemented the Campaign on Prevention of Femicide in Ciudad Juárez, the core aim of which is to create widespread public awareness of the Alba Protocol, with a particular focus on women and girls in the State. In addition, since 2011 the Office of the Prosecutor General in the State of Chihuahua has been implementing permanent programs for the general population aimed at preventing domestic violence, with particular emphasis on children’s rights..</p> <p><b>Petitioners: Not implemented.</b> Justicia para Nuestras Hijas has not been consulted on any campaign on the subject. The information submitted by the State does not focus on the rights of boys and girls.</p>	<b>Despite the implementation of a femicide prevention campaign in Ciudad Juárez, the IACHR has received no information regarding the consultations with <i>Justicia de Nuestras Hijas</i> and other organizations on the contents of the measures and campaigns carried out to implement this recommendation.</b>

- **Recommendation 8:** Develop training programs for state officials that take into account the international standards established in the Istanbul Protocol, so that those officials have the technical and scientific foundations necessary for evaluating the murders of women.

<b>Measures set forth in the “Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10”</b>	<b>Positions of the parties with respect to compliance</b>	<b>Analysis of the IACHR</b>
So as to have in place an effective training program, the Government of the State of Chihuahua shall impart said training to specialized personnel with the appropriate profile in criminal investigations with the aim of certifying and strengthening the capacity of personnel in charge of investigating disappearances of women and girls, feminicides, and trafficking in persons, taking into account the particular context of the State, a gender perspective, and effective implementation of the investigation	<p><b>State: Implemented</b> In 2011, the Government of the State of Chihuahua, through ICHMUJER, organized training courses, workshops, and diploma programs in the State covering approximately 20 topics. The Office of the State Prosecutor General implemented its own training program.</p> <p>CONAVIM will provide training on the subject through courses imparted by male and female experts from the Colorado Police Department in the United States to</p>	<b>Although the training courses, workshops, and diploma programs imparted are valuable, the IACHR has received no information regarding the creation of a training program in keeping with this recommendation.</b>

<p>protocols agreed upon among the parties.</p> <p>In particular, the instruction courses shall ensure the provision of training to all the personnel of the Special Prosecution Unit in question; the trainers and topics may be suggested by Norma Ledezma and/or her representatives.</p>	<p>personnel of the Special Prosecution Unit on Organized Crime and Assistance to Victims. In this connection, through the Special Prosecution Unit on Violence against Women and Trafficking in Persons, training courses have been imparted on trafficking in persons, gender perspective, and addressing violence against women. In all, training has been provided to 165 women and 66 men serving as government officials.</p> <p>The Government of the State of Chihuahua and the Secretariat of the Interior are in the process of signing a coordination agreement with the aim of introducing public policies on prevention and eradication of violence. The agreement envisages two lines of action: On one hand, experts will be hired to carry out a detailed study on integration of preliminary investigations in specific cases of female murders on gender-related grounds and, based on a review, will issue lines investigation to follow. The agreement also provides for the hiring of international criminalistics experts to impart a "Technical and Scientific Training Course on Search and Location of Missing or Disappeared Women." Initially the participation is envisaged of 120 police personnel, experts, and ministry staff attached to the areas in charge of finding missing persons.</p> <p>The State Government and the SEGOB are in the process of signing a coordination agreement to establish public policies for the prevention and eradication of violence.</p> <p>The State Police School (Chihuahua) offered courses on search and location of persons, which were given in all the Special Prosecution Units.</p> <p>Members of the Custody Police, Judicial Measures, and Security have</p>	
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	<p>taken courses on the use of force and the application of the Istanbul Protocol. Other agents of the State have taken courses in human rights and gender perspective.</p> <p>There have also been gender training workshops for personnel of the Special Prosecution Unit for Care of Women Victims of Gender-Related Crime.</p> <p><b>Petitioners: In process.</b> The petitioners welcome the State's efforts but note that several of the recommendations have not been carried out. They do not have information on the content of the programs, which is needed to verify that they take into account the Istanbul Protocol. The training must have objective evaluations and a formal certification process.</p>	
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- **Recommendation 9:** Continue adopting public policies and institutional programs aimed at restructuring stereotypes concerning the role of women in the state of Chihuahua and promoting the eradication of discriminatory sociocultural patterns that impede their full access to justice, including training programs for public officials in all state sectors, including the education sector, the different branches of justice administration and the police, and comprehensive prevention policies.

<b>Measures set forth in the "Agreement on Compliance with the Recommendations Contained in Report on Merits 87/10"</b>	<b>Positions of the parties with respect to compliance</b>	<b>Analysis of the IACHR</b>
<p>Media Sensitization Strategy "For a Mexico Free of Violence against Women": The National Commission for the Prevention and Eradication of Violence against Women (CONAVIM) will be instructed to launch a sensitization strategy targeting the media for a Mexico free of violence against women.</p> <p>The engagement will be sought of civil society organizations, academic institutions, the media, and journalists.</p>	<p><b>State: Implemented.</b> CONAVIM has carried out various activities within the framework of its functions and competencies.</p> <p>The State draws attention to the launch of the campaign "Highlighting Forms of Violence against Women" the aims of which include preventing violence against women, raising public awareness about the issue, and providing a toll-free (01800) assistance number for them to call.</p> <p>As regards work with the media, CONAVIM has encouraged the participation of key actors in</p>	<p><b>In process</b></p>

	<p>accordance with their spheres of competence. In 2011, 20 monitoring exercises were carried out on the contents of various programs transmitted by national media outlets, both digital and printed, in different states. In addition, a number of recommendations for the media were drawn up based on international instruments on eradication of gender-related violence against women and women's human rights.</p> <p>A communication strategy has been developed based on the Ecological Model for a Life Free from Gender Violence, which covers three stages: 2010-2011, 2011-2012 y 2012.</p> <p>Recently CONAVIM reported on the implementation of campaigns to prevent violence against women in the main media, public spaces, and care centers in Ciudad Juárez.</p> <p>It also placed the names and pictures of 110 disappeared women on 40 cargo trucks by putting posters on the sides, and on 400 telephone booths. The Chihuahua Women's Institute has carried out activities to institutionalize the gender perspective, political participation, prevention, and care of violence against women.</p> <p><b>Petitioners: Not implemented.</b> They need detailed information in order to evaluate whether there has been progress in compliance.</p>	
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<p>The State Government promises to publish and distribute to the State's public libraries, nongovernmental organizations, and community centers a book entitled <i>Justicia para Nuestras Hijas</i> [Justice for Our Daughters] with a prologue written by Norma Ledezma and agreed upon with the State Government. The book will contain a compilation of laws on women's human rights: Convention on the Elimination of All Forms of Discrimination against Women, the recommendations of the Committee on that Convention, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), the General Law on Access for Women to a Violence Free Life, and the provisions contained in state codes on gender crimes. Up to 3,000 copies will be printed, subject to the volume and cost of the publication. The book's design will be proposed by Norma Ledezma. The book will also be disseminated over the Internet via the State Government's web page.</p>	<p><b>State: In process.</b> The Office of the State Prosecutor General agreed with Mrs. Ledezma to publish 50 hardback copies of the book. It was also agreed that 2000 pamphlets would be released with information on the key points of the book. A link will be established on the website of the Office of the Prosecutor General of the State of Chihuahua providing access to the full texts of the documents that comprise the national and international standards on women's human rights. Mrs. Ledezma must provide a draft of the prologue and the book's design to be agreed upon with the State of Chihuahua.</p> <p><b>Petitioners: In process.</b> <i>Justicia para Nuestras Hijas</i> is in the final phase of reviewing the compilation, and finishing the drafting of the prologue for transmission to the State.</p>	<p><b>In process</b></p>
<p>The State Government recognizes the contribution of the civil association <i>Justicia para Nuestras Hijas</i>, which has designed a program on prevention of gender violence and prevention of courtship violence for women who work in the in-bond industry, and therefore, it undertakes to arrange an agreement with the State-owned in-bond sector so that the organization can present and implement its program. In that connection, a period of one month counted from the signing of this Agreement is established for implementing those measures.</p>	<p><b>State: Implemented.</b> On January 30, 2012, the Office of the Prosecutor General of the State of Chihuahua signed a Cooperation Agreement on Public Security and Crime Prevention with <i>Asociación de Maquiladoras A.C.</i>, in Ciudad Juárez.</p> <p><b>Petitioners: Implemented.</b></p>	<p><b>Implemented.</b></p>

**XIV. CONCLUSION**

172. As stipulated in Article 51.3 of the Convention, what the IACHR must decide at this stage of the process is whether the State has complied with the recommendations. Based on the considerations presented above, the IACHR finds that the State has substantially complied with the recommendations made in its Report No. 87/10. The Commission appreciates the efforts made by the parties to comply with its recommendations. The IACHR concludes, however, that there are still some points of compliance that it will continue to monitor.

**XV. RECOMMENDATIONS**

173. Based on the analysis and conclusions of this report, and with a view to specifying the points pending compliance, which will require monitoring after the issuance of this report, the Inter-American Commission on Human Rights reiterates the following recommendations to the Mexican State:

1. Recommendation 1: Complete the investigation in a timely, immediate, serious, and impartial manner for the purpose of clarifying the murder of Paloma Angélica Escobar and identifying, prosecuting, and, as appropriate, punishing the persons responsible. Specifically, this refers to the investigation of the disappearance and subsequent murder of Paloma Angélica Escobar Ledezma.
2. Recommendation 2: Make full reparation to the next-of-kin of Paloma Angélica Escobar for the violations of human rights established herein. In particular, this relates to the completion of the outstanding payment to Fabián Alberto Escobar Ledezma of financial assistance for his studies as well as the transfer of the agreed property to Mrs. Ledezma.
3. Recommendation 3: Implement, as a measure of non-repetition, a coordinated state policy, backed with adequate public resources, to ensure that specific cases of violence against women are adequately prevented, investigated, punished, and remedied in the city of Chihuahua. The matters pending in this regard are to provide training to professional staff of the State Health Care System; provide information on the holding of the nationwide campaign; and prepare the final versions of the agreed protocols and consult the petitioners with regard to training for their proper implementation.
4. Recommendation 4: Adopt reforms in state education programs, starting at the pre-school and early stage, in order to promote respect for women as equals and observance of their right not to be subjected to violence or discrimination. This recommendation would appear to be pending since the parties have not presented any information on it.
5. Recommendation 5: Investigate the irregularities in the investigation of the case that have been committed by state agents and punish the persons responsible. In this connection, continue the investigation of officials who were involved in the investigation and formally establish the review board as agreed by the parties.
6. Recommendation 6: Strengthen the institutional capacity to fight impunity in response to cases of violence against women in the state of Chihuahua through effective criminal investigations with a gender perspective that have consistent judicial follow-up, thereby guaranteeing adequate punishment and reparation. In relation to this recommendation, pending are a number of the measures evaluated under recommendation 3 that also pertain to this recommendation; and evaluate and disseminate the Charter on the Rights of Crime Victims.
7. Recommendation 7: Implement public awareness measures and campaigns on the duty to observe and ensure children's human rights. In this regard, despite the implementation of a femicide prevention campaign in Ciudad Juárez, the IACHR has received no information regarding the consultations with *Justicia de Nuestras Hijas* and other organizations on the contents of the measures and campaigns to carried out to implement this recommendation.
8. Recommendation 8: Develop training programs for state officials that take into account the international standards established in the Istanbul Protocol, so that those officials have the technical and scientific foundations necessary for evaluating the murders of women. Although the training courses, workshops, and diploma programs imparted are valuable, the IACHR has

received no information regarding the creation of a training program in keeping with this recommendation.

9. Recommendation 9: Continue adopting public policies and institutional programs aimed at restructuring stereotypes concerning the role of women in the state of Chihuahua and promoting the eradication of discriminatory sociocultural patterns that impede their full access to justice, including training programs for public officials in all state sectors, including the education sector, the different branches of justice administration and the police, and comprehensive prevention policies. Pending with respect to this recommendation are the preparation of a sensitization strategy specifically targeting the media "For a Mexico Free of Violence against Women" as well as the publication and distribution of up to 3,000 copies of the book *Justicia para Nuestras Hijas* [Justice for Our Daughters] with a prologue to be written by Norma Ledezma and agreed upon with the State Government.

#### **XVI. PUBLICATION**

174. In view of the foregoing considerations, and in accordance with Article 51.3 of the American Convention and Article 47 of its Rules of Procedure, the Commission decides to publish this report and include it in its Annual Report to the OAS General Assembly. In carrying out its mandate, the Commission will continue to evaluate compliance with the recommendations reiterated in this report until they are fully implemented.

Done and signed in the city of Washington, D.C., on the 12th day of July 2013. (Signed): Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Dinah Shelton, Rodrigo Escobar Gil and Rose-Marie Antoine, Commissioners.