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Acknowledgements

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THE CHALLENGE OF DOMESTIC IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS LAW IN THE *COTTON FIELD* CASE

Caroline Bettinger-Lopez[†]

It is only fitting that a symposium commemorating Professor Rhonda Copelon's contributions to today's human and women's rights movements would end with a panel on implementation. Due to the efforts and notable successes of advocates—including, quite prominently, Copelon—we have witnessed great normative development in the field of international women's human rights in recent decades. Several international bodies—among them, the Committee on the Elimination of Violence Against Women, European Court of Human Rights, Inter-American Court of Human Rights, and Inter-American Commission on Human Rights—have found that gender-based violence, including domestic violence, can constitute impermissible discrimination under international law.¹ International treaties and jurisprudence have begun to recognize that such discrimination can take on “multiple” or “intersectional” forms when it affects marginalized populations, such as indigenous, poor, or minority women and girls.² Sexual orienta-

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¹ Comm. on the Elimination of Discrimination against Women [CEDAW], General Recommendation No. 19, Violence Against Women, U.N. Doc. HRI/GEN/1/Rev. 1 ¶ 6 (1994); *Opuz v. Turkey*, App. No. 33401/02, ¶¶ 74–75 (Eur. Ct. H.R. 2009); *Jessica Lenahan (Gonzales) v. United States*, Case 12.626, Inter-Am. Comm'n H.R., Report No. 80/11, ¶¶ 110, 165, 199 (2011) [hereinafter *Gonzales*]; *González v. Mexico (Cotton Field)*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 205., ¶ 395 (Nov. 16, 2009) [hereinafter *Cotton Field*]; *Miguel Castro-Castro Prison v. Peru*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 160, ¶ 303 (Nov. 25, 2006).

² Inter-Am. Convention on the Prevention, Punishment, and Eradication of Violence Against Women, June 9, 1994, 27 U.S.T. 3301, 1438 U.N.T.S. 63 [hereinafter Convention of Belém do Pará]; *Gonzales*, Case 12.626, Inter-Am. Comm'n H.R., Report No. 80/11, ¶ 6; *Cotton Field*, Inter-Am. Ct. H.R. (ser. C.) No. 205, ¶ 113 (2011); *Fernández Ortega v. Mexico*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 215 (Aug. 30, 2010); *Rosendo Cantú v.*

tion and gender identity have been found to be protected classes under international law,³ and sexual violence has been found to be a form of torture when perpetrated by state agents.⁴ International human rights bodies have also examined the question of how states might best respond to structural discrimination and stereotypes, and have incorporated their conclusions into comprehensive reparations orders.⁵ These bodies have begun to comprehensively examine the concept of state duty to act with the “due diligence” necessary to prevent, protect, investigate, sanction, and offer reparations in cases of violence against women and discrimination perpetrated by state and non-state actors, particularly in a context where these problems are pervasive and impunity is the norm.⁶

The development of these standards marks great progress for the international women’s human rights movement. While normative development remains an ever-present and evolving goal, the greatest challenge today’s movement faces is that of implementation—that is, “the process of putting international commitments into practice.”⁷ The efficacy, authority, and credibility of an international court or human rights body, it has been noted, are measured principally by the implementation of its judgments and other

Mexico, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 216 (Aug. 31, 2010); Ana, Beatriz, and Cecilia González Pérez (Mexico), Case 11.565, Inter-Am. Comm’n H.R., Report No. 53/01, OEA/Ser.L./V/II.111, doc. 20 (2001).

³ Atala Riffo and Daughters v. Chile, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 239, ¶ 91 (Feb. 24, 2012); Salgueiro da Silva Mouta v. Portugal, App. No. 33290/96, ¶ 36 (Eur. Ct. H.R. 1999); Christine Goodwin v. The United Kingdom, App. No. 28957/95 (Eur. Ct. H.R. 2002).

⁴ Raquel Martín de Mejía v. Peru, Case 10.970, Inter-Am. Ct. H.R., Report No. 5/96, OEA/Ser.L./V/II.91, doc. 7 rev. (1996); *Cantú*, Inter-Am. Ct. H.R. (ser. C) No. 216, ¶ 118

⁵ See, e.g., *Opuz*, App. No. 33401/02; Fatma Yildirim v. Austria, Communication No. 6/2005, U.N. Doc. CEDAW/C/39/D/6/2005, ¶ 12.1.1 (2007); A.T. v. Hungary, Comm’n No. 2/2003, U.N. Doc. CEDAW/A/60/38/2005, ¶ 9.2 (2005); Convention of Belém do Pará, *supra* note 2, arts. 6 & 7(g). See also Convention on the Elimination of All Forms of Discrimination Against Women, art. 5(a), Dec. 18, 1979, 1249 U.N.T.S. 13, 19 I.L.M. 33 [hereinafter CEDAW Convention]; Rosa M. Celorio, *The Rights of Women in the Inter-American System of Human Rights: Current Opportunities and Challenges in Standard-Setting*, 65 U. MIAMI L. REV. 819, 854 (2011); *Gonzales*, 12.626, Inter-Am. Comm’n H.R., Report No. 80/11 ¶ 6.

⁶ See *Cotton Field*, Inter-Am. Ct. H.R. (ser. C) No. 205, ¶ 113. See also Maia Fernandes v. Brazil, Case 12.051, Inter-Am. Comm’n H.R., Report No. 54/01, OEA/Ser.L./V/II.111, doc. 20 (2001). The concept of “due diligence” was originally developed in the case of *Velásquez Rodríguez*. Only recently has the concept been applied to gender.

⁷ Kal Raustiala & Anne-Marie Slaughter, *International Law, International Relations and Compliance*, in HANDBOOK OF INTERNATIONAL RELATIONS, 538, 539 (Walter Carlsnaes et al., eds., 2002).

opinions resembling jurisprudence.⁸

The challenge of domestic implementation of international human rights law carries many dimensions. International human rights bodies “are notable in our international order precisely because they have the authority to regulate national sovereigns, but at the same time, they generally lack recourse to an international sovereign power to enforce those orders.”⁹ In light of this, the following questions become paramount when considering domestic implementation: What level of deference is given to international human rights law by a state’s domestic legal and political regime? What are the implications of a state’s internal political organization (e.g., democratic, federalist, etc.) for implementation in both theory and practice? How do law, policy, and politics interact on the ground to influence implementation of norms promulgated by an international body or a decision from an international tribunal? What role do social movements play in the realization of international human rights law at the domestic level?

Beyond these structural questions are mechanical questions surrounding how states can most effectively realize the “due diligence” elements noted above—namely, the duties to prevent, investigate, and provide redress for rights violations, protect victims, and sanction perpetrators. Each of these elements must be considered at both the individual level—with respect to the individual(s) whose rights were violated—and at the policy level—with respect to state policies and practices. The full implementation of the normative developments described at the beginning of this essay may require a wholesale restructuring of the state apparatus on multiple fronts.

With few best practice models upon which we may rely, the implementation challenge in the human rights field can feel insurmountable. Indeed, as Harold Koh has noted, “human rights is the subject matter area in international affairs where the largest enforcement deficit exists, inasmuch as the costs of enforcement appear high and the benefits seem low by traditional state interest

⁸ See OPEN SOC’Y JUSTICE INITIATIVE, FROM JUDGMENT TO JUSTICE: IMPLEMENTING INTERNATIONAL AND REGIONAL HUMAN RIGHTS DECISIONS (2010), available at <http://www.sofos.org/sites/default/files/from-judgment-to-justice-20101122.pdf>; Steering Comm. for Human Rights (CDDH) Reflection Group on the Reinforcement of the Human Rights Protection Mechanism (CDDH-GDR) Draft Addendum to the Final Report Containing CDDH Proposals, CDDH-GDR (2003) (Mar. 12, 2003).

⁹ OPEN SOC’Y JUSTICE INITIATIVE, *supra* note 8, at 12.

calculations.”¹⁰ The Open Society Justice Initiative has described this deficit as an “implementation crisis [that] currently afflicts the regional and international legal bodies charged with protecting human rights.”¹¹

Rhonda Copelon, the brilliant scholar, formulated and expanded upon many of these questions concerning implementation in her writing and teaching. And then, in the same breath, Rhonda Copelon, the brilliant advocate-lawyer, helped forge a roadmap, through her briefs, reports, and other advocacy documents, for how advocates might pursue real change on the ground that is guided by human rights principles.

In this essay, I explore normative developments in the landmark *Cotton Field* case before the Inter-American Court of Human Rights—developments envisioned and championed by Rhonda Copelon, among others—and describe Copelon’s vision for how those norms might be put into place in Mexico. I then briefly summarize the state of implementation of the court’s decision and offer closing thoughts on the road ahead. As I discuss, the challenges of domestic implementation remain abundant, though important steps have been taken in a positive direction.

THE *COTTON FIELD* JUDGMENT: NORMATIVE DEVELOPMENTS

On November 16, 2009, the Inter-American Court of Human Rights issued a landmark decision in *González and Others v. México*, known familiarly as the *Cotton Field* (*Campo Algodonero*, in Spanish) case.¹² The court ruled that Mexico violated both the American Convention of Human Rights (“American Convention”) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (“Convention of Belém do Pará”) when it failed to prevent and investigate the gendered disappearances and murders of three poor migrant women, two of whom were minors.¹³ These incidents, the court emphasized, took place in the context of a fifteen-year series of hundreds of unsolved and poorly investigated disappearances, rapes, and murders of poor, young, predominantly-migrant women and girls in Ciudad

¹⁰ Harold H. Koh, *Internalization Through Socialization*, 54 DUKE L.J. 975, 979 (2005).

¹¹ OPEN SOC’Y JUSTICE INITIATIVE, *supra* note 8, at 11.

¹² *Cotton Field*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 205 (Nov. 16, 2009).

¹³ *Id.*

Juárez, a Mexican city across the border from El Paso, Texas, with a population of 1.5 million.

The *Cotton Field* decision is important for a number of reasons. In terms of the legal foundations upon which the court relied, it is significant that the court found violations of both the American Convention, the foundational treaty of the Inter-American system¹⁴ which has had a particularly important role in the development of the court's "due diligence" jurisprudence in the area of, inter alia, forced disappearances,¹⁵ and the Convention of Belém do Pará, a newer treaty (adopted in 1994) that is the most ratified instrument in the Inter-American system and the only multi-lateral treaty that focuses exclusively on the issue of violence against women.¹⁶ Also, as described in more detail below, the court analyzed the relationship between the rights and obligations contained in these two treaties.¹⁷

Moreover, the court's legal conclusions in *Cotton Field* are unprecedented. For the first time, the court found that states have affirmative obligations to respond to violence against women by private actors, and that those obligations are justiciable under article 7 of the Convention of Belém do Pará. Additionally, the court examined the cases at issue in the context of mass violence against women and structural discrimination, found that gender-based violence constitutes gender discrimination, and articulated its most comprehensive definition to date of gender-sensitive reparations.¹⁸ In its judgment, the court found Mexico responsible for numerous rights violations:

- The rights to life, personal integrity, and personal liberty of the victims recognized in articles 4(1), 5(1), 5(2), and 7(1) of the American Convention and the obligation to investigate—and thereby guarantee—such rights and adopt do-

¹⁴ I use the term "Inter-American system" to refer to the Inter-American Human Rights System, the regional human rights system of the Organization of American States ("OAS") that is composed of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

¹⁵ See, e.g., *Velásquez-Rodríguez v. Honduras*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4 (July 29, 1988).

¹⁶ Thirty-two member states of the OAS have ratified the Convention of Belém do Pará. See Organization of Am. States, *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women*, Preamble. & arts. 1–9, June 9, 1994, 27 U.S.T. 3301, 1438 U.N.T.S. 63.

¹⁷ *Cotton Field*, Inter-Am. Ct. H.R. (Ser. C) No. 205, ¶¶ 287–389.

¹⁸ *Id.*; see also Caroline Bettinger-Lopez, *Inter-American Court Rules Against Mexico on Gender Violence in Ciudad Juárez* (Jan. 18, 2010 4:04 AM), <http://ssrn.com/abstract=1550873>.

mestic legal measures established in articles 1(1) and 2, in addition to the obligations established in articles 7(b) (due diligence to prevent, investigate, and impose penalties for violence against women) and 7(c) (penal, civil, administrative provisions to prevent, punish, and eradicate violence against women) of the Convention of Belém do Pará.¹⁹

- The rights of access to justice and to judicial protection, embodied in articles 8(1) and 25(1), in connection to articles 1(1) and 2 of the American Convention, and 7(b) and 7(c) of the Convention of Belém do Pará, to the detriment of the victims' next of kin.²⁰
- The obligation not to discriminate, contained in article 1(1) of the American Convention, in connection to the obligation to investigate and guarantee the rights contained in articles 4(1), 5(1), 5(2), and 7(1), to the detriment of the three victims; and also in relation to access to justice embodied in articles 8(1) and 25(1) of the Convention, to the detriment of the victims' next of kin.²¹
- The rights of the child, embodied in article 19, in relation to articles 1(1) and 2 of the American Convention, to the detriment of the two minor victims.²²
- The right to personal integrity in articles 5(1) and 5(2), in connection to article 1(1) of the American Convention, due to the suffering caused to and harassment of the victims' next of kin.²³

In considering the violations, the court reiterated the elements of due diligence—the state duties to prevent, investigate, punish, and compensate human rights violations, including those committed by private actors—originally articulated in the seminal case *Velásquez Rodríguez v. Honduras*.²⁴ Further, the court considered the element of discrimination that overlaid the substantive law violations and noted the hostile stereotypes of state authorities toward the victims and their families. “The creation and use of stereotypes,” the court found, “becomes one of the causes and consequences of gender-based violence against women.”²⁵ Ultimately,

¹⁹ *Cotton Field*, Inter-Am. Ct. H.R. (Ser. C) No. 205, ¶ 602(4-5).

²⁰ *Id.* ¶ 602(5).

²¹ *Id.* ¶ 602(5).

²² *Id.* ¶ 602(7).

²³ *Id.* ¶ 602(8-9).

²⁴ *Velásquez Rodríguez v. Honduras*, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶¶ 172, 166–67, 182 (July 29, 1988).

²⁵ *Cotton Field*, Inter-Am. Ct. H.R. (Ser. C) No. 205, ¶ 401; *see also* Brief for the Int'l

the court found, “the violence against women [in this case] constituted a form of discrimination.”²⁶

The court also ruled on an important jurisdictional question in *Cotton Field*; namely, the question of the justiciability of articles 7, 8, and 9 of the Convention of Belém do Pará—a treaty which, it bears mention, Rhonda Copelon played a role in drafting. The court concluded that, as per article 12 of that treaty, it had jurisdiction over claims brought under article 7, which provides that states must condemn all forms of violence against women and agree to pursue, by all appropriate measures and without delay, policies to prevent, punish, and eradicate such violence through legal, legislative, administrative, and policy initiatives. The court further concluded that it did not have jurisdiction over claims brought directly under article 8—by which states “agree to undertake progressively specific measures” to eradicate violence against women—or under article 9—by which states “shall take special account” of vulnerable groups of women. Still, the court found that the various articles of the Convention—including articles 8 and 9—can nevertheless be useful to aid interpretation of article 7 of the Convention of Belém do Pará and of other pertinent Inter-American instruments, such as the American Convention.²⁷

This last pronouncement was especially important to Rhonda Copelon. Copelon served as an expert witness before the court in the *Cotton Field* case in April 2009, arguing that “articles 7–9 of Belém do Pará provide a thorough and gender sensitive outline of both immediate and progressive initiatives for the effective implementation of reparations.”²⁸ The programs outlined in article 8, Copelon argued, give definition and specificity to the legal, legislative, policy, and administrative measures for eradicating violence against women that are laid out in article 7(c), (e), and (h).²⁹ Moreover, Copelon’s testimony underscored that the measures articulated in articles 7 and 8 should arguably be tailored to take “special account” of vulnerable groups of women, as per article 9.³⁰

Reprod. and Sexual Health Law Programme, Univ. of Toronto Faculty of Law et al. as Amici Curiae Supporting Petitioners, *Cotton Field*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 205 (2009).

²⁶ *Cotton Field*, Inter-Am. Ct. H.R. (Ser. C) No. 205, ¶ 402.

²⁷ *Id.* ¶ 79.

²⁸ Rhonda Copelon, Professor of Int’l Law and Director, Int’l Women’s Human Rights Law Clinic, City Univ. of N.Y. School of Law, Expert Testimony Before the Inter-American Court of Human Rights in the Case of *Cotton Field*, ¶ 33, (Apr. 28, 2009) [hereinafter Copelon Expert Testimony].

²⁹ *Id.* ¶ 37.

³⁰ *Id.* ¶ 12.

Copelon's arguments were echoed in an amicus brief submitted to the court by more than fifty U.S.-based individuals and organizations, which argued that Mexico's longstanding failure to investigate, prosecute, or prevent the gender-based crimes in this case violated its obligations under international human rights law.³¹

I would be remiss not to mention Judge Cecilia Medina's concurring opinion in *Cotton Field*, in which she contends that the court should have found a violation of the prohibition on torture contained in article 5(2) of the American Convention. Judge Medina champions the adoption of the three-part test set forth by the International Criminal Tribunal of Yugoslavia "to determine elements in torture that are uncontroversial and that constitute, consequently, *jus cogens*: (i) infliction, by act or omission, of severe pain or suffering, whether physical or mental; (ii) the intentional nature of the act, and (iii) the motive or purpose of the act to reach a certain goal."³² Medina asserts that the suffering at issue in the case was sufficiently severe to constitute torture, as other international bodies have repeatedly found in cases involving gender-based violence.

Here, too, Rhonda Copelon's fingerprints can be found on Judge Medina's concurrence. Copelon, in her pathbreaking article *Recognizing the Egregious in the Everyday: Domestic Violence as Torture*, first set forth the theory that domestic violence, when the state fails to intervene, can constitute a form of torture that implicates state responsibility under the Convention Against Torture ("CAT Convention").³³ For years, she championed the idea that gender-based violence and abuse—whether committed by state actors or private actors when officially countenanced—could amount to torture, or, where less severe or lacking in impermissible purpose, was cruel, inhuman, or degrading treatment or punishment.³⁴ The CAT Committee's 2007 General Comment No. 2, which addresses the erosion of human rights during the post-September 11th era,³⁵

³¹ Brief for Amnesty Int'l et al. as Amici Curiae Supporting Petitioners, *Cotton Field*, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 205 (2009).

³² *Cotton Field*, Inter-Am. Ct. H.R., (ser. C) No. 205 (Medina Quiroga, J., concurring) (citing Prosecutor v. Kunarac, Case No. IT-96-22-T, Judgment, ¶ 483 (Int'l Crim. Trib. For the Former Yugoslavia Feb. 22, 2001)).

³³ Rhonda Copelon, *Recognizing the Egregious in the Everyday: Domestic Violence as Torture*, 25 COLUM. HUM. RTS. L. REV. 291, 356–58 (1994).

³⁴ See, e.g., Rhonda Copelon, *Gender Violence as Torture: The Contribution of CAT General Comment No. 2*, 11 N.Y. CITY L. REV. 229 (2008).

³⁵ Comm. Against Torture [CAT], General Comment No. 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/28/Add.5 (Jan. 24, 2008).

mainstreams gender and embraces Copelon's vision. Specifically, the General Comment underscores State parties' obligation to "prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation and trafficking" and emphasizes that gender, amongst other identifying characteristics, is a "key factor" in determining an individual's risk of torture or ill treatment.³⁶

REPARATIONS: PROGRESS AND LIMITATIONS

After comprehensively articulating the prevention, investigation, and punishment aspects of Mexico's due diligence obligations from a gender perspective, Copelon's expert testimony honed in on the hardest question: that of reparations. International law recognizes the right of victims to reparations bearing the following components: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.³⁷

Using articles 7, 8, and 9 of the Convention of Belém do Pará as a guidepost, Copelon proposed a framework for the implementation of reparations. First, she reiterated a principle near and dear to her heart: "women victims and their advocates must be enabled to participate fully in the design and implementation of all measures of reparations."³⁸ Copelon was a fierce advocate for the prin-

³⁶ *Id.* ¶¶ 18, 22–23. As Copelon later wrote, "General Comment No. 2 provides important guidance as to the application of the Convention to gender violence [. . .] clarifies the State's responsibility for gendered torture inflicted by non-officials and private actors and thus closes a potentially huge and discriminatory gap in the monitoring and implementation of the CAT Convention." Copelon, *supra* note 34, at 256–57 (2008).

³⁷ Copelon Expert Testimony, *supra* note 28, ¶ 32. See also Thomas M. Antkowiak, *Remedial Approaches to Human Rights Violations: The Inter-American Court of Human Rights and Beyond*, 46 COLUM. J. TRANSNAT'L L., Vol. 2, 362 (2008). Antkowiak defines "compensation" as monetary reparations and defines the equitable components of reparations as follows:

Restitution comprehends restoring the victim to his or her original situation, such as a restoration of liberty, while rehabilitation includes 'medical and psychological care as well as legal and social services.' Satisfaction is comprised of a variety of possible measures: from apologies, 'full and public disclosure of the truth,' and victim memorials, to judicial and administrative sanctions against the responsible parties. 'Guarantees of non-repetition' are equally diverse, including, inter alia, the establishment of effective civilian control over state security forces and human rights educational and training programs.

Id. (citing to 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, G.A. Res. 60/147, U.N. Doc A/RES/60/147, at 1 (Mar. 21, 2006)).

³⁸ Copelon Expert Testimony, *supra* note 28, ¶ 34.

principle that we, as lawyers, must listen to our clients; that our clients know what's best for themselves and for other affected individuals; and that clients can challenge us lawyers to think outside the box. Second, citing *Aloeboetoe v. Suriname*,³⁹ Copelon emphasized that "remedies must be fashioned to enable beneficiaries to overcome the discriminatory conditions of the past."⁴⁰ Structural discrimination in Mexican legal and criminal justice institutions, and society generally, could not be decoupled from the specific events at issue in the case. Third, she contended, "rehabilitative relief is not limited to providing psychological counseling . . . Socio-economic relief [is critical] . . . where the victims are young or socio-economically marginalized."⁴¹ Finally, with respect to the obligation of satisfaction and non-repetition, Copelon emphasized the importance of the right to truth, the incorporation of gender principles into ongoing legal and institutional change, state investigation of responsible officials, and measures to address the state-created environment of impunity and the underlying gender-based violence and discrimination.⁴² This last point, Copelon underscored, is where article 8 of the Convention of Belém do Pará becomes especially useful.⁴³

Copelon's influence was evident in the court's reparations award in *Cotton Field*. As Ruth Rubio-Marin and Clara Sandoval have observed, the court's reparations analysis was guided by a holistic gender approach and a "transformative agenda."⁴⁴ "[B]earing in mind the context of structural discrimination in which the facts of this case occurred," the court said, "the reparations must be designed to change this situation, so that their effect is not only of restitution, but also of rectification. In this regard, re-establishment of the same structural context of violence and discrimination is not acceptable."⁴⁵ The court underscored, as key elements to its transformative agenda, that reparations should take into account a gender perspective and should be "designed to identify and eliminate

³⁹ See *Aloeboetoe v. Suriname*, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 11 (Sept. 10, 1993).

⁴⁰ Copelon Expert Testimony, *supra* note 28, ¶ 35.

⁴¹ *Id.* ¶ 36.

⁴² *Id.* ¶ 37.

⁴³ *Id.*

⁴⁴ Ruth Rubio-Marin & Clara Sandoval, *Engendering the Reparations Jurisprudence of the Inter-American Court of Human Rights: The Promise of the Cotton Field Judgment*, 33 HUM. RTS Q. 1062, 1083 (2011).

⁴⁵ *Cotton Field*, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 205., ¶ 450 (Nov. 16, 2009).

the factors that cause discrimination.”⁴⁶

The reparations ordered by the Inter-American Court in *Cotton Field* were remarkable. The court ordered Mexico to comply with a broad set of remedial measures, including pecuniary and non-pecuniary reparations of more than \$200,000 to each family in the suit, publication of the judgment, the State’s public acknowledgment of international responsibility, construction of a national memorial, and state-financed medical, psychological, and psychiatric care to the victims’ families.⁴⁷ Remedies aimed at guaranteeing non-repetition included: renewed investigations, prosecutions, and punishment for perpetrators;⁴⁸ investigations of public servants who failed to exercise due diligence in responding to the disappearances and murders and, in some cases, threatened or persecuted the victim’s next of kin, and a public announcement of the results of such investigations;⁴⁹ the standardization of investigative protocols concerning cases of sexual violence and parameters to be taken into account when implementing rapid investigation responses in the case of disappearances of women and girls;⁵⁰ creation and updating of a national website and database with information on all missing women and girls;⁵¹ training of all personnel in Mexico involved, directly or indirectly, in the prevention, investigation, and prosecution of violence against women; and the development of an educational program for the people of the State of Chihuahua, to ameliorate the situation of gender-based violence there.⁵²

The court, however, rejected the argument advanced by the Inter-American Commission and Petitioners that, as a matter of non-repetition, Mexico should be required to design, coordinate, and implement a long-term national policy to guarantee due diligence in responding to cases of violence against women.⁵³ The court found that it had not been provided with “sufficient arguments” on “why the series of measures already adopted by the State cannot be considered an ‘integral, coordinated policy.’”⁵⁴

Rubio-Marin and Sandoval praise the court’s willingness to

⁴⁶ *Id.* ¶ 451.

⁴⁷ *Id.* ¶¶ 468–71, 549–86.

⁴⁸ *Id.* ¶¶ 452, 455.

⁴⁹ *Id.* ¶¶ 456–62, 465–66.

⁵⁰ *Id.* ¶¶ 497–502, 506.

⁵¹ *Cotton Field*, Inter-Am. Ct. H.R., (ser. C) No. 205, ¶ 512.

⁵² *Id.* ¶¶ 541–43; *see also* Rubio-Marin & Sandoval, *supra* note 44, at 1088–89.

⁵³ *Cotton Field*, Inter-Am. Ct. H.R., (ser. C) No. 205, ¶¶ 475, 493.

⁵⁴ *Id.* ¶ 493.

embrace a gender-sensitive approach when interpreting Mexico's due diligence obligations and adopting "transformative reparations." However, they argue, the court, in rejecting the request by the Commission and Petitioners that the court require a coordinated, long-term national policy, "lost a major opportunity to apply its own concept of transformative reparations to the awards it made."⁵⁵ The onus, they argue, should have been on Mexico—not on the Commission or the victims—to provide evidence both as to the existence of such a policy and, critically, why any policies currently in place can be expected to prevent future violations. "Even more," Rubio-Marin and Sandoval argue, "the Court could have taken a more constructive approach to the problem and called for the establishment of an expert team to assess the effectiveness of [the] measures [Mexico had already adopted], identify their shortcomings, and put forward recommendations."⁵⁶

My strong suspicion is that Rhonda Copelon would have agreed wholeheartedly with Rubio-Marin and Sandoval. Structural change, Copelon thought, could only be achieved through wholesale reform at every level in society—legal and non-legal, institutional and popular. I can see Copelon nodding her head and gently but firmly suggesting that without a coordinated, long-term national plan endorsed by the State to combat the massive epidemic of gender-based violence, murders, and disappearances in Ciudad Juárez, the problem will not—and cannot—be adequately addressed or resolved.

DOMESTIC IMPLEMENTATION OF THE *COTTON FIELD* JUDGMENT:
AN ASSESSMENT OF PROGRESS TO DATE

Such a dismal forecast, unfortunately, appears to be the reality currently before us. On June 23, 2012, the New York *Times* published a story, *Wave of Violence Swallows More Women in Juárez*, which painted a grim picture of the current situation in Ciudad Juárez. Despite international pressure and Mexican authorities' promises to prioritize gender-based violence cases, the *Times* reports,

[r]oughly 60 women and girls have been killed [in Ciudad Juárez] so far this year; at least 100 have been reported missing over the past two years. And though the death toll for women so far this year is on track to fall below the high of 304 in 2010, state officials say there have already been more women killed in 2012 than in any year of the earlier so-called femicide era. This time,

⁵⁵ Rubio-Marin & Sandoval, *supra* note 44, at 1090.

⁵⁶ *Id.* at 1089.

though, the response has been underwhelming.”⁵⁷

The article goes on to describe poor, inconsistent, and obstructionist responses by authorities to disappearances and murders of women and girls, and the recent discoveries of “new clusters of slain women,” some in mass graves.⁵⁸

So what is the current status of the court-ordered remedies? With respect to the court’s mandate that Mexican authorities put renewed efforts into investigations, the Federal Attorney General has organized a special working group to improve Mexico’s capacity to investigate the crimes.⁵⁹ Together with the U.S. Federal Bureau of Investigation (“FBI”), the Mexican government has purportedly established a public national database to aid in matching known DNA samples with biological samples taken from crime scenes, though the database’s functionality is dubious.⁶⁰ The Mexican government states that it continues to investigate the murders of the three named victims, with a “broader perspective” but with the same “team of professionals.”⁶¹ Mexico claims that this investigation now has access to a program called Attention to Victims that incorporates a gender perspective into the investigation.⁶²

Investigations also continue regarding the allegations of irregularities.⁶³ The Mexican government claims to have enacted thirty-six different administrative sanctions against officials.⁶⁴ With respect to allegations of harassment against the victims’ families, the

⁵⁷ Damian Cave, *Wave of Violence Swallows More Women in Juarez*, N.Y. TIMES, June 23, 2012, <http://www.nytimes.com/2012/06/24/world/americas/wave-of-violence-swallows-more-women-in-juarez-mexico.html?pagewanted=1&r=3&hp>.

⁵⁸ *Id.*

⁵⁹ GOV’T OF MEX., PRIMER INFORME DEL ESTADO MEXICANO SOBRE LAS MEDIDAS ADOPTADAS PARA EL CUMPLIMIENTO A LA SENTENCIA DICTADA POR LA CORTE INTERAMERICANA DE DERECHOS HUMANOS EN EL CASO “GONZÁLEZ BANDA Y OTRAS VS. MÉXICO (CAMPO ALGODONERO)” [First Report of the Mexican Government regarding the measures adopted to fulfill the orders of the Inter-American Court of Human Rights from the Case *González v. Mexico (Campo Algodonero)*] 5 (2010), available at <http://www.campoalgodonero.org.mx/documentos/primer-informe-del-estado-mexicano-medidas-adoptadas-cumplimiento-sentencia-dictada-corte> [hereinafter PRIMER INFORME]. This report is available through a website maintained by the Roundtable of Women of Ciudad Juarez (Red Mesa de Mujeres) and by the Latin American and Caribbean Committee for the Defense of Women’s Rights (Comité de América Latina y el Caribe para la Defensa de los Derechos de las Mujeres). See CAMPO ALGODONERO, <http://www.campoalgodonero.org.mx> (last visited Nov. 21, 2012). The report itself gives no indication of having been published or released by the Mexican Government, other than the title.

⁶⁰ PRIMER INFORME, *supra* note 59, at 5.

⁶¹ *Id.* at 20.

⁶² *Id.*

⁶³ *Id.* at 30.

⁶⁴ *Id.* at 31.

Mexican government claims that no reports of any such actions exist in any federal or local entity.⁶⁵ A representative of the victims' families claims that the government has not even opened cases against at least thirty-one functionaries that were known to have intervened in investigations.⁶⁶

With respect to the court's order that Mexico raise public awareness of the three murders and the general situation of gender-based violence in Ciudad Juárez, the government reports that, having published the text (in full and in part, depending on the forum) of the court's decision in national and local newspapers, governmental websites, and official federal and local gazettes, it has achieved more than the court required with respect to the publication and communication of the court's ruling.⁶⁷ Notably, the Gender Equality Program of Mexico's Supreme Court of Justice of the Nation website provides extensive information regarding the disappearance and deaths of women in Ciudad Juárez. This information includes a full version of the court's decision, several amicus briefs, the original complaint, and further analysis.⁶⁸

According to the Mexican government, the victims' families rejected its plan to promulgate a public act to recognize its international responsibility on December 10, 2010.⁶⁹ Both the government and the victims' families agreed to conduct the public ceremony and public apology on March 8, 2011.⁷⁰ Subsequent obstacles and difficulties caused this plan to change.

The design, construction, and inauguration of the monument in memory of the victims in Ciudad Juárez have presented a series of complications for government officials. Finding an appropriate location for the monument was one of the first issues.⁷¹ On December 10, 2010, the Ministry of the Interior donated land for the monument to the municipal government of Chihuahua.⁷² The site of the monument was inaugurated on November 7, 2011.⁷³

⁶⁵ *Id.*

⁶⁶ Gloria Leticia Díaz, *Niega SEGOB política de elusión contra sentencias de la CoIDH*, PROCESO (Sept. 22, 2011), <http://www.proceso.com.mx/?p=282116>.

⁶⁷ PRIMER INFORME, *supra* note 59, at 5.

⁶⁸ *Programa de Equidad de Género, Información relevante "Caso González y otras ('Campo Algodonero') vs. México" Sentencia de la Corte Interamericana de Derechos Humanos*, SUPREMA CORTE DE JUSTICIA DE LA NACIÓN, http://www.equidad.scjn.gob.mx/campo_algodonero.php (last visited Nov. 21, 2012).

⁶⁹ PRIMER INFORME, *supra* note 59, at 14.

⁷⁰ *Id.* at 14.

⁷¹ *Id.* at 5–6; *see also id.* at 16–18 for other technical difficulties regarding the location of the proposed monument.

⁷² *Id.* at 6.

⁷³ *Estado pide perdón por feminicidios*, EL UNIVERSAL Nov. 8, 2011. <http://www.el>

At the inauguration, the Deputy Secretary of Judicial Matters and Human Rights of the Ministry of the Interior, Felipe Zamora Castro, delivered the official apology.⁷⁴ Mr. Zamora Castro “profoundly lament[ed] the losses suffered by the families and by society” due in part “to the lack of investigation into the events.”⁷⁵ He spoke for fifteen minutes and made specific reference to the court’s ruling:

The Mexican state is conscious of the suffering it causes the victims’ families by not identifying, to date, those responsible for the deaths of these young women. . . I want to apologize in the name of the Mexican state. . . During these ten years and even before, the entire [Mexican] State has committed various violations of human rights, and it is for this reason that today, in fulfillment of the sentence dictated by the Inter-American Court of Human Rights in the case of *Campo Algodonero v. Mexico*, the Mexican State recognizes its responsibility.⁷⁶

Mr. Zamora Castro delivered this speech at the site of the new memorial, which was built on the same land where the women were found ten years earlier.⁷⁷

No one from the families of the three named victims attended the inauguration.⁷⁸ Families of other victims and parents of the disappeared protested the inauguration of the memorial.⁷⁹ Their shouts of “Justice!” are muted on the official video of the inauguration, but are heard clearly on other non-official recordings.⁸⁰ Family members of missing or deceased girls demanded the government investigate the disappearances and murders, not build

universal.com.mx/nacion/190591.html. The actual monument has not yet been built.

⁷⁴ Segobmexico, *Palabras del Subsecretario Felipe Zamora, Inauguración del Memorial Campo Algodonero*, YouTube (Nov. 8, 2011), http://www.youtube.com/watch?v=GYZ7gFVz_LM.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Estado pide perdón por feminicidios*, *supra* note 73.

⁷⁸ *Id.*

⁷⁹ *Id.*; see also Carlos Lara, *Pide Gobernación perdón por feminicidios en Ciudad Juárez*, LA PRENSA, Nov. 8, 2011, <http://www.oem.com.mx/laprensa/notas/n2300281.htm>. These protests, taken together with the absence of the named victims’ families, hint at a profound disconnect between the court’s ruling and what victims’ families actually need or want from local or federal government.

⁸⁰ Segobmexico, *Palabras del Subsecretario Felipe Zamora, Inauguración del Memorial Campo Algodonero*, YouTube (Nov. 8, 2011), http://www.youtube.com/watch?v=GYZ7gFVz_LM; *Victimas abuchean a autoridades en inauguración de monumento contra feminicidios en Juárez* (Grillonautas television broadcast Nov. 8, 2011), <http://www.metatube.com/en/videos/84275/Victimas-abuchean-a-autoridades-durante-inauguracion-contrafeminicidios-en-Cd-Juarez/>.

memorials.⁸¹ One activist, Victoria Caraveo, criticized the amount of money the Mexican government spent on building the memorial and celebrating the inauguration: “It’s absurd what [these officials] are doing. They justify this by saying the Inter-American Court ordered them to do this. But the Court didn’t say [the government] should spend 16 million [Mexican] pesos in the name of three young girls.”⁸² Caraveo also criticized the federal government for taking a leading role in delivering the official apology.⁸³ According to Caraveo, the murders and disappearances are of local character and do not require the presence of federal officials.⁸⁴

With respect to the court’s order that Mexico build individual and institutional capacity to conduct criminal investigations and gender trainings, limited but notable progress has been made. The Chihuahua Prosecutor’s Office maintains an easily accessible list of disappeared women and girls on its website.⁸⁵ This list is divided by geographic area and also contains names of women and girls who have been located since the initial report of a missing person.⁸⁶

In response to previous recommendations made by the Committee on the Elimination of Discrimination Against Women (“CEDAW Committee”) with regard to the disappearance and deaths of women in Ciudad Juárez, the federal government of Mexico implemented an Action Program to Prevent and Eradicate Violence Against Women in Ciudad Juárez, Chihuahua.⁸⁷ This program began in June 2004 and is known as the “40-point Program of Action.”⁸⁸ The “prosecution and enforcement of justice and promotion of respect for women’s human rights” formed one

⁸¹ Lara, *supra* note 79; *Estado pide perdón por feminicidios*, EL UNIVERSAL, NOV. 8, 2011, <http://www.eluniversal.com.mx/nacion/190591.html>. See also Grillonautas, *supra* note 80. Perhaps this calls into question whether these court-ordered remedies conform to or reflect the actual demands of the victims’ families and whether these remedies are even victim-centered or appropriate solutions.

⁸² Grillonautas, *supra* note 80.

⁸³ Angélica Bustamante, *Memorial, es un circo, es una enorme farza*, EL MEXICANO, NOV. 8, 2011, <http://www.oem.com.mx/elmexicano/notas/n2300786.htm>.

⁸⁴ *Id.*

⁸⁵ *Reporte de Ausencia de Mujeres*, FISCALÍA GENERAL DEL ESTADO DE CHIHUAHUA, <http://fiscalia.chihuahua.gob.mx/reporteextraviomujeres.htm>; see also PRIMER INFORME, *supra* note 59, at 10. The Chihuahua Prosecutor’s Office is a new government agency established as part of a plan to provide better coordination of services. PRIMER INFORME, *supra* note 59, at 36–37.

⁸⁶ *Reporte de Ausencia de Mujeres*, *supra* note 85.

⁸⁷ Comm. on the Elimination of Discrimination Against Women [CEDAW], Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of all Forms of Discrimination Against Women, ¶ 213, U.N. Doc. CEDAW/C/MEX/7-8 (2011).

⁸⁸ *Id.*

of the essential strategies of the 40-point Program of Action.⁸⁹ The government created, therefore, a Specialized Office for Female Homicide Investigation in the State Prosecutor's Office and a Crime and Forensic Sciences Laboratory in Ciudad Juárez.⁹⁰ The CEDAW Committee recognized that the Court's ruling in *Cotton Field* strengthened and reinforced the 40-point Program of Action.⁹¹

In March 2012, the government inaugurated the "Women of Ciudad Juárez Center for Justice,"⁹² a community center intended to provide medical, psychological, and legal assistance.⁹³ The Governor of Chihuahua announced this as a governmental achievement in compliance with the court's decision when he visited the Inter-American Commission on Human Rights.⁹⁴ However, the Committee of Mothers of the Victims alleged that the Center was opened with no guidelines, legal structures, or operating and procedural protocols, and with the sole purpose of falsely demonstrating compliance with the court's ruling.⁹⁵

The Mexican government claims that full monetary reparations have been paid to the victims' families.⁹⁶ The government insists it has attempted to provide medical and psychological attention to the victims' next of kin.⁹⁷ The families, however, insist that the government has done no more than redirect them to the same mental health services provided through the universally accessible public health system, and that these services fall short of the specialized and integral health services ordered by the court.⁹⁸

⁸⁹ *Id.* ¶ 215.

⁹⁰ *Id.* ¶¶ 216–17.

⁹¹ *Id.* ¶ 225.

⁹² Gladis Torres Ruiz, *Centro de Justicia para las Mujeres de Ciudad Juárez*, DIARIO ROTATIVO, Mar. 22, 2012, <http://rotativo.com.mx/seguridad/repudian-nuevo-centro-de-justicia-para-las-mujeres/87988/html/>.

⁹³ Marina Martínez Orpineda, *Inauguran hoy Centro modelo para la mujer*, EL MEXICANO (Mar. 26, 2012), <http://www.oem.com.mx/elmexicano/notas/n2481587.htm>.

⁹⁴ *Ofrece CIDH apertura para avanzar en solución de casos en Chihuahua* *UniRadio Informa.com*, (Mar. 22, 2012, 5:55 PM), <http://uniradioinforma.com/noticias/articulo105995.html>.

⁹⁵ Torres Ruiz, *supra* note 92.

⁹⁶ PRIMER INFORME, *supra* note 59, at 6.

⁹⁷ *Id.* at 6–9.

⁹⁸ Press Release, Asociación Nacional de Abogados Democráticos, et al., *Incumple Estado Mexicano Sentencia de la CoIDH* (June 14, 2010). *See also* Gloria Leticia Díaz, *Niega SEGOB política de elusión contra sentencias de la CoIDH*, PROCESO.COM.MX, (Sept. 22, 2011), <http://www.proceso.com.mx/?p=282116>.

THE FUTURE OF MEXICO'S IMPLEMENTATION OF THE
INTER-AMERICAN COURT'S REMEDIES

Felipe Zamora Castro, the interior ministry's Deputy Secretary of Judicial Matters and Human Rights, recently spoke at a conference titled, "Challenges and Possibilities in Complying with the Judgments of the Inter-American Court of Human Rights Against Mexico."⁹⁹ Claiming that the Mexican government was committed to fulfilling its international obligations,¹⁰⁰ he pointed to the lack of adequate regulations to implement the court's decisions and called for constitutional reform.¹⁰¹ Even so, Zamora Castro also declared that the Mexican government, confronted with economic difficulties, "is not obligated to comply with the impossible."¹⁰² Specifically in relation to the court's ruling in *Cotton Field*, Zamora Castro indicated that the federal government assumed expenses in paying reparations to the victims' families, since the Chihuahua state government was unable to fulfill its financial responsibility.¹⁰³

The Mexican government has also conveyed in a report to the CEDAW Committee that many legislative and regulatory challenges exist to implementing the court's ruling.¹⁰⁴ The federal government specifically indicates a need for better interagency coordination both horizontally (among the three federal branches: legislative, executive, and judicial) and vertically (among the "three orders of government").¹⁰⁵ Zamora Castro has publicly acknowledged that a sentiment of "mutual distrust" exists between the government and the representatives of the victims' families.¹⁰⁶

The families of the three named victims maintain that the Mexican government is not fulfilling the remedies ordered by the court.¹⁰⁷ In a report prepared in June 2010, several representative organizations detailed the government's dismal level of completion

⁹⁹ Gloria Leticia Díaz, *Propone Segob reforma constitucional para acatar sentencias de la CoIDH*, PROCESO.COM.MX (Sept. 23, 2011), <http://www.proceso.com.mx/?p=282293>; *Proponen crear ley para atender compromisos internacionales de México*, SDP NOTICIAS (Sept. 23, 2011) <http://www.sdpnoticias.com/notas/2011/09/23/proponen-crear-ley-para-atender-compromisos-internacionales-de-mexico>.

¹⁰⁰ Díaz, *supra* note 99.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ CEDAW, *supra* note 87, ¶ 227.

¹⁰⁵ *Id.* The report does not specify what is meant by "three orders of government." Within context, it appears to mean federal, state, and municipal governments.

¹⁰⁶ Díaz, *supra* note 98.

¹⁰⁷ *Estado pide perdón por feminicidios*, *supra* note 73.

of the court-ordered remedies.¹⁰⁸

Two years ago, the United Nations High Commissioner for Human Rights (“UNHCHR”) held an expert workshop, “The Elimination of all Forms of Violence Against Women—Challenges, Good Practices, and Opportunities,” in which a panelist from Mexico, Ms. Medina Rosas (lawyer and member of the civil service society Enlace de la Red Mesa de Mujeres de Ciudad Juárez, Mexico), noted both the contributions and shortcomings of the *Cotton Field* decision, specifically with regard to implementation. The UNHCHR report summarized Rosas’s comments:

[O]ne year after the issuing of the judgment, the Mexican State had only published the judgment through the media and had just recently adopted a budget line for the compensation ordered in the ruling. According to the panelist, the promises to create databases, a memorial, training, protocols, counseling, etc. had not been acted upon. She also claimed that little had been done in terms of coordination with the various authorities and to fight the persisting impunity. In 2010, in Ciudad Juárez and the State of Chihuahua, no decrease in the murder rate for women had been observed.¹⁰⁹

Despite these immense challenges, Medina Rosas also noted good practices stemming from the landmark decision. According to the High Commissioner’s report, Medina Rosas noted:

[D]espite the impunity, new victims and their relatives were still trying to obtain justice by organizing themselves and filing lawsuits, rather than trying to dispense justice themselves. She also noted that a strong network of organizations and people existed at local, national and international levels, providing for strong support without which she believed the situation would have become worse. Finally, she mentioned that a commission had been set up to assess access to justice and justice administration at the local level.¹¹⁰

These good practices illuminate some lessons learned from the implementation of *Cotton Field* with respect to societal change. The first good practice indicates a shift toward using the rule of law

¹⁰⁸ Asociación Nacional De Abogados Democráticos et al., Primer Informe De Las Víctimas Sobre El Cabal Cumplimiento Del Estado Mexicano De La Sentencia González Y Otras (“Campo Algodonero”): Resolutivos 12, 13, 14, 15, 20, 241 (2010), available at [http://www.campoalgodonero.org.mx/sites/default/files/documentos/Junio%2015%202010%201_INFORME_SOBRE_EL_CUMPLIMIENTO_DE_LA_SENTENCIA_DE_CAMPO%20\(version%20para%20difusion\).pdf](http://www.campoalgodonero.org.mx/sites/default/files/documentos/Junio%2015%202010%201_INFORME_SOBRE_EL_CUMPLIMIENTO_DE_LA_SENTENCIA_DE_CAMPO%20(version%20para%20difusion).pdf).

¹⁰⁹ Human Rights Council, *Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General*, ¶ 44, U.N. Doc. A/HRC/17/22 (2010).

¹¹⁰ *Id.* ¶ 45.

(thus demonstrating respect for the rule of law), a crucial step in an area of the world where violence can easily perpetuate flagrant disregard for legal remedies. Furthermore, these practices highlight many Mexicans' desire to have access to a local support system, including better community support and stronger enforcement of law enforcement protocols, rather than apologies and memorials generated at the federal level.

BEYOND IMPLEMENTATION: THE ROAD AHEAD

Mexico is far from full compliance with all components of the court's ruling, though it appears to have taken some steps in the direction of a good faith effort. The State's efforts at complying with the court's ruling could indicate deference to the court's judicial and enforcement authority. Even so, a larger issue looms on the horizon. How concordant are the mandates of the court with the wishes and needs of the broader community of victims and their families? The absence of the named victims' family members at the inauguration of the monument in their honor, along with the vocal protests of the unnamed and unrecognized victims' family members, revealed a dramatic chasm between the idealized court order and the messy reality of a community struggling with an ostensibly unstoppable succession of violent crimes against women.

I remember sitting with Rhonda Copelon immediately after the Inter-American Court issued its decision in the *Cotton Field* case. Her joy at the court's normative pronouncements and reparations order was immeasurable. I think she would look at the current realities of implementation of the court's decision with a note of frustration that would soon be overtaken by her forward-thinking vision. This vision would play itself out through a series of conversations with advocates and affected individuals and through a grueling intellectual process that would ultimately result in a long-term, strategic plan. Copelon would have no illusions of a short-term fix to such an entrenched problem. But she would also have no compunction about tackling the challenges of implementation head-on. After all, she was in the struggle for the long haul.