WHERE HAVE GIRLS BEEN? LESSONS LEARNED AND CHALLENGES IN THE AGENDA FOR COMBATING SEXUAL VIOLENCE IN THE INTER-AMERICAN COURT OF HUMAN RIGHT

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"I don't want to be brave when I go out, I want to feel free"
"You are not alone. Speak. We are free!"[2]

Abstract: In response to the alarmingly high rates of sexual violence against girls and women in Latin America, the Inter-American human rights system is developing standards and remedies to address these issues since states have already recognized their rights, but this has not been enough. This article examines the only three cases in which the IACtHR has addressed sexual violence against girls, "V.R.P., V.P.C., and others vs. Nicaragua," "Guzmán Albarracin vs. Ecuador," and "Angulo Losada vs. Bolivia." It highlights some of the achievements including the concept of intersectionality, the intensified due diligence due to their status as girls, the role of combined stereotypes, and others. It also focuses on areas for ongoing improvement such as the definition of institutional violence, the application of Article 5.2 of the ACHR concerning the conceptualization of torture, and the need for transformative reparations in the prevention of violence against girls in the Inter-American Court's approach.

Keywords: Girls' rights, sexual rights, violence, Inter-American Court.

Introduction

The last decade of the 20th century was marked by achievements regarding the recognition of children's rights. Specifically, many countries in the region ratified the Convention on the Rights of the Child and even approved internal regulations of the rights of children. In addition, the States recognized women's human rights. In fact, some Latin American States assumed different obligations through the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in the international arena, and the Convention on the Eradication of Violence Against Women (The 'Belem do Pará'), the American Convention on Human Rights (hereinafter ACHR) and the Protocol of San Salvador, in the regional arena (O'Connell, 2020; Burgorgue-Larsen, 2017). In certain cases, the States assumed similar obligations even in their constitutions and legal systems. However, there are still alarming statistics regarding sexual violence against women in general and specifically against girls in the region. According to UN

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[2] Slogans that can be read in different women's demonstrations. The author extends special thanks to the anonymous reviewers for their valuable comments, which will undoubtedly enhance this publication.

Women, nearly one in three women (30%) worldwide has been a victim of physical or sexual violence by their partner, sexual violence outside the relationship, or both, at least once in their lifetime.[3] In Latin America, femicide remains a significant concern. In 2023, at least 3,897 women were victims of femicide across 27 countries and territories in the region, which amounts to at least 11 gender-based violent deaths of women every day.[4] On average, in Latin America, 1 in 6 girls have experienced sexual violence (UNICEF, 2021).[5] Additionally, the region has the second-highest adolescent pregnancy rate in the world. Each year, approximately 1.6 million adolescents between the ages of 15 and 19 give birth, meaning that every 20 seconds, an adolescent girl becomes a mother.[6]

The Inter-American Court of Human Rights (hereinafter IACtHR or the Court) has developed standards on eradicating sexual violence, sexual and reproductive rights, and the rights of children. It has already established some rights standards to eradicate sexual violence against women[7], although specially when such violence is committed in the context of internal armed conflicts or systematic persecutions by state agents (Palacios Zuloaga, 2008; Clérico and Novelli, 2014; Ronconi, 2024, Mantilla Falcón, 2024). Although sexual and reproductive rights are not explicitly recognized in the ACHR, they have been recognized by jurisprudence.[8] The Court has also recognized that boys and girls are subjects of special protection.[9] However, it was only in recent times that the IACtHR started giving attention to girls' sexual rights.

In this paper, I will discuss the progress of the IACtHR in cases of sexual violence against girls, including its use of the concept of intersectionality, the intensified due diligence due to their status as girls, the role of combined stereotypes,[10] and others. I will also focus on areas for ongoing improvement such as the definition of institutional violence, the application of Article 5.2 of the ACHR concerning the conceptualization of torture, and the need for transformative reparations in the prevention of violence against girls in the Inter-American Court's approach.

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[3] https://www.unwomen.org/es/articulos/datos-y-cifras/datos-y-cifras-violencia-contra-las-mujeres

[4] https://www.cepal.org/es/comunicados/al-menos-11-mujeres-son-victimas-feminicidio-cada-dia-america-latina-caribe

[5] https://www.unicef.org/lac/informes/violencia-contra-ninos-ninas-y-adolescentes-en-america-latina-y-el-caribe

[6] https://lac.unfpa.org/es/news/costo-embarazo-en-adolescentes-america-latina-y-caribe

[7] The Court has not worked alone in these advancements; the Inter-American Commission on Human Rights, MESECVI, and various civil society organizations have played a key role in driving the agenda within the Inter-American System. On this topic, see Smyth (2022)

[8] Specifically, the IACtHR relied on Articles 4 (right to life), 5 (personal integrity), 7 (personal liberty and security), 11 (private life), and 8 and 25 (access to justice) of the ACHR in order to address cases concerning sexual and reproductive rights. See ICtHR, Cuadernillo de Jurisprudencia de la Corte IDH, Nº 4: Género.

[9] For example, the cases "Villagrán Morales vs. Guatemala", "Atala Riffo vs. Chile", "Fornerón vs. Argentina", "Ramírez Escobar vs. Guatemala", among others. On the inclusion of the children's approach in the Inter-American Court see Beloff (2009; 2024).

[10] These advances are important because they are "steps forward" (in terms of Courtis, 2006) that cannot be ignored by the States but, on the contrary, must be respected specially by the "conventional control" (von Bogdandy, et. al., 2017).

To address this, I will analyze three cases: "V.R.P., V.P.C., and others vs. Nicaragua" (2018) (hereinafter "V.R.P."), "Guzmán Albarracin vs. Ecuador" (2020) and "Angulo Losada vs. Bolivia" (2022). The cases V.R.P. and Ángulo Losada involve sexual violence against a girl by a family member and the stereotyped responses in access to justice. Guzmán Albarracín deals with violence perpetrated by a member of the educational community who held a position of responsibility over the girl. It is important to highlight the significance of the "V.R.P." case since it was the first to determine a state's responsibility for violence against a girl in a context of systemic sexual violence.[11] This is a study based on documentary analysis of the three cases in which the Court has addressed sexual violence against girls.

Firstly, I will review the facts of these three cases. Secondly, I will review the standards established by the IACtHR, focusing only on the advances and pending issues. Thirdly, I will discuss the reparations that were ordered, examining their potential for transformation and the challenges associated with their implementation as a means of ensuring non-repetition. Finally, I will conclude that although it is possible to identify some inconsistencies in the argumentation of the Court which need to be revised such as the conceptualization of institutional violence, autonomy and consent, torture and inhuman acts, among others, there exist some clear standards to resolve cases that involve acts of sexual violence against girls in the region.

1. Facts of the cases of sexual violence against girls in the IACtHR

The Court has reviewed this violence on three recent occasions.[12] All of these cases involved girls who were victims of sexual violence by a family member or an authority figure. In all three cases, local authorities failed to provide a response in line with human rights standards, when analyzing them from either women's or children's perspectives. Another characteristic common to these cases is that the girls lived in poverty. These cases show the systemic nature of sexual violence against girls in the region, so an intersectional approach should have been applied when proposing, arguing and granting reparation measures.[13]

In 2000, 8-year-old V.R.P. was raped by her father. Her mother V.P.C. became aware of the situation when she took her daughter to a medical center because she reported feeling pain in the anal region. It was found that the child had injuries consistent with rape and that she had been infected with the human papillomavirus (hereafter HPV). As a result, her mother reported her father to the authorities for the crime of rape against her daughter. As part of the criminal investigation, the girl had to undergo a medical examination in

[11] In fact, the first case on the subject that marks a break in the Court's jurisprudence on gender violence is "Campo Algodonero vs. México" (2009) where two of the victims were girls. Nevertheless, I left this case aside because, although the Court mentions children's protection, the argument focuses on the situation of women in general. About this case, see Abramovich, 2010; Acosta López, 2012.

[12] About the Inter American Commission of Human Rights works, see https://www.oas.org/es/cidh/jsForm/?File=/es/CIDH/r/DN/mandato.asp

[13] This phenomenon has been extensively documented (See Introduction).

which she was revictimized through various humiliating acts and degrading comments.[14] The doctors confirmed that the girl had been raped; although the rape was proven, the father was released and declared innocent by the jury. During the trial, the defense attorney provided the members of the court with a wooden-colored envelope containing a "letter" that was meant to be read privately. Despite the girl's mother's claims, the case was later closed due to lack of other remedies.[15] In 2018 the IACtHR ruled that the Nicaraguan state was responsible for multiple violations of V.R.P. rights, including the right to personal integrity, the rights of the girl, the right to equality before the law, the principle of non-discrimination and judicial guarantees (arts. 5.1, 8.1, 11.2 and 25.1 in relation with arts. 1.1 and 19) as well as art. 7.b of the Belém do Pará Convention.

In the case Guzmán Albarracín, between her 14 and 16 years of age, Paola Guzmán Albarracín suffered acts of sexual violence perpetrated by the staff of the state school she was attending, a public all-girls secondary school. The school´s vice-rector forced her to have sexual intercourse with him as a condition for passing her courses for almost two years. Two days after turning 16, and when her mother was summoned by the school authorities for reasons not linked to the vice-rector´s abuse, Paola died by suicide with "devils" (pills that contain phosphorus). After the girl spent several hours in the school first aid room,[16] her mother, who found out about the situation through a phone call from Paola's friends rather than from the school authorities, took her to the public health clinic where she finally died. Her friends even suggested that Paola had been pregnant, and that the vice-rector had asked her to have an abortion at the hands of the school doctor, who had also demanded sexual favors from Paola as a condition for performing the procedure. Although the acts of violence suffered by Paola were known to school staff, including the rector, they did nothing to protect her. After Paola's death, the investigation and judicial process was beset by serious delays and irregularities related to stereotypes regarding her actions and her relationship with the vice-rector since she was considered to have seduced him; the incident was thus considered statutory rape and not sexual harassment. During the investigation, several of Paola's classmates stated that they had been intimidated by the school staff in order to protect the vice-rector. This is the first case of sexual violence in an educational institution that the IACtHR has adjudicated, finding the Ecuadorian State responsible for violating rights related to the obligation to guarantee a life free from sexual violence in educational settings.[17]

[14] For example, during the medical examination ordered by the judge, three doctors, a psychiatrist, the judge, and a court official were present. The examination proceeded despite the girl's objections, as she expressed experiencing severe pain due to the force exerted by the doctor. Later, she was forced to reenact the events in the very place where she had suffered violence at the hands of her father.

[15] The case was submitted to the Inter-American Commission in October 2002 and received its merits report in 2016. It was concluded that the State was responsible for "the violation of the rights established in Articles 5, 8, 11, 19, 24, and 25 of the American Convention, in relation to Article 1.1 of the same instrument; and Article 7.b) of the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women". Due to the lack of response from the state of Nicaragua, the Commission referred the case to the Court.

[16] The authorities in charge told her to stay there, praying and apologizing.

[17] Specifically, arts. 4.1, 5.1 y 11 ACHR, art. 13 San Salvador Protocol, in relation with arts 1.1 y 19 ACHR and arts. 7.a, 7.b and 7.c Belém do Pará Convention.

In 2022, the IACtHR resolved the case "Angulo Losada vs. Bolivia". Brisa Angulo Losada was 16 when a cousin ten years her senior began raping and sexually abusing her. The cousin lived with her family and had earned their full trust. He also beat her so that she would not report him. Brisa experienced severe physical and psychological trauma but never reported the events to her parents out of fear of consequences. She even attempted to take her own life, as she saw no other way out. As a result of these events, she was depressed and suspended her studies. Following the report made by Brisa's father against her cousin, she was subjected to multiple gynecological examinations that re-victimized her and caused further distress. For example, the forensic medical examination was conducted by a male professional, accompanied by medical students in training, despite Brisa expressing discomfort with the situation; she was also not allowed to be accompanied by her mother. Additionally, she was ridiculed by the medical staff.[18] At trial Brisa's testimony was constantly questioned, and she was blamed for seduction, among other things.[19] The final criminal proceedings could not continue because the accused fled to Colombia. Despite the extradition request, Colombia refused to turn him over to the Bolivian authorities, arguing that the criminal offense was time-barred. In this case, the IACtHR ruled that the Bolivian State had violated several of Brisa's rights,[20] developing consent standards as the central axis of the crime of sexual violence.

These are not isolated cases, but rather reflect the structural violence that girls suffer in their families, schools, and in seeking access to justice. For this reason, the standards developed by the Court are relevant and should be analyzed.

2. Human Rights Standards of the Cases

In these cases, the Court developed a body of standards regarding how states must address sexual violence against girls. Some positive aspects of these developments include the recognition of the role non-state actors and institutions play in perpetrating or enabling sexual violence, as well as the advancement of intersectional and structural analyses. These developments represent significant progress in understanding the complexities of sexual violence, especially in terms of the existence of various factors which intersect and contribute to the issue. However, there are also certain limitations. For instance, there is often not sufficient conceptual precision when terms like "institutional violence" and "torture or inhuman, degrading treatment" are introduced. Additionally, while the Court

[18] For example, during the examination, Brisa asked the doctor if the students could leave, to which he laughed and called her "ridiculous." The students also laughed and proceeded to open their legs while the doctor conducted the exam. Brisa cried but was ignored.

[19] For example, the Prosecutor confronted Brisa, by saying: '[Y]ou didn't tell anyone after he raped you the first time, right? Are you sure you didn't want to be raped? Because it would be very strange not to tell someone that you were raped,' '[I]f you keep telling this, you're going to destroy your family and his,' and '[I]f you're lying, I will make sure you go to jail. What you're doing is very dangerous".

[20] Specifically, for the violation of the rights to personal integrity, judicial guarantees, private and family life, the rights of the child, equality and judicial protection, as enshrined in the American Convention (arts. 1.1, 5.1, 8.1, 11.2, 19 and 25.1 ACHR); and for the failure to fulfill the duties of heightened due diligence to prevent, investigate, and punish violence against women, as well as to establish fair and effective legal procedures with a gender perspective, as set forth in the Belém do Pará Convention (art. 7.b) and 7.f)).

has made great strides in recognizing the need for broader societal changes, there remains a need to focus not just on criminal responses but also on other public policies that reduce sexual violence in the long term. Five of the most important standards are: judicial guarantees, protection and due diligence reinforced by gender and age; Sexual violence from a structural approach; Consent in sexual offenses against girls; Institutional violence in the investigation and the existence of torture or cruel, inhuman or degrading treatment.

2.1. The judicial guarantees, judicial protection and lack of due diligence reinforced by gender and age in the criminal process for rape

The Court had already developed standards regarding the obligation of States to guarantee due diligence in cases of violence against women (Liebowtiz and Goldscheid, 2015; Malaihollo and Lane, 2024). According to art. 7.b of the Belém do Pará Convention, investigations related to women should be carried out as accurately, promptly, and comprehensively as possible, not revictimizing or stereotyping the victim, among other requirements. But specifically, in the V.R.P. vs. Nicaragua case, the Court also understood that this due diligence had to be intensified because the victim was a child. Thus, the Court applied the standard of special protection for girls, by virtue of the application of the Convention on the Rights of the Child (specifically, arts. 2, 3, 6 y 12), which implies that "state authorities must take particular care in the development of investigations and processes at the internal level, as well as when adopting protection and support measures during the process, and after it, in order to achieve the rehabilitation and reintegration of the victim" (par. 157). Consequently, the participation of girls in a process should not occur under the same conditions as those of an adult; in fact, children's abilities should be considered during their participation in the investigation (par. 205 and 207). This implies creating the appropriate conditions to enable girls, boys, or adolescents to take part in the criminal processes effectively. It also involves, among other considerations, ensuring, when necessary, the required support (legal, technical, medical, psychological, or whichever might be appropriate) and preventing them from being subject of physical evaluations. This standard of enhanced due diligence was applied in the following two cases but going even further by focusing on and adding at least two rules regarding a) the investigation of the facts within a reasonable time frame, and b) the avoidance of stereotypes in the investigation.

a) Regarding *the time of the investigation,* in the V.R.P. case, the Court applied the general rules concerning procedural delays: a) complexity of the matter; b) procedural activity of the interested party; c) conduct of the judicial authorities; and d) the impact on the legal situation of the person involved in the process, understanding that the judicial investigation, especially during the appellate stage, had involved an unjustified delay (par. 275 et seq.). The Court understood that the lack of adequate response by the judiciary in individual cases of violence against women leads to greater degrees of impunity and facilitates a favorable environment for the recurrence of such acts. In fact, in the case V.R.P. the Court held that the delay in the investigation of cases of gender violence "sends a message according to which violence against women can be tolerated and accepted, which favors its perpetuation and the social acceptance of the phenomenon, the feeling and sensation of insecurity of women, as well as their persistent distrust in the system

of administration of justice. Said inefficiency or indifference constitutes discrimination against women in access to justice" (par. 291). In this way, the Court makes clear the role that the administration of justice in a reasonable time plays as a key actor in the eradication of violence against women.

However, in Angulo Losada v. Bolivia's case, the Court strengthened this obligation. It held that the time elapsed since the formal complaint was filed until its resolution demonstrated that the case was handled over a period of time that far exceeded what could be considered reasonable (par. 126). It also used the argument of the obligation of due diligence and access to justice from the perspective of childhood and gender: the Court emphasized that, since the criminal proceedings involved a girl who was a victim of sexual violence, the judicial guarantee of a reasonable time should have been applied by acting "without delay" (par. 127). This was even more important considering that the excessive time taken to obtain a final judgment was not due to the complexity of the case or the procedural actions of the alleged victim or the accused, but rather to the poor handling of the case by the judicial authorities (par. 128). Although the Court did not provide a clear definition of what was meant by "without delay" it showed that the argument of complexity was not a compelling one given that the case involved only one victim and one identified alleged perpetrator. This situation prevented Brisa from obtaining the swift proceedings she was entitled to, thereby violating her right to a remedy within a reasonable time (par. 132). In this sense, the *Angulo Losada* case constitutes an important step forward on that path (Santos Pérez, 2024).

b) Regarding *stereotypes,*[21] since the Cotton Field v. México case, the Court has been developing the analysis of gender stereotypes in cases of violence against women (Tramontana, 2011; Undurraga, 2017; Gauché, 2020a, Ronconi, 2022). In the three cases under analysis here, the Court reiterated that girls, boys and adolescents are considered more vulnerable to human rights violations. This is determined by different factors, such as age, the individual conditions and their degree of development and maturity, thus applying the concept of "intersectional inequality".[22] In this sense, V.R.P.'s case is important because it is the first which shows that this applies to sexual violence in the family environment, and that children are especially vulnerable in this regard. In the case of girls, this special vulnerability can be framed and exacerbated by factors of historical discrimination that have led to women and girls' suffering higher rates of sexual violence, particularly within the family (par. 156). The concepts of stereotypes and intersectional inequality was revisited and applied in the Guzmán Albarracín and Angulo Losada cases to determine

[21] Stereotypes imply a generalized view or preconception about the attributes or characteristics of the members of a particular group or about the roles that those members must fulfill, but not considering the individual abilities, needs, desires and circumstances of each member in particular (Cook y Cusack, 2009; Ghidoni and Morondo Taramundi, 2022).

[22] This concept was developed by the Court in the Case "Gonzales Lluy vs. Ecuador". It was developed by feminist scholars, particularly thanks to the work of Kimberlé Crenshaw (1989), who highlighted how white feminism and antiracism were leaving Black women marginalized. In this regard, Crenshaw (1989; 1991), Merry (2006), and others. On the developments of the Court on this issue see Gauché and Bustos, 2023; Pou Giménez, 2021; Bórquez and Clérico, 2021, Serrano Guzmán, 2021.

the concrete obligations of States when preventing, investigating, and sanctioning acts of sexual violence against girls.

In the Guzmán Albarracín case, the IACtHR began to address the issue of intersecting stereotypes (Bórquez and Clérico, 2021), focusing on both gender and. The Court identified the presence of stereotypes in two key areas. First, within the judicial system, it found that the investigation had taken place in the context of a discriminatory legal regime plagued by gender-based stereotypes and prejudices.[23] In fact, the Superior Court of Justice of Guayaquil, had considered that there was no crime of "sexual harassment" since it was not the vice-rector who "had chased" Paola, but on the contrary, it had been she who had requested "his teaching favors" thus representing the "principle of seduction". The same decision understood that the vice-rector's behavior constituted only "statutory rape" since in this crime, the perpetrator's seduction was aimed at "achieving consent and carnal copulation, with an honest woman" which for this Court Paola did not represent (par. 190). This comprised a biased analysis in several aspects. Firstly, this decision held that Paola, a girl, was responsible for acts of seduction that had provoked the vice-rector. As a consequence of this understanding, the act of violence was not analyzed as sexual harassment and the perpetrator was not considered responsible for it. Furthermore, Paola's honesty was questioned because her behavior wasn't what was expected of an "honest woman". Thus, in this case, the IACtHR identified that gender stereotypes were present when the vice-rector's conduct was judged and consequently developed valuable standards on the role that stereotypes play in the administration of justice.

Second, the IACtHR recognized gender stereotypes in the normalization of acts of violence within the educational system. It held that the educational community deemed Paola as a seductive teenage girl, consequently enabling the abuse of power and the exploitation of a relationship of trust, naturalizing the perpetrator's conduct that was, in fact, inappropriate par. 51 and others). In this sense, the Guzmán Albarracín case constituted a very important step on that path.

The same was later analyzed in the Angulo Losada case, in which the Court made it clear that a range of combined stereotypes adversely influenced the investigations and trial. At the local level, various authorities (such as the prosecutor and defense attorneys) had questioned the victim's conduct, claiming that she was not telling the truth and had not resisted the abuse by the perpetrator, thus doubting her behavior and labeling her as a "seductive woman" (par. 82) This was reflected in the prosecutors' questions, expert opinions, and evidence linked to issues that are not related to the reported facts but rather to the victim's personality and sexual history (Piqué, 2017).

The establishment of standards by the Court facilitated progress in understanding the implications of using stereotypes in the administration of justice, not only regarding gender but also age, since this use creates a particular situation that restricts access to justice

[23] These facts implied violations to the provisions of the Convention of Belém do Pará (cons. 191 et seq.). See, Arena, 2022.

2.2. Sexual violence from a structural approach

Guzman Albarracin is significant among the three cases because the Court names and critiques structural issues. The IACtHR held that "the facts of the case occurred in a public educational setting that not only lacked measures to prevent acts of sexual violence, but also normalized such conduct" (par. 47). Therefore, this makes it evident that Paola's case was not isolated but rather a structural situation of violence (Gauché, 2020b).[24]

In trials, violence is often decontextualized and reduced; it becomes dematerialized (Piqué, 2017; Bodelón, 2015), preventing a full understanding of the complexity of the phenomenon, which directly impacts on the reparation measures adopted. Generally, in criminal trial, only the State, the victim, and the perpetrator are involved. However, in this case the Court considered that the context was crucial, as it broadened the perspective on the rights violations. The consideration of context allowed the Court to explicitly justify the connection between the declared violations and the ordered reparations. This was then considered beyond this individual case.

The IACtHR considered that, in Guzmán Albarracin case, there was a violation of the *girl's right to a life free of sexual violence in an educational environment*. This implies that the "different alleged human rights violations are related in such a way that, at least in part, they generate one another. That is to say, there is a close relationship between various human rights involved in acts of sexual violence and the obligations corresponding to a woman's right to a life free of violence and those related to the protection of girls and boys and the right to education" (par. 107).

This marked an evolution from the standards established in the other cases, showing the Court's greater recognition of rights such as the obligation of the State to prevent girls and adolescents from suffering sexual violence at school and to create safe educational environments. It stated that since boys and girls tend to be more likely to suffer acts of violence, coercion and discrimination, States must 1) establish actions to monitor the problem of sexual violence in educational institutions and develop policies for its prevention and 2) create and implement simple, accessible and safe mechanisms so that these acts can be reported, investigated and punished (par. 120). I will come back to this point later on.

2.3. Consent in sexual offenses against girls

Unlike in previous cases, in "Angulo Losada vs. Bolivia" the IACtHR developed consent standards as the central axis of the crime of sexual violence, regarding it from an intersectional perspective involving gender and age. It stated that "for a rape to be perpetrated, proof of threat, use of force or physical violence should not be required, it is sufficient for this to be demonstrated, by any suitable means of proof, that the victim did not consent to the sexual act" (par. 145), especially when there are inequalities in which

[24] See Gauché Marchetti (2020b); Martínez Coral and Martínez (2021).

the perpetrator is provided with power by institutional or work environments or by the possibility of depriving the victim economically, among others (par. 146)

This also represents progress over "V.R.P.'s" and "Guzmán Albarracín's" cases since in the first one, "consent" was not discussed because the victim was an 8-year-old girl, thus incapable of giving consent and in the second the Court did not refer to consent but worked instead on the stereotypes that appeared when denouncing, judging and sanctioning the vice-rector's conduct with respect to Paola. In conclusion, the "Angulo Losada" case represented a great advance in terms of violence against girls and adolescents in line with the progress made at the regional level. In this sense, in General Recommendation No. 3 the MESECVI Committee of Experts began to argue that consent cannot be inferred from any word or conduct of the victim when force, threat of force, coercion or taking advantage of a coercive environment has reduced their ability to give free and voluntary consent. Nor can it be inferred from any words or conduct of the victim when she is unable to give free consent or from the victim's silence or lack of resistance to sexual violence.

2.4. Institutional violence in the investigation

Institutional violence has been understood as those violations of rights for which the State is responsible, either through direct action or through omission of an action that is its responsibility (Bodelón, 2015).[25] Although this concept was not new for the Court, in V.R.P. case it concluded that the State not only did not comply with the higher due diligence and special protection standard when investigating child sexual abuse, but perpetuated additional forms of violence. Thus, the Court considered that the girl suffered double violence: on the one hand, sexual violence by a non-state agent (her father); and, on the other hand, institutional violence during the criminal investigations, in particular, following the forensic medical examination and the reconstruction of the events which involved acts of re-victimization of the victim by the State. It therefore maintained that the State had become the "second aggressor" taking into account the definition given by art. 7.b) of the Belém do Pará Convention. This is framed within the concept of institutional violence.

This case is significant because, although the Court had previously applied the concept of institutional violence only to perpetrators within security forces (soldiers),[26] here it extended the concept to the judicial institution, referring to the abuses the girl

[25] In this regard, the Belém do Pará Convention refers to *violence perpetrated by the State or its agents wherever it occurs*. In turn, recent laws enacted in the region aimed at guaranteeing a life free of violence for women explicitly recognize institutional violence as a form of violence. In general, it encompasses any act or omission carried out within the scope of a public function that seeks to obstruct women's rights. See, for example, Article 6.6 of Law 21.675 (Chile); Article 6.b of Law 26.485 (Argentina); and Article 18 of the General Law on Women's Access to a Life Free of Violence (Mexico).

[26] For example, in the case of sexual torture against indigenous women by soldiers, "Fernández Ortega et al. vs Mexico" and "Rosendo Cantú and another vs. Mexico", both from 2010.

suffered during the investigation. Nevertheless, the Court did not provide a definition of what is meant by institutional violence, neither its scope and limits. Following this case, the Court also recognized the existence of institutional violence in the Angulo Losada case, by taking into account the re-victimizing acts carried out by state authorities (both forensic doctors and judicial authorities) throughout the investigation. But again, in this case it did not provide further details about its scope. Thus, Court expanded scope of institutional violence to include a range of state agents, but institutional violence remains lacking a clear definition. Nevertheless, in the Guzmán Albarracín case, the Court did not consider the events as institutional violence, thus showing the limits of this concept. In this case, a girl was sexually abused by the vice-rector of a public school, and the school staff was aware of the "relationship" that existed between them. So, Paola Guzmán Albarracín's right to a dignified existence was violated, fact that was closely linked to her suicide. Although the Court acknowledged that the direct assaults on the girl's rights and the institutional tolerance of such acts had evident harmful consequences for her, it did not explicitly refer to this as institutional violence nor did it condemn the State on that basis. This leaves the door open to the question of whether public schools, like any other State institution, can constitute a source of institutional violence. It is clear that in this case, the violence was exercised by a person in his role of vice-rector of the school, and the violence was possible due to his powerful position within the institution, as he used his authority to abuse the girl. It seems that the Court applied a narrow concept of institutional violence, since it did not, for example, extend to school authorities.

The explicit recognition of institutional violence is essential from both a legal and political perspective. Naming this particular form of violence makes it possible to shed light on structural patterns of harm that are often framed as mere negligence or individual failures (Farmer, 2004; Yamin, 2016). However, when harm originates from or is perpetuated by state institutions—whether through direct action, omission, or systemic discriminatory practices—we face a specific type of violence that must be identified and addressed in all its complexity. The Court's clear conceptualization of what is meant by institutional violence is necessary to give greater coherence to the standards it has developed, especially in cases in which it is exercised against boys and girls. In this sense, and especially in the IACtHR, some questions have been posed when thinking about this conceptualitation (Parelman and Tufró, 2017) such as: which acts are considered institutional violence?, how are they distinguished from other types of legal qualifications?, who can be active subjects of institutional violence?, is it only about actions or also about omissions?, why the acts Paola Guzmán Albarracín was subjected to were not considered acts of institutional violence but those suffered by V.R.P. and Angulo Losada were? I understand that these questions and possibly others must be raised when cataloging acts of institutional violence, especially taking into account the standards that the Inter-American Court has set for the region.

2.5. The existence of torture or cruel, inhuman or degrading treatment

In both V.R.P. and Angulo Losada cases the Court determined that the facts implied the violation of personal integrity (art. 5.1 ACHR), specifically, involving cruel, inhuman and degrading treatment (in light of art. 5.2 of the ACHR, hereafter CIDT). However,

CIDT was not recognized in Paola's case although it was expressly requested that the State be condemned for violation of art. 5.2.[27] In spite of recognizing the seriousness of the acts of violence against Paola, which were reflected in her suicide, the Court stated that the evidence was insufficient to satisfy all the requirements to recognize these violations of her rights. However, the Court defines torture as "a particularly serious and reprehensible attack to the human dignity, in which the perpetrator deliberately inflicts a severe pain or suffering or exercises a method aimed at nullifying the personality or diminishing the physical or mental capacity of the victim, who is in a situation of vulnerability. Consequently, these acts are done with a specific purpose" (par. 152). Furthermore, the Court added that "categorizing an act as torture requires the utmost rigor" (par. 152). However, the Court did not analyze the elements of torture in line with its own precedents/ case-law[28] regarding intentionality, purpose, and severity (Pérez and Perico, 2021). The acts committed by the vice-rector against Paola, as well as the subsequent treatment of the case by the local justice system, are not substantially different from situations previously recognized as torture. Therefore, the Court's interpretation calls for further clarification

Greater rigor should be demanded in cases of girl victims of sexual violence than what has been maintained in other cases that do not involve girls,[29] so as to avoid androcentric or adultcentric bias. To do this, the characteristics of the acts of violence must be considered, such as the duration, the method used or the way in which the suffering wase inflicted, the physical and mental effects that it could cause, as well as the conditions of the person who suffered said acts, including age, sex and health status, among other personal circumstances.[30] Mackinnon (2007) warns that gender biases also extend to international law, noting that domestic violence, rape, and sexual abuse are not considered forms of torture despite fitting into the concept aforementioned. She argues that the only difference between these types of violence and others is that they have a clear gender component unlike other acts that have been considered torture which affect both men and women. Nash (2019) maintains that it is relevant for both the effects of the victims and the processes arising from these events, that the acts of torture be classified as such, instead of being considered an affectation of personal integrity.

These cases represented important steps in setting standards regarding sexual violence against girls. However, they focused strongly on the state response to the case of violence once they were reported and were being investigated but not on the efforts made to prevent said sexual violence against girls. This is relevant because if the aim is to reduce or eliminate violence against girls, the estate's response should not come only once the act has been perpetrated. This brings me to the next point.

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[27] The distinction between torture and cruel, inhuman, and degrading treatment is not straightforward. On this matter, see Sferrazza-Taibi and Ceballos-Schaulsohn, 2024

[28] IACtHR, Case of Women Victims of Sexual Torture in Atenco vs. Mexico; Case of López Soto vs. Venezuela, Case of Espinoza Gonzáles vs. Peru, among others. On the classification of torture in general in the Inter-American Court see, Nash, 2019.

[29] A detailed criticism on this point can be seen in Pérez and Perico, 2021.

[30] IACtHR, Caso Rosendo Cantú and others vs. México párr. 112.

3. Transformative remedies

Although the IACtHR developed relevant standards regarding the scope of the obligations of States, it did not live up to its aspirations of providing transformative measures of reparation.[31] In fact, the Court has developed a broad interpretation of Article 43 of the ACHR to establish various forms of reparation (Correa, 2019), including guarantees of non-repetition. Nevertheless, it faces some challenges, not only in the form of State non-compliance (Herencia Carrasco, 2011) but also in the Court's understanding of underlying, systemic issues (Von Bogdandy, et. al, 2024*;* Rubio-Marín and Sandoval, 2011). Reparative measures aim to serve not only as a mechanism to redress the harm caused by the unlawful act in the specific case, but also as an opportunity to combat the historical causes of social exclusion and violence (De Greiff, 2006; Rubio-Marín, 2009; Bolaños Enriquez and Quintero, 2022). Reparation must therefore be transformative and emancipatory, with the intention of enabling affected groups to overcome situations of exclusion or subordination (Antkowiak, 2008). This is why, through its rulings, the IACtHR has ordered States to implement specific measures to guarantee non-repetition of such conduct, especially in many cases related to the need to strengthen human rights education (Reyes Benz, 2020). Here I will focus on two measures articulated in these cases that could lead to the development of higher standards: obligations to establish protocols and obligations to provide training.

a) Obligations to establish *protocols*, in the "V.R.P" case the Court established that the State has to adopt, implement, and supervise three standardized protocols, indicating the minimum requirements that must be met in cases of girls, boys and adolescents that are victims of sexual violence: (1) *protocol* for *investigation and action* during the criminal process; (2) *protocol for a comprehensive approach during the medical-legal assessment* and (3) *protocol for a comprehensive protection of the victim* (par. 381). Subsequently, in the "Guzmán Albarracín" case, the Court added the obligation to create simple reporting mechanisms (protocols) *for situations of violence in educational spaces* (par. 245). Besides, in "Angulo Losada", it also emphasized the need to create protocols similar to those established in V.R.P (par. 204). Thus, protocols became a no repetition tool that the Court should use in cases of sexual violence.

However, the protocols provide guidelines on how to react in a specific case but do not necessarily address the structural problem of violence, especially when it has been normalized.[32] Thus, it is a tool that does not have a transformative spirit (Ahmed, 2022) since they do not prevent situations of violence but rather indicate how to respond to them. Moreover, and following Tapia Tapia and Salao (2023), it is worth questioning

[31] In this regard, the Court maintained in the case "Atala Riffo and others vs. Chile" (2012) that the transformative vocation of reparation measures implies that "they should have not only a restorative but also a corrective effect towards structural changes to dismantle those stereotypes and practices that perpetuate discrimination against the LGTBI population" (cons. 267).

[32] Normalized violence is understood as the "unidentified violence" occurring within educational institutions. For example, the lack of women in decision-making spaces or their less significant role in conferences, among others.

to what extent these judicial or administrative proceedings may delay the process, thus constituting a new form of violence. It is therefore not enough to simply introduce protocols to address cases of gender-based violence: these can hinder an understanding of violence as a structural issue and the development of an effective State response based in that understanding (Tapia Tapia et al., 2023).

However, it is important to note that "Angulo Losada's" case made important contributions in this regard because the Court established that, after applying the protocols "the State must create a system of indicators that allow measuring their effectiveness and verify, in a differentiated manner and by gender and age, the decrease of impunity reported regarding crimes of sexual violence committed against girls, boys and adolescents" (cons. 208). This information is relevant because it is not enough to sanction protocols alone, the State must also demonstrate their effective implementation and impact in light of concrete data, so measurable results must be derived from their application.

Even in this case, the Court established the obligation to generate statistics on sexual violence against girls, boys and adolescents which are not fragmented in different national institutions and which are publicly accessible (par. 218), as it considered the importance of the access to information for the creation of appropriate public policies aimed at preventing the repetition of acts of sexual violence against girls. This is the reason why it ordered the State to design and implement a national and centralized data collection system on cases of sexual violence against minors, disaggregating age, place of occurrence, profile of the aggressor, relationship with the victim, among other variables. This allowed the quantitative and qualitative analysis of acts of sexual violence against minors. In addition, the number of cases that were effectively prosecuted must be specified along with the number of accusations, convictions and acquittals. This information must be disseminated annually by the State so that access to the entire population as well as the confidentiality of the identity of the victims can be guaranteed (par. 218).

The requests of disaggregated data[33] by region, as well as by gender and age, is very relevant since undoubtedly human rights violations are biased depending on the area of the country where they occur. We must bear in mind that protocols and training programs are usually implemented in big and important cities while it is more difficult to see this in the countryside or areas far from them.

b) Obligations to provide *training*, human rights violations, especially those suffered by women and girls, are often linked to a lack of awareness among public officials. For this reason, various human rights organisms increasingly recommend training on this issue.[34] With this aim, in the V.R.P. case it was established that the State should adopt and implement permanent training and courses for public officials who have

[33] On the importance of measuring public policies, see Abramovich and Pautassi, 2010.
[34] About that Rodino Pierri, 2015. On the UN recommendations, see https://www.ohchr.org/es/resources/educators/human-rights-education-training/human-rights-education-and-training-materials-and-resources On the use of human rights education by the IACHR, see Reyes Benz, 2020.

the first contact with children victims of sexual violence, including those who work in the justice administration system, medical professionals and forensic doctors so that they provide the appropriate treatment to these victims during medical examinations (par. 392). These training courses should also be extended to personnel belonging to the public health system. The training should be conducted from a gender and child protection perspective, aiming to deconstruct gender stereotypes and dispel false beliefs about sexual violence.

As with the adoption of protocols, providing training raises some questions. Firstly, it is not clear why only those officials involved in sexual violence cases should receive training; in fact, all personnel in the justice system should be educated. Secondly, these measures are reactive and are only implemented once the violent incident has already occurred. States' responses should not only address cases of sexual violence but also seek to eradicate them: if the State only focuses on the sanction of protocols or training regarding the reported actions, there is no place for awareness or prevention. In addition, in many cases, children and adolescents are not even informed or cannot identify that they are experiencing a situation of violence that can be reported[35]; in this sense, I highlight the progress that the "Guzman Albarracín" and "Angulo Losada" cases represent since in both pronouncements, the Court focused on establishing the obligation of States to guarantee *comprehensive sexual education* together with protocols and training.

In "Guzman Albarracin's" case, the Inter-American Court emphasized the importance of sexual education since Paola did not have tools that would have allowed her to understand the sexual violence involved in the acts she suffered nor with and neither was there an institutional system that would have provided her with support for her treatment or complaint; in fact, on the contrary, it validated, normalized and tolerated the violence referred to (par. 140). Consequently, the judges understood that sexual education is a suitable tool to enable girls and boys to have an adequate understanding of the implications of sexual and emotional relationships, particularly in relation to consent and the exercise of freedom regarding their sexual and reproductive rights (par. 139).

In the 'Angulo Losada' case, the Court went a step further by requiring the Bolivian state to incorporate suitable, timely, and relevant information into mandatory school teaching materials tailored to the maturity and psychological development of girls, boys, and adolescents (par. 215) This is intended to equip them with the tools to prevent, identify, and report acts that constitute sexual violence and reduce the risk of experiencing such violence. These materials must include information about the importance of consent in sexual relationships and about incest (par. 216).

Despite all these advances, it is essential to provide a more comprehensive definition of what is meant by sexual education, rather than restricting it to just a tool for preventing sexual violence. While the Court adopts the concept developed by the

[35] In this regard, see UNICEF, 2016. Something similar happens at universities. In this regard, see Prior and Heer, (2022); Jaramillo Sierra and Buchely Ibarra (2020)

Economic Social and Cultural Rights Committee (2016), it is important to emphasize that sexual education must be all-encompassing and comprise a range of pedagogical activities aimed at promoting sexual health. And sexual health should be understood as the integration of physical, emotional, intellectual and social aspects, all of which should be considered in relation to sexuality so as to promote personal and social well-being through communication and love. Definitively, the goal of comprehensive sexual education is to get people prepared with knowledge, skills, attitudes and values that will empower them to realize their health, well-being, and dignity; develop respectful social and sexual relationships; consider how their choices affect other people's well-being and their own and understand what their rights throughout life are by ensuring they are protected (UNESCO, 2018, p. 16). Expanding this definition is particularly relevant, as there has been little progress in the implementation of policies on this matter in the region. On the contrary, sexual education continues to be approached, in many cases, from a narrow perspective focused solely on the biological aspects (Ronconi, et al, 2023; Martinez et al., 2025).

Conclusions

In this work I have shown the relevant standards that the IACtHR has developed regarding sexual violence committed against girls. In that sense, the ruling in the "V.R.P." case was emblematic and transcendental because it was the first, then followed by "Guzmán Albarracín" and "Angulo Losada" cases, in which the Court improved his issue. The Court always emphasized access to justice and the obligation to guarantee enhanced due diligence in judicial processes but now it also focused on girls. As I argued, in a context marked by violence against women, and especially against girls, the development of these standards and the Court's work on this issue already represent a step forward.

However, it is also possible to identify some inconsistencies that result in a lack of clear guidance for the States in the region. First, there is still not only a conceptualization challenge regarding what constitutes institutional violence but also uncertainties regarding when Article 5.2 of the ACHR should be applied, specifically what is recognized as acts of torture. Besides, although the Court has mentioned the importance of prevention, it has not gone further in setting clear standards as regards preventing acts of sexual violence against girls. In fact, justice appears when the damage has already been caused and it can only establish procedures and reparations. However, the advances that occurred in the "Guzmán Albarracin" case regarding comprehensive sexual education and in "Angulo Losada" case regarding the importance of measuring the impact of protocols, show an advance in transforming public policies when it comes to sexual violence in the region.

All the above highlights the need to continue developing higher and clearer standards for the prevention of sexual violence against girls, as they are a fundamental tool. A broader approach is needed, one that does not solely address individual cases but also seeks to change the structural and institutional dynamics that perpetuate this violence. The Court could make significant progress by incorporating preventive measures, adopting a truly intersectional, feminist, and child-centered approach. This would go beyond punitive responses and foster transformations in public policies that could reduce the structural conditions allowing sexual violence. Therefore, it is evident that the Court must continue

to develop standards that not only respond to the harm already caused but also prevent future acts of violence, working in tandem with measures that transform the mentalities and attitudes that perpetuate such violence.

Bibliography

ABRAMOVICH, V. (2010). 'Responsabilidad estatal por violencia de género: comentarios sobre el caso "Campo Algodonero" en la Corte Interamericana de Derechos Humanos'. *Anuario De Derechos Humanos*, (6), pág. 167–182. https://doi.org/10.5354/adh.v0i6.11491

ABRAMOVICH, V. and PAUTASSI, L. (2010). *La medición de derechos en las políticas sociales,* Buenos Aires, Editores Del Puerto.

ACOSTA LÓPEZ, J. (2012). 'The Cotton Field case: gender perspective and feminist theories in the Inter-American Court of Human Rights Jurisprudence'. *International Law: Revista Colombiana de Derecho Internacional*, Julio-Diciembre, 17-54. https://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S1692-81562012000200002&lng=en&tlng=en

AHMED, S. (2022). ¡*Denuncia! El activismo de la queja frente a la violencia institucional*. Buenos Aires: Caja Negra.

ANTKOWIAK, T. (2008). 'Remedial approaches to human rights violations: The Interamerican Court of human rights and beyond'. *Columbia Journal of Transnational Law*, *46*(2), pp. 351-419.

ARENA, F. (Coord.) (2022). *Manual sobre los efectos de los estereotipos en la impartición de justicia*. Dirección General de Derechos Humanos de la Suprema Corte de Justicia de la Nación, Ciudad de México, México.

BELOFF, M. (2009). *Los derechos del niño en el Sistema Interamericano*. Ciudad Autónoma de Buenos Aires, Del Puerto.

BELOFF, M. (2024). "The Rights of the Child According to the Inter-American Court of Human Rights: A Latin American Translation" in Armin VON BOGDANDY, Flávia PIOVESAN, Eduardo FERRER MAC-GREGOR, and Mariela MORALES ANTONIAZZI *The Impact of the Inter-American Human Rights System Transformations on the Ground*, Oxford University Press.

BODELÓN, E. (2015). Violencia institucional y violencia de género. *Anales De La Cátedra Francisco Suárez*, *48*, 131–155. https://doi.org/10.30827/acfs.v48i0.2783

BOLAÑOS ENRIQUEZ, T. and QUINTERO, D. (2022). 'Función transformadora y emancipatoria de la reparación integral: la búsqueda incesante de la justicia y la igualdad. *Estudios constitucionales*, *20*(2), 105-131. https://dx.doi.org/10.4067/S0718-52002022000200105

BÓRQUEZ, N. and CLÉRICO, L. (2021). 'Una vuelta de tuerca al análisis de estereotipo: estereotipo combinado'. *Revista Electrónica*. *Instituto de Investigaciones Ambrosio L. Gioja,* Número 26, junio 2021 – noviembre 2021, Buenos Aires, Argentina, pp. 1-28.

BURGORGUE- LARSEN, L. (2017). 'The added value of the Inter American Human Rights System: comparative thoughts' in VON BOGDANDY (et. al) *Transformative Constitutionalism in Latin America*, Oxford University Press, pp. 377-408.

CLÉRICO, L. and NOVELLI, C. (2014). 'La violencia contra las mujeres en las producciones de la Comisión y la Corte Interamericana de derechos Humanos' in *Estudios Constitucionales*, Centro de Estudios Constitucionales de Chile, Año 12, 1,15-70.

COOK, R. J. and CUSACK, S. (2009). *Gender Stereotyping: Transnational Legal Perspectives.* Filadelfia: University of Pennsylvania Press.

CORREA, C. (2019). 'Artículo 63', en STEINER, C. & FUCHS, M.C (Eds.). *Convención Americana sobre Derechos Humanos: Comentario*, 2da. Edición, Bogotá.

COURTIS, C. (2006). *Ni un paso atrás. La prohibición de regresividad en materia de derecho sociales,* Editores del Puerto.

CRENSHAW, K. (1989). 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics'. *University of Chicago Legal Forum*, Vol. 1989, Article 8.

CRENSHAW, K. (1991). 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color'. *Stanford Law Review*, *43*(6), 1241–1299.

DE GREIFF, P. (2006). *The Handbook of Reparations* (Oxford, Oxford University Press)

ECONOMIC SOCIAL AND CULTURAL RIGHTS COMMITTEE, *OBSERVACIÓN GENERAL NÚM. 22 relativa al derecho a la salud sexual y reproductiva (artículo 12 del Pacto Internacional de Derechos Económicos, Sociales y Culturales)*, E/C.12/GC/22, 2 de mayo de 2016.

FARMER, P. (2004). 'An Anthropology of Structural Violence'. *Current Anthropology*, *45*(3), 305–325.

GAUCHÉ MARCHETTI, X. (2020a). 'Acerca del concepto de Estereotipos en el Sistema Interamericano de Derechos Humanos. Un aporte para el abordaje de causas de violencia a mujeres'. *Revista Actualidad jurídica,* (41), Santiago de Chile. https://derecho.udd.cl/actualidad-juridica/articulos/acerca-del-concepto-de-estereotipos-en-el-sistema-interamericano-de-derechos-humanos-un-aporte-para-el-abordaje-de-causas-de-violencia-a-mujeres/

GAUCHÉ MARCHETTI, X. (2020b). 'De la violencia sexual a niñas y adolescentes en la escuela y la Corte IDH'. Available in https://dialogoderechoshumanos.com/agenda-estado-de-derecho/de-la-violencia-sexual-a-ninas-y-adolescentes-en-la-escuela-y-la-corte-idh

GAUCHÉ MARCHETTI, X. and BUSTOS IBARRA, C. (2023). 'Intersectional gender perspective in the sentences from the Inter-American Court of Human Rights'. *International Humanities Review, 16*(6). https://doi.org/10.37819/revhuman.v16i6.1546

GHIDONI, E. and MORONDO TARAMUNDI, D. (2022). 'El papel de los estereotipos en las formas de la desigualdad compleja: algunos apuntes desde la teoría feminista del derecho antidiscriminatorio'. *Discusiones*, *28*(1), 37–70.

HERENCIA CARRASCO, S. (2011). 'Las Reparaciones en la Jurisprudencia de la Corte Interamericana de Derechos Humanos' en *Sistema Interamericano de Protección de los Derechos Humanos y Derecho Penal Internacional- Volumen II*. Montevideo: Fundación Konrad Adenauer & Georg-August-Universität-Göttingen.

JARAMILLO SIERRA, I. and BUCHELY IBARRA, L. (2020). *Perspectivas de género en la educación superior: una mirada latinoamericana*, Red ALAS/ICESI. https://doi.org/10.18046/EUI/ee.12.2020

LIEBOWTIZ, D. and GOLDSCHEID, J. (2015). 'Due Diligence and Gender Violence: Parsing Its Power and Its Perils'. *Cornell International Law Journal*, 48(2).

MACKINNON, C. (2007). *Are Women Human? and other International Dialogues*. Harvard University Press.

MALAIHOLLO, M. and LANE, L. (2024). 'Mapping out due diligence in regional human rights law: Comparing case law of the European Court of Human Rights and the Inter-American Court of Human Rights'. *Leiden Journal of International Law, 37*(2), 462–483. https://doi.org/10.1017/S0922156524000050

MANTILLA FALCÓN, J. (2024). 'The Inter-American Human Rights System and Its Impact on the Human Rights of Women: The Issue of Sexual Violence', in Armin VON BOGDANDY, and others (eds), *The Impact of the Inter-American Human Rights System: Transformations on the Ground*, Oxford University Press

MARTÍNEZ CORAL, C. and MARTÍNEZ, C. (2021). 'Sexual violence against girls in schools as a public health issue: a commentary on the case Paola GuzmánAlbarracín v. Ecuador'. *Sexual and Reproductive Health Matters, 29*(1), 18-22 https://doi.org/10.1080/26410397.2021.1893147

MARTINEZ, C. and MARTINEZ, L. and FLORES, R. (2025). *El Derecho a la Educación Sexual Integral: Comentarios al Caso Guzmán Albarracín de la Corte IDH*. Centro Ecuatoriano para la Promoción y Acción de las Mujeres, Centro de Derechos Reproductivos, Instituto de Estudios Constitucionales del Estado de Querétaro.

MERRY, S. E. (2006). *Human Rights and Gender Violence: Translating International Law into Local Justice*. University of Chicago Press.

NASH, C. (2019). 'Artículo 5. Derecho a la integridad personal', in *Comentario a la convención Americana de Derechos Humanos*, Segunda Edición, Konrad Adenauer Stiftung.

O'CONNELL, C. (2020). 'Women's Rights and the Inter-American System' in REILLY, N. (Ed.) *International Human Rights of Wome*n, Springer.

PALACIOS ZULOAGA, P. (2008). 'The Path to Gender Justice in the Inter-American Court of Human Rights'. *Texas Journal of Women and the Law, 17*(2). pp. 227-295.

PARELMAN, M. and TUFRÓ, M. (2017). *Informe Violencia Institucional*. Tensiones actuales de una categoría política central, CELS. Available in https://www.cels.org.ar/web/publicaciones/violencia-institucional-tensiones-actuales-de-una-categoria-politica-central/

PÉREZ, E. and PERICO, M. (2021). 'La perspectiva de género como principio de interpretación del derecho interamericano' in *Anuario de Derecho Constitucional Latinoamericano, AÑO XXVI I* Bogotá, Konrad Adenauer Stiftung, p. 281- 309

PIQUÉ, M. (2017). 'Revictimización, acceso a la justicia y violencia institucional', in DI CORLETO, J. (ed.), *Género y Justicia Penal*. Didot, p. 309-348.

POU GIMÉNEZ, F. (2021). 'La igualdad sustantiva interamericana: Avances y debates pendientes'. *International Journal of Constitutional Law*, *19*(4), October 2021, Pages 1241–1247. https://doi.org/10.1093/icon/moab133

PRIOR, S. and HEER, B. (2022). *Campus Sexual Violence: A State of Institutionalized Sexual Terrorism,* Routledge.

REYES BENZ, A. (2020). *Human Rights Education as a Guarantee of Non-recurrence in the Case Law of the Inter-American Court of Human Rights*, (Erlangen, Friederich Alexander University Erlangen-Nürnberg).

RODINO PIERRI, A. M. (2015). *Educación en derechos humanos para una ciudadanía de democracia*. EUNED.

RONCONI, L (2022). 'Estereotipos y derecho antidiscriminatorio: algunas reflexiones para desarmar la desigualdad compleja'. *Discusiones, 28*(1), 85–108.

RONCONI, L. (2024). 'Not One Step Back: Lessons Learned and Challenges in a Consolidate Agenda of Sexual and Reproductive Rights in the Inter-American Court of Human Rights'. *The Age of Human Rights Journal*, (22). https://doi.org/10.17561/tahrj.v22.7980

RONCONI, L., ESPIÑEIRA, B. and GUZMÁN, S. (2023). 'Comprehensive Sexuality Education in Latin America and the Caribbean: Where We Are and Where We Should Go'. *Latin American Legal Studies, 11*(1), pp. 246-296. https://doi.org/10.15691/0719-9112Vol11n1a7

RUBIO-MARÍN, R. (2009). *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations*. Cambridge, Cambridge University Press).

RUBIO-MARÍN, R. and SANDOVAL, C. (2011). 'Engendering the Reparations Jurisprudence of the Inter-American Court of Human Rights: The Promise of the Cotton Field Judgment'. *Human Rights Quarterly 33*(4), pp. 1062-1091.

SANTOS PÉREZ, M. L. (2024). 'La perspectiva de género en el Derecho. Algunas reflexiones a la luz de la Sentencia de la Corte Interamericana de derechos humanos de 18 de noviembre de 2022 (caso Angulo Losada vs. Bolivia)'. *Derechos Y Libertades: Revista De Filosofía Del Derecho Y Derechos Humanos*, (52), 103-120. https://doi.org/10.20318/dyl.2025.9058

SERRANO GUZMÁN, S. (2021). 'La adjudicación de casos de igualdad y no discriminación por la Corte IDH Avances y retos pendientes'. En IBARRA OLGUÍN, A. (coord.) *Discriminación: piezas para armar*, Centro de Estudios Constitucionales de la Suprema Corte de Justicia de la Nación; Ciudad de México, México.

SFERRAZZA-TAIBI, P. and CEBALLOS-SCHAULSOHN, M. (2024). 'Descifrar lo indecible: la diferencia entre tortura y tratos crueles, inhumanos o degradantes en las decisiones del Comité contra la Tortura y el Comité de Derechos Humanos'. *Ius et Praxis, 30*, pp. 137-160. https://doi.org/10.4067/S0718-00122024000200137

SMYTH, R. (2022). 'A system at the vanguard: the evolution of women's human rights in the inter-American human rights system, 1948-present'. *Revista do Instituto Brasileiro de Direitos Humanos, 22*.

TAPIA TAPIA, S., ESPINOZA ÁLVAREZ, M., & TAPIA TAPIA, G. (2023). 'Juridificación y penalidad: límites del discurso internacional de los derechos humanos en materia de violencia contra las mujeres'. *Estudios Socio-Jurídicos*, *26*(1), e26107. https://doi.org/10.12804/revistas.urosario.edu.co/sociojuridicos/a.13487

TAPIA TAPIA, S. and SALAO, E. (2023). 'Violencia penal cotidiana y deshumanización: Una mirada desde el feminismo descolonial y la clínica psicoanalítica'. En RIVERA BEIRAS, A. (coord) *Muertes Evitables. Violencia Institucional y masacres en cárceles sudamericanas*, EDUNPAZ.

TRAMONTANA, E. (2011). 'Hacia la consolidación de la perspectiva de género en el Sistema Interamericano de Derechos Humanos: avances y desafíos a la luz de la reciente jurisprudencia de la Corte de San José'. *Revista IIDH, 53*, pp. 141-181

UNDURRAGA, V. (2017). 'Gender Stereotyping in the Case Law of the Inter-American Court of Human Rights'. in BREMS, E. and TIMMER, A. *Stereotypes and Human Rights Law*, Intersentia.

UNESCO (2018). *Orientaciones técnicas internacionales sobre educación en sexualidad. Un enfoque basado en la evidencia*. https://unesdoc.unesco.org/ark:/48223/PF0000265335

UNICEF (2016). "Abuso sexual contra niños, niñas y adolescentes: Una guía para tomar acciones y proteger sus derechos" disponible en https://www.unicef.org/argentina/sites/unicef.org.argentina/files/2018-04/proteccion-AbusoSexual_contra_NNyA-2016.pdf

UNICEF (2021). Informe *Violencia contra niños, niñas y adolescentes en América Latina y el Caribe 2015-2021: Una revisión sistemática*, disponible en https://www.unicef.org/lac/media/29031/file/Violencia-contra-ninos-ninas-y-adolescentes-en-America-Latina-y-el-Caribe-2015-2021.pdf

VON BOGDANDY ET AL. (2017). *Transformative Constitutionalism in Latin America*, Oxford University Press.

VON BOGDANDY ET AL. (2024). *The Impact of the Inter-American Human Rights System: Transformations on the Ground*, Oxford University Press.

YAMIN, A. (2016). *Power, Suffering, and the Struggle for Dignity: Human Rights Frameworks for Health and Why They Matter,* University of Pennsylvania Press.

Inter-American Court Jurisprudence

Case of Angulo Losada vs. Bolivia. Judgment of November 18, 2022 (Preliminary Objections, Merits and Reparations).

Case of Atala Riffo and girls vs. Chile. Judgment of February 24, 2012 (Merits, Reparations and Costs).

Case of Fernández Ortega and others vs. Mexico. Judgment of August 30, 2010 (Preliminary Objection, Merits, Reparations and Costs).

Case of Guzmán Albarracín and others vs. Ecuador. Judgment of June 24, 2020 (Merits, Reparations and Costs).

Case of Rosendo Cantú et al. Mexico. Judgment of August 31, 2010 (Preliminary Objection, Merits, Reparations and Costs).

Case V.R.P., V.P.C. and others vs. Nicaragua. Judgment of March 8, 2018 (Preliminary Objections, Merits, Reparations and Costs).

Case of Gonzales Lluy et al. vs. Ecuador. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 1, 2015. Series C No. 298.

Case of the "Street Children" (Villagrán Morales et al.) vs. Guatemala. Reparations and Costs. Judgment of May 26, 2001. Series C No. 77.

Case of Fornerón and daughter vs. Argentina. Merits, Reparations and Costs. Judgment of April 27, 2012. Series C No. 242.

Case of Ramírez Escobar et al. vs. Guatemala. Merits, Reparations and Costs. Judgment of March 9, 2018. Series C No. 351.

Case of González et al. ("Cotton Field") vs. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205.

Case of Women Victims of Sexual Torture in Atenco vs. Mexico. Judgment of November 28, 2018 (Preliminary objection, merits, reparations and costs).

Case of López Soto et al. vs. Venezuela. Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362.

Case of Espinoza Gonzáles vs. Peru. Preliminary Objections, Merits, Reparations and Costs. Judgment of November 20, 2014. Series C No. 289.

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