
Gender-based Violence, Strict Due Diligence and State Responsibility.

Inter-American Standards and a Brief Reflection on La Manada

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The Inter-American legal framework and due diligence

The legal starting point is the duty to respect and guarantee rights without discrimination under Article 1(1) of the [American Convention on Human Rights](#). This general duty becomes more specific in cases of violence against women through the [Convention of Belém do Pará](#). Article 1 defines violence against women as any gender-based act or conduct that causes death or physical, sexual or psychological harm or suffering, whether in the public or private sphere. Article 7 requires States to act with due diligence to prevent, punish and eradicate such violence. This is crucial because gender-based violence is frequently committed by private individuals. If international law only addressed direct State violence, many of the most serious violations affecting women would remain outside its reach.

Due diligence is an obligation of conduct rather than an obligation of result. A State is not automatically responsible every time a woman is harmed by a private individual. However, it must have an adequate legal framework, functioning institutions, trained authorities, accessible reporting mechanisms and effective investigations. As discussed in general international law scholarship by [Ollino \(2022\)](#) and, earlier, by [Pisillo Mazzeschi \(1992\)](#), due diligence obligations assess the reasonableness and adequacy of State conduct. In the Inter-American Court's case law, this duty becomes stricter when the authorities are aware of a context of structural violence against women and receive information that a specific woman or group of women is at real and immediate risk.

The Cotton Field case and strict due diligence

The [Cotton Field case](#) illustrates this transformation. The case concerned three young women - Claudia Ivette González, Esmeralda Herrera Monreal and Laura Berenice Ramos Monárrez - whose bodies were found in a cotton field in Ciudad Juárez in 2001. The facts occurred in a broader context of disappearances, sexual violence and killings of women in the city. The Court did not simply ask whether

State agents had directly committed the crimes. Instead, it examined whether Mexico had responded adequately to a known pattern of gender-based violence and to the reports of disappearance made by the victims' families.

The Court's most important contribution was the standard of strict due diligence. It held that, once the authorities had reports that the young women were missing, and given the context in Ciudad Juárez, the State was aware of a real and imminent risk that they could be sexually abused, ill-treated and killed. At that point, the State had to act immediately during the first hours and days. The authorities should have ordered urgent search measures, coordinated police and prosecutorial action, and presumed that the missing women were deprived of liberty and still alive until their fate was clarified.

This standard is significant because it links individual cases to structural discrimination. The State's failure was not only a technical failure in one investigation. It reflected a broader institutional inability to take violence against women seriously. In this sense, strict due diligence bridges two levels: the concrete obligation to search for and protect an identified woman, and the structural obligation to change the conditions that make women vulnerable to repeated violence.

The [Cotton Field judgment](#) is also important for its treatment of gender stereotypes. The Court explained that stereotypes are preconceptions about the attributes, characteristics or roles that men and women supposedly should have. When these stereotypes enter police work, prosecutorial decisions or judicial reasoning, they affect access to justice. In cases of disappeared women, stereotypes may lead authorities to assume that victims left voluntarily, had irresponsible lifestyles, or were less worthy of protection. Such assumptions delay searches, weaken investigations and reinforce impunity.

Sexual violence, schools and private actors

This point was later developed in [Guzmán Albarracín v. Ecuador](#). That case concerned sexual violence suffered by a schoolgirl in an educational institution. The Court emphasized that gender stereotypes can compromise the impartiality of the justice system and may lead to miscarriages of justice. In that case, the victim was affected by prejudices that shifted attention away from the abuse of power by adults and toward her alleged conduct. The judgment shows that strict or enhanced due diligence is not limited to femicide cases. It also applies when girls face sexual violence in spaces that should be safe, such as schools.

[López Soto v. Venezuela](#) further shows the reach of the Inter-American approach. Linda Loaiza López Soto was deprived of liberty and subjected to severe physical, psychological and sexual violence by a private individual. The Court recognized that States must adopt comprehensive measures to comply with due diligence in cases of violence against women, including an adequate legal framework and effective institutional responses. It also characterized sexual slavery as a form of slavery in which sexual violence plays a central role in the exercise of control over a person. The importance of the case is that it confirms that the private nature of the immediate perpetrator does not remove the State's human rights obligations.

The Inter-American Court's remedies are also relevant. In gender-based violence cases, reparation is not limited to monetary compensation. The Court fre-

quently orders measures such as public acknowledgment of responsibility, investigation and punishment of those responsible, training for officials, protocols for searching disappeared women, data collection and guarantees of non-repetition. These measures are transformative because they aim to repair the victim and, at the same time, modify institutional practices that allowed the violation to occur. This reflects the broader logic of the Beijing Platform: formal recognition of equality is insufficient without concrete measures capable of changing structures.

A brief comparative reflection: La Manada

A brief comparison with La Manada helps to show the wider relevance of these issues. The case concerned the sexual assault of an eighteen-year-old woman by five men during the 2016 San Fermín festival in Pamplona. The Netflix documentary [No estás sola: La lucha contra La Manada / You Are Not Alone: Fighting the Wolf Pack](#) presents the case through testimonies and highlights the protests that followed. For someone from Pamplona, the case is not only a legal example but also a local memory: it had a profound impact on the city and on Spanish public debate about sexual violence.

The comparison must be made carefully, because Spain belongs to the European and domestic legal context, not to the Inter-American system. Nevertheless, La Manada raises similar questions about consent, intimidation and stereotypes concerning how a victim is expected to react. The young woman entered a state of shock and did not actively resist; in the early judicial reasoning, this passivity was treated as relevant to the absence of violence or intimidation, even though the acts had been recorded by the perpetrators. The first convictions therefore treated the facts as sexual abuse rather than sexual assault or rape, which generated major social criticism and the slogan "no es abuso, es violación". The [Spanish Supreme Court](#) later convicted the five accused as perpetrators of a continuing offence of rape and imposed fifteen-year prison sentences. In the aftermath of the wider public debate, Spain adopted [Organic Law 10/2022](#), which eliminated the distinction between sexual abuse and sexual assault and placed consent at the centre of sexual offences.

La Manada does not prove the direct influence of Inter-American laws and jurisprudence on Spain. Its value in this post is different. It shows that the Court's concerns are not regional curiosities. Legal systems across different continents struggle with similar problems: whether victims are believed, whether passivity is misread as consent, whether institutions react with urgency, and whether criminal law reflects women's sexual autonomy and dignity. The Inter-American standard of strict due diligence offers a useful language for thinking about those problems, even when the binding legal framework is different.

Conclusions

In conclusion, the Inter-American Court's case law on gender-based violence is relevant because it turns equality into operational duties. The State must not only avoid direct violence; it must organize its institutions so that women and girls are effectively protected. [Cotton Field](#) remains the key case because it formulates strict

due diligence in the context of disappearances and femicide. [Guzmán Albarracín](#) and [López Soto](#) show that the same approach extends to sexual violence in schools and to violence committed by private actors. The comparison with La Manada reinforces the broader lesson: combating gender-based violence requires more than punishment after the fact. It requires legal systems capable of recognizing risk, rejecting stereotypes, centring consent and responding to victims with seriousness from the beginning.

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