REPORT No. 43/13
PETITION 171-06
ADMISSIBILITY
YGSA
ECUADOR
July 11, 2013

I. SUMMARY

1. On February 24, 2006, the Inter-American Commission on Human Rights (hereinafter the "Commission" or "IACHR") received a complaint submitted by Wilman Gabriel Terán Carrillo on behalf of Benildo de Jesús Sarango Jumbo, María Raquel Acacho Anchuri, and their daughter, YGSA (hereinafter the "petitioners"), alleging responsibility of the Republic of Ecuador (hereinafter the "State" or the "Ecuadorian State") for modifying its Criminal Code, thereby leaving 7-year-old YGSA in a situation of defenseless with respect to the acts of sexual violence committed against her.

2. The petitioners contend that the State is responsible for violating Articles 5, 8, 11, 17, 19, 24, and 25, in relation to Articles 1.1 and 2 of the American Convention on Human Rights (hereinafter the "Convention" or "American Convention"), to the detriment of María Raquel Acacho Anchuri, Benildo de Jesús Sarango Jumbo, and their daughter, YGSA. The petitioners further contend that by failing to punish the sexual violence suffered by YGSA, the State violated Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, as well as Articles 3.3, 4, 6.2, 8.2, 12.1, 16, 19.1, 27.1, 29.1, 31, 34, 36, and 39 of the United Nations Convention on the Rights of the Child.

3. The State contends that the petition is inadmissible on grounds that the available domestic remedies had not been exhausted, namely, the failure to appeal the decision to definitively stay the procedure (*sobreseimiento definitivo*) against the alleged perpetrator of the sexual assault.

4. Without prejudging the question of substance, upon analyzing the positions of the parties and in compliance with the requirements set forth under Articles 46 and 47 of the American Convention, the Commission decided to declare the petition admissible for purposes of examining the alleged violation of Articles 5, 8, 11, 19, and 25, in relation to Articles 1.1 and 2 of the American Convention, and Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, in relation to Article 24 of the American Convention. The Commission further decided to declare the petition inadmissible as regards the alleged violation of Article 17 of the American Convention, to notify the parties of this decision, and to order its publication in its annual report to the OAS General Assembly.

II. PROCESSING BY THE COMMISSION

5. The Commission received the complaint and registered it under number 171-06. Having conducted a preliminary analysis, on June 16, 2006, the IACHR forwarded the relevant parts of the petition to the State and requested a reply. On September 1, 2009, the IACHR reiterated its request for information from the State. On October 8, 2009, the State informed the IACHR it lacked information on the petition and requested that it resend all such information. On October 27, 2009, the IACHR

forwarded a copy of the file to the State, which then submitted the requested information on December 29, 2009.

6. On January 6, 2010, the IACHR forwarded the information to the petitioners, who in turn submitted additional information on February 4, 2010. The IACHR forwarded this information to the State on February 17, 2010, which responded with additional information on April 4, 2010. The petitioners sent additional information on April 29, 2010, which was in turn forwarded to the State on May 3, 2010. The State submitted additional information on June 4, 2010. Receipt of this information was acknowledged on June 9, 2010.

III. POSITIONS OF THE PARTIES

A. Position of the petitioner

7. According to the complaint, 7-year-old YGSA lived with her parents in the precinct the Escuela República de Nicaragua, inasmuch as her mother, María Raquel, was employed as a janitor at the school. The complaint alleges that on January 22, 2005, the school's principal, José Almache Flores, in abuse of his position of authority, promised the child a piece of candy in exchange for accompanying him into a classroom. Once inside, the petition alleges that he took off his pants and shirt, then removed the underwear of the child, who was wearing a dress at the time, and proceeded to

> "sexually assault her, gabbing his penis in hand and rubbing it against the youngster's vagina, which resulted in harm to the child's state of mental health; he engaged in games with the child that were inappropriate in terms of her age, encouraging her, in a playful manner, to perform illicit sexual acts and inflicting harm and suffering by kissing her and rubbing his penis against her vagina; kissing her on the neck and encouraging her to kiss his neck, after which, he proceeded to dress himself and get the child back into her underwear."[1]

8. The petitioners contend that the parents filed a criminal complaint on January 25, 2005, and that on January 27, 2005, the Sex Crimes and Domestic Violence Unit of the Office of the Public Prosecutor, Pichincha District, opened a preliminary investigation. The petitioners note that on March 17, 2005, the criminal investigation resulted in charges against José Fabián Almache Flores for the crime of indecent assault (atentado contra el pudor) against the child, YGSA. At that point in time, the crime was classified under Article 505 of the Criminal Code, which stipulated: "Indecent assault is classified as any indecent offensive act, short of carnal knowledge, committed by one person on another, regardless of the person's sex." The aforementioned preliminary investigation referred the matter to the Tenth Criminal Court of Pichincha. The petitioners contend that during the investigation phase the child was deposed and also underwent an expert psychological evaluation.

9. The petitioners note that on June 23, 2005, the "*Ley Reformatoria al Código Penal que Tipifica los delitos de Explotación Sexual de los Menores de Edad*" (law reforming the classification of crimes involving the sexual exploitation of minors – hereinafter the "Reform Law") was published, and stipulates, "Insert as an unnumbered article at the beginning of Chapter II, Title VIII, Book II, the following: Anyone who forces a person under 18 years of age or with a disability to perform acts of a sexual nature, but that fall short of carnal knowledge [...] will be punished with 4-to 8 years of imprisonment."

[1] Document submitted by the petitioners dated February 24, 2006, page 3.

10. The petitioners add that on June 17, 2005, a charge of indecent assault was filed and on August 10, 2005, the Public Prosecutor's Office filed the indictment against Almache Flores for crimes classified and punishable under Articles 505 and 506, respectively, of Ecuador's Criminal Code; namely, indecent assault, as follows:

> "I hereby request Your Honor to issue the order to initiate proceedings against the accused [José Fabián Almachi Flores] and order his pretrial detention; Your Honor, I should like to clarify that the Public Prosecutor's Office is not bringing this charge pursuant to the legal provisions set forth under the unnumbered article included in Article 9 of the Reform Law, published in Official Gazette No. 45 of June 23, 2005, which amends the crime of indecent assault; consequently, the retroactive principle set forth in Article 2, subparagraph 3, of the Criminal Code should only apply to the criminal law most favorable to the accused, meaning that in the event a crime is committed when a former law was in effect, the defendant shall be tried in accordance with the new law if that law is more favorable to the defendant; in the present case, the former criminal law was amended to include a term of imprisonment of between four and eight years; thus, the former law should apply and constitutes the grounds on which I bring the charge …"[2]

11. According to the petitioners, on September 2, 2005, the judge issued a decision of acquittal; inasmuch as Articles 505, 506, and 507 had been repealed by Official Gazette No. 45 of June 23, 2005. Accordingly, the decision stipulates:

> "Articles 505, 506, and 507 of the Criminal Code, which classify and punish the offence of indecent assault forming the basis of the Prosecution's case, were repealed by the Reform Law of the Criminal Code, published in Official Gazette No. 45 of June 23, 2005, whereas Article 2, subparagraph 3 of the Criminal Code literally reads: "[A crime] ceases to be a punishable act if a law enacted subsequent to the time that crime was committed eliminates it from the number of offenses; and, in the event a sentence has been handed down, such sentence shall be set aside, whether or not it has begun to be served." Consequently, in the present case, the act forming the basis of the accusation is, as of June 23 of the current year, no longer classified as a crime, and therefore no grounds exist for analyzing evidence or elements suggesting that a crime has been committed, and much less the culpability and participation of the accused, which, in any case are insufficient; and, furthermore, the Reform Law repealed such provisions and has not replaced them with others that speak to the application of less stringent punishments as the accusers allege. In view of the foregoing, and pursuant to Article 242 of the Code of Criminal Procedure, I HEREBY GRANT AN ORDER TO DISMISS THE PROCEEDINGS AND THE ACCUSED, José Fabián Almache Flores, and declare that the specific charge brought by Benildo de Jesús Sarango Jumbo is neither malicious nor imprudent …"[3]

12. The petition alleges that the State is responsible for the outcome of the criminal proceeding, since "by approving the repeal of, rather than amending Articles 505, 506, and 507 of Ecuador's Criminal Code," the State rendered the child, YGSA, defenseless, inasmuch as the crimes were repealed and the conduct ceased to be a punishable act, in application of the *in dubio pro reo* principle contained in Article 2, subparagraph 3 of the Criminal Code referenced in the ruling.

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[2] Formal accusation (*dictamen fiscal*) of the Sex Crimes and Domestic Violence Unit, Office of the Public Prosecutor, Pichincha District, dated August 10, 2005. Annex to the initial complaint.

[3] Acquittal of criminal charges (*Auto de Sobreseimiento Definitivo*) issued by the Tenth Criminal Court of Pichincha on September 2, 2006. Annex to the initial complaint.

13. The petitioners argue that because the facts described do not constitute a crime pursuant to Ecuadorian law, no remedy could prove effective. Accordingly, they contend that once the classification [of the offense] was repealed so was the corresponding action and therefore an appeal would not have been successful, inasmuch as the Supreme Tribunal would be obliged to rule the same way.

14. The petitioners contend that the facts described constitute a violation of Articles 5, 8, 11, 17, 19, 24, and 25, as connected to Articles 1.1 and 2 of the American Convention, to the detriment of María Raquel Acacho Anchuri, Benildo de Jesús Sarango Jumbo, and their daughter, YGSA. They further contend that by failing to punish the behaviors described above, the State had violated Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, as well as Articles 3.3, 4, 6.2, 8.2, 12.1, 16, 19.1, 27.1, 29.1, 31, 34, 36, and 39 of the U.N. Convention on the Rights of the Child.

B. Position of the State

15. In response to the claim, the State asserts that the claim should be declared inadmissible because the petitioners failed to exhaust the available domestic remedies. Specifically, it argues that the petitioners had recourse to appeal the decision handed down by the judge of the Tenth Criminal Court of Pichincha.

16. The State alleges that the judge in the current case, "pursuant to the provisions of the reform and based on his sound judgment, issued the order of dismissal." The State added that Ecuador's Code of Criminal Procedure allows for appeal "1. Against acquittal of criminal charges, the extinguishment of criminal action, summons to trial, dismissal, and disqualification due to lack of competency..., in other words, Ecuadorian legislation provided the Sarango family with the opportunity to appeal; however, no appeal was filed due to negligence on the part of the petitioners."

17. The State added that the petitioners' acknowledgement that they had not filed an appeal because the Supreme Tribunal would be obliged to uphold the ruling of the lower court, "totally contradicts the concept of impartiality, which can be defined as a disinterested third party judge, i.e., because he or she is not a party to the proceedings and has no stake in its outcome, nor is he/she committed to its positions; and the attitude of asserting the same defensive hypothesis throughout the entire proceedings, up to the time the decision was handed down."

18. With respect to the sentence, the State argues that the judge's decision is based on the principle of *in dubio pro reo*, and that the judge's operative rationale was when in doubt, always choose the interpretation most favorable to the defendant. However, the State asserts that this is not the only interpretation, since in addition to the rights to personal integrity, protection of the rights of children and adolescents, among others, are safeguarded by Ecuador's Constitution.

19. The State adds that, owing to the various interpretations of the law [Reform Law], it published an interpretive law on September 6, 2006, entitled "Interpretation of the Unnumbered Article

Incorporated by Article 9 of the Reform Law of the Criminal Code Classifying Crimes Involving the Sexual Exploitation of Minors," published in Official Gazette No. 45 of June 23, 2005.[4]

20. Based on the arguments presented above, the State requests that the Commission declare the petition of reference inadmissible on grounds that it does not meet the requirements for admissibility established under Article 46 of the American Convention.

IV. ANALYSIS OF COMPETENCE AND ADMISSIBILITY

A. Competence of the Commission *ratione materiae*, *ratione personae, ratione temporis*, and *ratione loci*

21. In principle, the petitioners are entitled to file complaints with the Commission under Article 44 of the American Convention. The complaint specifies as alleged victims persons with respect to whom the Ecuadorian State is committed to respect and guarantee the rights enshrined in the American Convention and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. As regards the State, the Commission notes that Ecuador has been a state party to the American Convention since December 8, 1977, the date on which it deposited its instrument of ratification. The Commission further notes that Ecuador has been a party to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Belem Do Pará" since September 15, 1995, the date on which it deposited its instrument of ratification. Consequently, the Commission has competence *ratione personae* to examine the complaint.

22. The Commission has competence *ratione loci* to examine the complaint, inasmuch as it alleges violations of the rights protected in the American Convention that were said to have occurred in the territory of Ecuador, a state party to said treaty. The Commission has *ratione temporis* competence, in view of the fact that the obligations to respect and guarantee the rights protected under the American Convention were in force in the State at as of the date the acts alleged in the complaint were said to have occurred.

23. With respect to the instant case, the Commission takes note of the alleged violation of rights enshrined in the American Convention and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, which, if proven, would give the Commission competence *ratione materiae*.

24. The foregoing is without prejudice of the analysis as to whether the Ecuadorian State incurred international responsibility under the American Convention, as the IACHR takes into

[4] Interpretation of the Unnumbered Article Incorporated by Article 9 of the Reform Law of the Criminal Code Classifying Crimes Involving the Sexual Exploitation of Minors, published in Official Gazette No. 45 of June 23, 2005, in the sense that: "The constituent elements of the behaviors classified through June 22, 2005, under Articles 505, 506, and 507 of the Criminal Code punishing acts perpetrated against the sexual integrity of minors—but that do not involve carnal knowledge—considered indecent assault, have not been eliminated, but rather subsumed under the article interpreted since the date said article entered into force. The words "submit" (*someta*) and "oblige" (*obligarla*) contained in said article are understood as acts of a momentary or ongoing nature designed to break the will of the victim and/or actions, such as physical violence, threats, or any other form of inducement or deceit, with the purpose of attempting or succeeding in getting a person under 18 years of age or with a disability to consent to, obey, or perform acts of a sexual nature, but short of carnal knowledge, whether involving the body of the victim, that of a third party, or that of the perpetrator. Enacted by Law No. 53, published in Official Gazette Supplement No. 350 of September 6, 2006.

consideration other instruments that form part of the *corpus juris* on the human rights of children and adolescents.

B. Admissibility requirements

1. Exhaustion of domestic remedies

25. Article 46(1)(a) of the American Convention requires the prior exhaustion of remedies available in the domestic jurisdiction in keeping with generally recognized principles of international law in order to admit a claim concerning an alleged violation of the American Convention. Article 46(2) of the Convention provides that the requirement of prior exhaustion of domestic remedies does not apply when: (i) the domestic legislation of the relevant state does not afford due process of law for the protection of the right or rights that have allegedly been violated; (ii) the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or (iii) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

26. As a starting point, it is appropriate to consider which domestic remedies must be exhausted in the instant case. The Commission notes that Article 46(1)(a) of the Convention only requires the exhaustion of those domestic remedies relating to alleged violations of the Convention, and at the same time, these remedies should be adequate, that is to say, they can provide an effective and adequate remedy for such violations. A number of remedies exist in the legal system of every country, but not all are applicable in every circumstance. Therefore, it is not necessary to exhaust those remedies that, admittedly, by their nature constitute remedies, offer no possibility of relief for the alleged violations.[5]

27. The IACHR observes the petitioners' allege that there were no available remedies to appeal the decision of September 2, 2005, ordering the acquittal of criminal charges, inasmuch as the State had repealed Articles 505 and 506 of Ecuador's Criminal Code, which classified the behaviors pertaining to indecent assault. For its part, the State argues that an appeal was an adequate remedy, but that the petitioners failed to lodge such an appeal.

28. With respect to the instant case, the Commission observes that the legal representative of Benildo de Jesús Sarango, María Raquel Acacho, and the child, YGSA, did not file an appeal. Furthermore, the IACHR notes that the Office of the Public Prosecutor did not file an appeal to challenge the acquittal of criminal charges, although it had legal authorization to do so.[6]

29. Both the Commission and the Inter-American Court have stated that only those remedies adequate to redress the violations allegedly committed must be exhausted.[7] In cases such as

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[5] I/A Court H.R., *Case of Velásquez Rodríguez v. Honduras*, Preliminary Objections, Judgment of June 26, 1987 paras. 63, 64, and 88.

[6] Article 324 of the Ecuadorian Code of Criminal Procedure: "…[i]n the event the law does not specify, the parties shall have the right to present a challenge …".

[7] The Inter-American Court of Human Rights has determined that an adequate remedy is one that is suitable for protecting the infringed legal right; thus, remedies that do not have any effect or are manifestly absurd or unreasonable need not be addressed. Inter-American Court of Human Rights, *Case of Velásquez Rodríguez vs. Honduras*. Merits. Judgment of July

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the instant one, which involve possible crimes that are publicly actionable, that is, those that can be prosecuted officially, the State is under the obligation to investigate them. In any case, therefore, the State is the holder of the punitive action and of the obligation to promote and pursue the various procedural stages, in fulfillment of its obligation to guarantee the right to justice. This burden must be borne by the State as its own legal duty, and not as an instrument of the interests of individuals, and it may not be contingent upon the initiative of those individuals or evidence they provide.[8]

30. The IACHR considers that were it necessary to lodge an appeal in this case, it should have been lodged by the Office of the Public Prosecutor, inasmuch as the matter in question concerns an alleged crime of public action; a crime that would warrant punishing serious misconduct against a 7-year-old girl, regarding which the Office of the Public Prosecutor had already filed a criminal charge. The IACHR observes that this was a matter of public interest, as it involved the exercise of the State's punitive power and the interpretation of a law. The IACHR further observes no evidence that an independent representative was on hand to advise YGSA of her rights. The Commission reiterates that the duty to carry out a diligent investigation and punish those responsible for these facts is not restricted to just one stage in the proceedings. That obligation applies throughout the proceedings, including the appeals phase. The Commission is also of the opinion that the rule whereby domestic proceedings, like those in this case, should not have to depend on the initiative of the victims' relatives, also applies at this stage.[9]

31. The IACHR recalls its practice, which invoking the exceptions to the prior exhaustion requirement of Article 46(2) of the Convention is closely linked to the determination of the possible violation of certain rights set forth therein, such as the guarantees of access to justice. Nonetheless, Article 46(2), by its nature and purpose, is a rule that stands autonomously from the substantive provisions of the Convention. Therefore, the determination as to whether the exceptions to the rule of exhaustion of domestic remedies is applicable to the case in question should be carried out prior to and apart from the analysis of the merits, since it depends on a standard of appraisal different to that used to determine the possible violation of Articles 8 and 25 of the Convention. It is necessary to make it clear that the causes and consequences that impeded the exhaustion of domestic remedies will be analyzed in the report that the Commission adopts on the merits of the case, in order to determine whether they constitute violations of the American Convention.

32. Therefore, in view of the characteristics of this case, the Commission concludes that the exception to the rule on the exhaustion of domestic remedies established in Article 46(b) of the American Convention applies.

2. Timeliness in lodging the petition

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29, 1988. Series C No. 4, par. 63, and Report No. 4/12, Petition 4115-02, Admissibility, *Ricardo Javier Kaplun and family*, Argentina, March 19, 2012, par. 28.

[8] See IACHR, Report No. 68/08, Petition 231-98, Admissibility, *Ernesto Travesi*, Argentina, October 16, 2008, par. 32, and Report No. 4/12, Petition 4115-02, Admissibility, *Ricardo Javier Kaplun and family*, Argentina, March 19, 2012, par. 30.

[9] Report No. 22/09, P-908-04; Admissibility, Igmar Alexander Landaeta Mejías, Venezuela, March 20, 2009. Paras. 51 and 52.

33. Article 46(b) of the American Convention establishes that in order for the Commission to find a complaint to be admissible, it must be lodged within six months of the date on which the alleged victim was notified of the final decision. In the complaint in question, the IACHR has established that application of the exception to exhaustion of domestic remedies pursuant to Article 46(2)(b) of the American Convention applies. In this regard, Article 32 of the Commission's Rules of Procedure establishes that in cases in which the exceptions to prior exhaustion of domestic remedies are applicable, the complaint must be lodged within a reasonable period of time, as determined by the Commission. For that purpose, the Commission will consider the date on which the alleged violation of rights occurred and the circumstances of each case.

34. In the instant case, the order of acquittal of criminal charges was issued on September 2, 2005 and the complaint was received on February 24, 2006. Taking into account the application of the exception provided under Article 46(2)(b), the Commission considers that the complaint was lodged within a reasonable period of time and that the admissibility requirement referring to the deadline for filing has been satisfied.

3. Duplication of proceedings

35. There is no indication in the file that the subject of the petition is pending in another international proceeding for settlement or that the petition is substantially the same as one previously examined by the Commission or by another international organization. Therefore, the requirements established in Articles 46(1)(c) and 47(d) of the Convention have been satisfied.

4. Characterization of the alleged facts

36. Neither the American Convention nor the IACHR's Rules of Procedure require a petitioner to identify the specific rights allegedly violated by the State in the matter brought before the Commission, although petitioners may do so. It is for the Commission, based on the system's jurisprudence, to determine in its admissibility report which provisions of the relevant Inter-American instruments are applicable and could be found to have been violated if the alleged facts are proven by sufficient elements.

37. At this stage in the proceedings it falls to the IACHR to carry out a *prima facie* evaluation, not to establish alleged violations of the American Convention or other applicable treaties, but to examine whether the petition describes facts that could tend to establish violations of rights protected by the inter-American instruments. This examination in no way constitutes a prejudgment or preliminary opinion on the merits of the case.[10]

38. In the instant complaint, the petitioners contend that the Ecuadorian State violated a number of rights of the child, YGSA, and her parents, owing to the repeal of Articles 505, 506, and 507 of the Criminal Code and the resulting situation of impunity with regard to the act of sexual assault suffered by YGSA. For its part, the State makes no allegations about the merits but asserts, with regard to admissibility, that domestic remedies had not been exhausted, inasmuch as the petitioners did not appeal the acquittal decision.

[10] See: IACHR, Report No. 173/11, Petition 897-04, Alejandro Daniel Esteve and children, Brazil, November 2, 2011, para. 43.

39. Based on the elements of fact and law presented by the parties and the nature of the matter submitted to it, the Commission finds that the allegations of the petitioners, if proven, could constitute violations of the rights protected under Articles 5, 8, 11, and 25, in connection with Articles 1.1 and 2 of the American Convention. Particularly, due to the alleged lack a diligent investigation and punishment to the persons responsible for the facts alleged, and the alleged lack of independent and specialized representation on behalf of YGSA. Moreover, it considers that the facts described may characterize potential violations of Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, in connection with Article 24 of the American Convention, inasmuch as it establishes an obligation to guarantee equal protection under the law, all the foregoing to the detriment of Benildo de Jesús Sarango Jumbo, Maria Raquel Acacho Anchuri, and their daughter, YGSA. Similarly, the Commission will examine the alleged facts in the light of Article 19 of the American Convention, specifically with regard to the special duty to protect that the States have in accordance with the principle of the best interests of the child and the *corpus juris* on the subject of children and adolescents.

40. Since there is no evidence that the petition is manifestly groundless or obviously out of order, the Commission considers that the requirements established in Article 47(b) and (c) of the American Convention have been met.

V. CONCLUSIONS

41. The Commission concludes that it is competent to examine the petitioners' complaints alleging violation of Articles 5, 8, 11, and 25, in connection with Articles 1.1 and 2 of the American Convention, and Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, in connection with Article 24 of the American Convention, to the detriment of Benildo de Jesús Sarango Jumbo, Maria Raquel Acacho Anchuri, and their daughter, YGSA. Similarly, the Commission will examine the alleged facts in the light of Article 19 of the American Convention, specifically with regard to the special duty to protect that States have in accordance with the principle of the best interests of the child and the *corpus juris* on the subject of children and adolescents. Furthermore, the Commission decided to declare the petition inadmissible with regard to the alleged violation of Article 17 of the American Convention.

42. By virtue of the foregoing arguments of fact and law,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To declare this compliant admissible with respect to Articles 5, 8, 11, 19, and 25, as connected to Articles 1.1 and 2 of the American Convention and Article 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, as connected to Article 24 of the American Convention.

2. To notify the Ecuadorian State and the petitioners of this decision;

3. To continue with its analysis of the merits of the case; and

4. To publish this decision and include it in its annual report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 11 day of July 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Dinah Shelton, Rodrigo Escobar Gil, Rose-Marie Antoine, Commissioners.