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**INTER-AMERICAN COMMISSION OF WOMEN**

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**REPORT ON THE IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION ON THE  
PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN  
(CONVENTION OF BELÉM DO PARÁ) PURSUANT TO RESOLUTION  
AG/RES. 2887 (XLVI-O/16)**

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## **EXECUTIVE SUMMARY**

As the Technical Secretariat of the Follow-Up Mechanism to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (MESECVI), the Executive Secretariat of the Inter-American Commission of Women (CIM) hereby submits this report on efforts to implement the MESECVI between February 2016 and February 2017 to the General Assembly of the Organization of American States (OAS), pursuant resolution AG/RES. 2887 (XLVI-O/16).<sup>1/</sup> All of the documents and background referred to in this report are available on the CIM web page under “MESECVI.”

During the course of the year, work has proceeded on strengthening the Follow-Up Mechanism, based on the commitment of the states parties to follow through on full implementation of the Convention, including by adapting their legislation and, where appropriate, implementing recommendations arising from the multilateral evaluation rounds conducted by the Mechanism.

In 2016, the Technical Secretariat of the MESECVI launched the Third Multilateral Evaluation Round by circulating the progress indicators for measuring the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) among the states parties. Their responses will be used to analyze national and hemispheric progress and prepare the corresponding reports in 2017.

### **I. BACKGROUND, LEGAL FOUNDATIONS, STRUCTURE, AND OBJECTIVES**

In accordance with its mandate under resolutions CIM/RES. 224/02 (XXXI-O/02), AG/RES. 1942 (XXXIII-O/03), and CIM/REMIM-II/RES. 6/04, the Inter-American Commission of Women took steps to develop a proposal for a mechanism to follow up on the implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará). Its Executive Secretariat prepared a working document containing a draft statute for a follow-up mechanism and carried out prior consultations with the OAS member states, specialized international organizations, and civil society groups.

A meeting of government experts was held from July 20 to 21, 2004, to analyze the proposed mechanism and formulate recommendations for the states parties to the Convention of Belém do Pará. At the conclusion of the meeting, the experts submitted the draft statute of the mechanism to follow-up on the Convention of Belém do Pará to the Conference of States Parties for adoption.

On October 26, 2004, at a meeting convened by the Secretary General of the OAS, the Conference of States Parties adopted the Statute of the MESECVI. By this action, they expressed their political will for a consensual, independent system to monitor and evaluate the implementation of the Convention, to which they would report progress towards complying with the Convention and whose recommendations they agreed to implement.

The Follow-up Mechanism consists of two bodies: the Conference of States Parties (CSF), a political body comprising the representatives of the states parties, and the Committee of Experts

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1. All of the documents and background referred to here, including reports submitted in previous years, are available on the MESECVI web page at <http://www.oas.org/en/mesecevi/default.asp>.

(CEVI), a technical body comprising specialists in the areas addressed by the Convention. Even though the experts are appointed by the governments, they exercise their functions independently in their personal capacities. The CIM Executive Secretariat provides secretariat services for both the Conference and the Committee of Experts and houses the headquarters of the MESECVI.

Multilateral evaluation rounds consist of two phases: an evaluation phase and a follow-up phase. During the first phase, the competent national authorities (CNAs) of each state party respond to a CEVI questionnaire. The CEVI uses their responses to prepare preliminary reports, which it forwards to the CNAs for comment. The Committee reconsiders them and approves the final country reports and the hemispheric report. Both contain recommendations for the states parties on improving their implementation of the Convention: the country reports, specific recommendations, and the hemispheric report, general ones. Lastly, these reports are submitted to the Conference of States Parties for adoption and publication. The Third Multilateral Evaluation Round is currently in its initial phase.

## **II. MANDATES CONFERRED BY THE OAS GENERAL ASSEMBLY (2016)**

The forty-sixth regular session of the General Assembly of the Organization of American States was held from June 13 to 15, 2016, in Santo Domingo, Dominican Republic. The delegates adopted resolution AG/RES. 2887 (XLVI-O/16), “Promotion and Protection of Human Rights,” which, under heading xxii, refers expressly to strengthening the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

The resolution provides as follows:

“RECALLING that the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) establishes that the states parties condemn all forms of violence against women and imposes on states parties the duty to adopt, by all appropriate means and without delay, policies to prevent, punish, and eradicate discrimination and violence against women, whether in the public or the private sphere; and

“BEARING IN MIND the importance of and need to strengthen the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI), as well as the results of the Sixth Conference of States Parties to the Convention of Belém do Pará, held in Lima, Peru, on October 15 and 16, 2015, and, in particular, the adoption of the Declaration on Political Harassment and Violence against Women and the publication of the “Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI,” as applicable;

“RESOLVES:

“1. To continue to support the work of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI) as a hemispheric model for prevention, punishment, and treatment of violence against women, and to follow up on the implementation in full of the Convention of Belém do Pará, including adjustment of their laws and the application, where appropriate, of the recommendations of the multilateral evaluation rounds conducted by the MESECVI.

“2. To urge the Secretary General to provide the Executive Secretariat of the CIM with sufficient human and financial resources to optimize its role as Technical Secretariat of the MESECVI.”

The annual report of the MESECVI<sup>2/</sup> was prepared and submitted to the General Committee of the OAS Permanent Council on April 25th, 2017 at a meeting held in Washington, DC, in preparation for the General Assembly.

### **III. STRENGTHENING THE MESECVI**

#### **a. Appointments of CNAs and CEVI experts**

In 2016, three competent national authorities and two alternate national authorities were appointed, and two others were reappointed. In addition, five principal and five alternate experts were appointed, and one expert was reappointed. There are currently a total of 24 CNAs and 30 experts.

On August 11, in a *note verbale* to the Permanent Missions of Barbados, Honduras, and Nicaragua to the OAS, the Technical Secretariat asked those states to appoint an expert to contribute to the Third Multilateral Evaluation Round and keep them up to date on the Mechanism’s activities, reminding them that that, under the MESECVI Statute and the Rules of Procedure, experts “shall be appointed by each state party to the Convention from among its nationals” and states parties “shall ensure the stability and continuity of the experts throughout the evaluation process” (MESECVI Statute, Article 5.3, and CEVI Rules of Procedure, Article 2). Following the resignation of the expert of Belize, on August 31 the Secretariat sent a communication to that effect to the Permanent Mission of Belize to the OAS. It also sent a *note verbale* to the Permanent Mission of Antigua and Barbuda on September 20 following the resignation of its expert, Sheila Roseau.

#### CNA appointments as of February 2017

- Argentina: On September 19, Argentina appointed Fabiana Tuñez, Chair of the National Women’s Council, as competent national authority and Minister María Luisa Martino, Director of the General Directorate of Women of the Ministry of Foreign Affairs of Argentina, as alternate national representative.

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2. Annual reports: <http://www.oas.org/en/cim/reports.asp>.

- Belize: On May 3, 2016, Belize reappointed Anna Williams, Director of the Women's Department of the Ministry of Human Development, Social Transformation and Poverty Alleviation.
- Peru: On August 12, 2016, Peru appointed Ana María Romero-Lozada Lauezzari, Minister for Women and Vulnerable Populations.
- Trinidad and Tobago: On March 4, 2016, Trinidad and Tobago reappointed Ian Rampersad, Director of the International Law and Human Rights Unit of the Ministry of the Attorney General and Legal Affairs.
- Uruguay: On April 26, 2016, Uruguay appointed Mariella Mazzotti, Director of the National Institute of Women (INMUJERES) of the Ministry of Social Development as competent national authority and Karina Ruiz, Director of the Gender-Based Violence Division of INMUJERES as alternate.

#### CEVI expert appointments as of February 2017

- Antigua and Barbuda: On September 29, Antigua and Barbuda appointed Farmala Jacobs, Executive Director of the Directorate of Gender Affairs, as principal expert.
- Bahamas: On October 11, Bahamas appointed Gaynel Curry, Director of the Department of Gender and Family Affairs of the Ministry of Social Services and Community Development of the Bahamas.
- Belize: On September 16, Belize appointed Anne Marie Williams, Executive Director of the National Women's Commission, as principal expert.
- Guatemala: On September 22, Guatemala appointed Hilda Morales Trujillo as the country's principal expert and Lilian Giovana Lemus Pérez as its alternate expert.
- Honduras: On September 14, Honduras appointed Alma Coella as principal expert and Maritza Perdomo as alternate expert.
- Peru: On September 20, 2016, Peru appointed Russela Antonieta Zapata Zapata, Vice Minister for Women, as principal expert and Illian Milagros Hawie Lora, Director General of the General Directorate against Gender Violence, as alternate expert.
- Saint Lucia: On September 13, Saint Lucia appointed Rumelia Dalphinis-King, former Director of the Family Court, as alternate expert.
- Trinidad and Tobago. On March 4, 2016, Trinidad and Tobago appointed Gaietry Pargass, Legal Advisor, Gender and Child Affairs, Office of the Prime Minister.

#### **b. Publications**

- **Infographics on violence in the region**

On November 25, International Day for the Elimination of Violence against Women, the CIM held an international forum on child, early, and forced marriage and motherhood in the Americas in order to identify knowledge gaps in both areas and develop specific recommendations for legislative reform and public policy. During the forum, it released the executive summary (Appendix I) of the *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention*, together with the related infographics (infographics available in

Spanish <http://www.oas.org/en/mesecvi/docs/Infografia1-ProtocolosEmbarazoInfantil-EN.pdf> and <http://www.oas.org/en/mesecvi/docs/Infografia2-RegistroEmbarazoInfantil-EN.pdf>).

In preparation for the regional dialogue on the role of electoral institutions in combating political violence against women (November 16 and 17, Mexico City), the CIM published a fact sheet on political violence against women (fact sheet available in [Spanish](#) only) and the declaration on the same subject adopted by the Conference of States Parties to the Convention of Belém do Pará in 2015 (Declaration on Political Harassment and Violence against Women available in [English](#)).

**c. Promoting the participation of civil society organizations**

In its agreements, the Thirteenth Meeting of the Committee of Experts took note of the dialogue with civil society held during the meeting and, in connection with the Third Multilateral Evaluation Round, agreed to promote application of the Convention of Belém do Pará in the following areas: trafficking in women and girls from a human rights perspective, violence against women human rights defenders, prevention of violence against women, and fundamentalism and the secular state.

Likewise, the Sixth Conference of States Parties to the MESECVI agreed “to continue motivating and encouraging the participation of the civil society and other social actors in the activities of the MESECVI, within the framework of Article 10.2 of its Statute, taking into consideration the ‘Guidelines for the Participation of Civil Society Organizations in OAS Activities [(CP/RES. 759 (1217/99)].’”

In accordance with these agreements and Chapter V of the Rules of Procedure of the MESECVI, the Technical Secretariat of the MESECVI undertook the following initiatives:

On Thursday, March 17, it launched a campaign to encourage civil society organizations registered with the OAS to participate in the Third Multilateral Evaluation Round by submitting specific information directly related to the progress indicators for measuring the implementation of the Belém do Pará Convention and information related to the provisions of the Convention analyzed in the round (CEVI Rules of Procedure, Article 28).

To facilitate this process, the Secretariat decided to hold a webinar entitled “Preparation of Shadow Reports: CSO Participation in the Third Evaluation Round of the MESECVI” on June 30, 2016, in order to present information on preparing shadow reports for the Third Multilateral Evaluation Round that would help civil society organizations registered with the OAS assist the MESECVI in monitoring state adherence to the Convention of Belém do Pará, with the ultimate goal of improving the lives of women in the region. Fifty-eight people participated in this webinar. The webinar presentations are available at the following link: <http://www.oas.org/en/mesecvi/othermeetings.asp>.

As a result of this campaign, in August 2016 the Secretariat received a total of 25 shadow reports from the following civil society organizations:

Argentina: Comunicación por la Igualdad, CLADEM, Heartland Alliance

Bolivia: CLADEM  
Brazil: CLADEM  
Chile: Fundación Instituto de la Mujer in partnership with other civil society organizations  
Colombia: Colombia Diversa, Women's Link Worldwide (WLW)  
Costa Rica: Heartland Alliance  
Dominican Republic: CLADEM  
El Salvador: CLADEM  
Guatemala: CLADEM  
Guyana: Society Against Sexual Orientation Discrimination (SASOD)  
Honduras: APUVIMEH in partnership with Heartland Alliance, CLADEM, RedTraSex in partnership with Heartland Alliance  
Mexico: CLADEM  
Nicaragua: CLADEM  
Panama: CLADEM  
Paraguay: CLADEM, Heartland Alliance  
Peru: CLADEM; PROMSEX  
Uruguay: CLADEM

The Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) also submitted a regional shadow report entitled *Acceso a la justicia, niñas madres y situación de defensoras de derechos humanos* [Access to Justice, Child Mothers, and the Situation of Human Rights Defenders] to the Committee of Experts for the Third Multilateral Evaluation Round of the MESECVI.

On August 10, the Technical Secretary of the MESECVI, Luz Patricia Mejía Guerrero, was invited to participate in a meeting with civil society organizations to publicize the [system of progress indicators for measuring the implementation of the Belém do Pará Convention](#).

Furthermore, in accordance with Article 30 of its Rules of Procedure, in August and September 2016 the CEVI joined with Mexico's National Institute of Women (INMUJERES) and National Commission on the Prevention and Eradication of Violence against Women (CONAVIM) to invite civil society organizations, women's organizations, and women's movements to participate in a dialogue with the experts on the salient issues of the Third Multilateral Evaluation Round during the Committee's thirteenth meeting in Mexico City. As a result, representatives of CLADEM, Just Associates (JASS), the Center for Reproductive Rights, International Pregnancy Advisory Services (IPAS), the Center for the Promotion and Defense of Sexual and Reproductive Rights (PROMDSR/PROMSEX), Women's Link, and the Planned Parenthood Federation of America (PPFA) participated in the meeting.

**d. Interinstitutional cooperation meetings**

On March 10, the Inter-American Commission of Women and the Follow-Up Mechanism to the Convention of Belém do Pará, represented by the Executive Secretary of the CIM, Ambassador Carmen Moreno, and the Technical Secretary of the MESECVI, Luz Patricia Mejía, participated in the thirteenth regular meeting of Mexico's National System to Prevent, Address, Punish, and Eradicate Violence against Women, chaired by the Secretary of the Interior of Mexico, Miguel Ángel

Osorio Chong. At the meeting, the [system of progress indicators for measuring the implementation of the Belém do Pará Convention](#) was adopted as part of the foregoing national system. Meeting participants included the President of INMUJERES, Lorena Cruz Sánchez; the National Commissioner for the Prevention and Eradication of Violence against Women, Alejandra Negrete Morayta, and the Deputy Secretary for Human Rights of the Department of the Interior, Roberto Rafael Campa Cifrián.

Also present were the National Security Commissioner, Renato Sales Heredia; the President of the National Council to Prevent Discrimination, Alexandra Haas Paciuc; the Director General of the National Committee for the Development of Indigenous Peoples, Nuvia Mayorga Delgado; the Commissioner Chair of the Executive Committee for Attention to Victims, Jaime Rochín del Rincón; the Deputy Attorney General for Human Rights, Crime Prevention, and Community Services of the Office of the Attorney General, Eber Omar Betanzos Torres; and the Chair of the Senate Committee on Gender Equality, Senator Diva Hadamira Gastélum Bajo.

Other participants included the representative in Mexico of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Ana Gúezmes García, as well as several federal authorities and representatives of the 32 mechanisms for the advancement of women of the states of Mexico.

During the sixtieth session of the United Nations Commission on the Status of Women (CSW60), held in New York from March 14 to 24, 2016, the representatives of the Technical Secretariat met with representatives of several entities, including:

- Council of Europe: Marja Ruotanen, Director of Human Dignity and Equality, and Liri Kopaçi-Di Michele, Head of the Equality Division
- Kazakhstan: Secretary of State Gulshara Abdykalikova, Chair of the National Commission for Women's Affairs, Family and Demographic Policy
- Community of Democracies: Maria Leissner, Secretary General
- Norway: Solveig Horne, Minister for Children and Equality
- Argentina: María Fabiana Tuñez, President of the National Women's Council

On Tuesday, March 15, Ambassador Carmen Moreno, Executive Secretary of the CIM, spoke at a side event, “The Connections between undocumented immigration and trafficking of women,” organized by the United Nations Population Fund (UNFPA).

On March 17, Luz Patricia Mejía Guerrero spoke at an interregional workshop, “Regional Organizations and the Promotion of Gender Equality and Political Empowerment of Women,” co-hosted by IDEA International and the Community of Democracies.

On April 11, the Technical Secretariat received a questionnaire addressed to the President of the CEVI from the United Nations Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonovic. The Secretariat forwarded the questionnaire to the Executive Committee, which prepared a reply to the questions in the Special Rapporteur's letter. On June 9, the Secretariat reported to all of the Committee members on its reply. On October 5, the Office of the United Nations High Commissioner for Human Rights informed us that the MESECVI reply

had been incorporated into the report to be submitted by the Special Rapporteur to the General Assembly and that the replies received were available at the following link: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/InternationalLegalFramework.aspx>.

On May 16 and 17, the Technical Secretary participated in a meeting of experts on violence against women in preparation for the Thirteenth Regional Conference on Women in Latin America and the Caribbean of the Economic Commission for Latin America and the Caribbean. The Executive Secretary of the CIM, Ambassador Carmen Moreno, participated in the conference itself, which took place in Montevideo, Uruguay, from October 25 to 28, 2016.

**e. Technical assistance**

A number of seminars were held in compliance with agreements 9 and 16 of the Sixth Conference of States Parties, which express continued support for cooperation and exchange between judicial institutions on justice administration and request the Technical Secretariat of the MESECVI to develop exchange, training, and technical assistance tools<sup>3/</sup> for the states at their request.

On March 3 and 4, 2016, a training workshop on the use of the system of progress indicators for measuring the implementation of the Belém do Pará Convention was held at OAS headquarters. It was sponsored by the National Commission on the Prevention and Eradication of Violence against Women (CONAVIM) of the Department of the Interior of Mexico and was designed to provide institutions with guidance on using the system and making it part of the development process for national plans, programs, and reports on human rights and violence against women. The following people participated in the workshop: Alejandra Negrete Morayta, National Commissioner for the Prevention and Eradication of Violence against Women; Jimena Vilchis, Deputy Director General, CONAVIM; María Guadalupe Díaz Estrada, Director General for the Mainstreaming of Gender Perspective, INMUJERES; and Dr. Roberto Castro Pérez, sociologist, academic, and researcher on violence against women, dating violence, and violence against children in Mexico and on the social genesis of the violation of women's reproductive rights in health services. The workshop ended with a brainstorming session on the institutional conditions and technical capacities needed to incorporate use of the system of progress indicators for measuring the implementation of the Belém do Pará Convention in Mexico.

On August 26, the Technical Secretary met with the Venezuelan Vice Minister for Social Protection of Women Rights, Marelis Pérez Marcano, to coordinate actions with the MESECVI and organize a workshop on using the Belém do Pará indicators in November 2016.

The Technical Secretary was invited to facilitate a seminar for a certificate in Women's Rights in the Universal and Inter-American System of Human Rights, held from September 26 to 28 in Ciudad Juárez, Chihuahua, Mexico.

On September 29, 2016, the Technical Secretary of the MESECVI was invited by the Technical Secretariat for Human Rights and Gender Equality of the Supreme Court of Mexico to

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3. In accordance with Article 25 of the Rules of Procedure of the Committee of Experts of the MESECVI.

speak on the subject of “progress and challenges in the implementation of Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) 22 year after its promulgation” at the Federal Judiciary Institute, a part of the Judicial Academy. Federal judiciary staff and other interested public participated in the event.

#### **IV. DISSEMINATION AND PROMOTION OF THE CONVENTION AND THE MESECVI RECOMMENDATIONS**

In accordance with agreement 2 of the Fifth Conference of States Parties and agreement 3 of the Sixth Conference of States Parties, the CIM sought to promote national, subregional, and regional gatherings in the context of commemorating the twentieth anniversary of the Convention of Belém do Pará that would contribute to the Reflection Process for Strengthening the MESECVI.

##### **a. Awareness-raising and knowledge-sharing activities**

On March 8, International Women's Day, the CIM, the Permanent Mission of the United States to the OAS, and the Permanent Mission of Canada to the OAS held a roundtable event entitled “Breaking Barriers to Justice: Ending Violence against Women in the Americas” in the OAS Hall of the Americas. The purpose of the event was to identify challenges to eliminating violence against women and girls and improving access to justice from a diversity and human rights perspective.

On Monday, May 16, in the context of the Colombian peace agreements, the Technical Secretariat participated in a forum on transitional justice, gender, and drugs in Bogota, Colombia.

Through the MESECVI, the CIM joined in Mexico with the Department of the Interior, INMUJERES, the National Commission for the Prevention and Eradication of Violence against Women, the State of Hidalgo, and other entities to organize a regional dialogue entitled “Exchange of Good Practices: Challenges in the Elimination of Violence against Women,”<sup>4</sup> held from July 26 to 27, 2016, in Pachuca, Mexico.

The dialogue followed on previous exchanges of good practices in gender, justice, and violence organized by the CIM in Buenos Aires (2013), Pachuca (2014), and Medellín (2015) and sprang from the conviction that it is impossible to make progress towards ensuring women’s full right to live free from violence without creating spaces for cooperation, learning, and exchanges of best practices and lessons learned.

Participants included Miguel Ángel Osorio Chong, Secretary of the Interior; Claudia Ruiz Massieu, Secretary of Foreign Affairs; Lorena Cruz Sánchez, President of INMUJERES; Alejandra Negrete Morayta, National Commissioner for the Prevention and Eradication of Violence against Women; Dubravka Šimonovic, United Nations Special Rapporteur on violence against women, its causes and consequences; Alda Facio, Chair of the Working Group on the issue of discrimination against women in law and in practice/member of JASS; Marcela Lagarde, Mexican academic, anthropologist, and researcher specializing in ethnology, as a representative of Latin American

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4. More information available in Spanish at: <http://dialogobelemdopara2016.hidalgo.gob.mx/>.

feminism; Carmen Moreno, Executive Secretary of the CIM; and Luz Patricia Mejía Guerrero, Technical Secretary of the MESECVI.

Goals:

- Provide a forum for exchange among representatives of government, civil society, academia, and international organizations involved in preventing, addressing, investigating, punishing, and eradicating violence against women and girls
- Discuss challenges and share experiences, efforts, and commitments that are having a positive impact in the Americas
- Discuss both the causes and the effects of violence, with intersectoral and community participation and the involvement of every country
- Explore the possibility of establishing cooperative ties among the various countries of the region

Results:

- Systematic reporting through rapporteurs of roundtable suggestions for addressing the problems identified
- Identification of lines of action and development of national and international working agendas incorporating the recommendations of the participants
- Systematization and entry of good practices in the data bank of good practices to eradicate violence against women (BelemdoPara.org).

Two Committee experts spoke at the event: Sylvia Mesa Peluffo (Costa Rica), CEVI Vice President, and María del Carmen Alanís (Mexico), Justice of the Federal Judicial Branch Electoral Tribunal. Several others attended: Flor Maria Diaz Chalarca, Expert of Colombia; Lidia Giménez, Expert of Paraguay; and Cristina Sánchez, Expert of the Dominican Republic.

The Office of the Attorney General of Argentina held a conference in Buenos Aires on Tuesday, August 23, to commemorate the twentieth anniversary of the Convention of Belém do Pará and the first anniversary of its Violence against Women Unit. CEVI President Diana González Perret opened the conference and participated as a panelist alongside Attorney General Alejandra Gils Carbó and Supreme Court Justice Elena Highton.

The CEVI President also attended the civil society meeting held as part of the Euro-Latin American Parliamentary Assembly (Montevideo, Uruguay, September 19 to 22, 2016), where she spoke on violence against women and femicide in Latin America.

The Inter-American Telecommunication Commission (CITEL) and the CIM announced an award competition for “proposals on the use of information and communications technologies to prevent and eradicate violence against women,” which was open to individuals; legal entities; government, nongovernmental, civil society, and private organizations; OAS member states, and associate members of CITEL. An evaluation committee with CIM/MESECVI representation has chosen the three best projects, programs, or examples of public policies involving the use of information and communications technologies for implementation and support in the Americas to

combat violence against women. The winners will be announced and awarded during the thirtieth meeting of the CITEP Permanent Consultative Committee in early 2017 and at the Seventh Conference of States Parties to the MESECVI, scheduled for the fourth quarter of 2017. Download the full [list of proposals](#).

On November 29, 2016, in the context of International Day for the Elimination of Violence against Women, the CIM and the MESECVI held an international forum on child, early, and forced marriage and motherhood in the Americas, entitled “Child, Early, and Forced Marriage and Motherhood in the Americas,” at OAS headquarters with a view to identifying knowledge gaps in both areas and formulating specific recommendations for legislative and public policy reform. For further information, see the [agenda](#) and the panelist [biographies](#).

#### **b. Meetings of experts on political violence**

At their meetings since 2014, the CIM and the MESECVI have recognized a growing concern in the region regarding violence against women in politics. It has been accompanied by increasing demand for adequate national responses to this problem, particularly from women in high political office. In response, beginning in 2014, the Executive Committee of the CIM and the Conference of States Parties to the MESECVI has issued a series of agreements designed to promote progress on preventing, punishing, and eradicating political violence against women.

In compliance with these agreements, in 2015 the CIM and the MESECVI developed a project entitled “Enhancing the institutional capacity of the States and the political parties to respond to political harassment and/or violence against women” for the general purpose of strengthening the capacity of states parties to the Convention of Belém do Pará to respond effectively to such violence, with an emphasis on legislation, in order to protect the political rights of women in law and in practice.

At its twelfth meeting, the CEVI agreed to “further, within the framework of the Third Multilateral Evaluation Round, the application of the Convention of Belém do Pará . . . [with respect to] political violence” and to “encourage the project ‘Enhancing the institutional capacity of the States and the political parties to respond to political harassment and/or violence against women.’”

At the Sixth Conference of States Parties to the Convention of Belém do Pará in October 2015, the states adopted the Declaration on Political Harassment and Violence against Women. In this first comprehensive regional instrument on the subject, the states parties declared that it was necessary to “[p]romote the adoption, where appropriate, of regulations . . . for the prevention, attention, protection, [and] eradication of political violence and/or harassment against women, that allow the proper punishment and reparation of these acts, in the administrative, criminal, [and] electoral norms spheres . . . .”

The aforementioned project was launched by a meeting of experts and a public event held in Washington, DC, in February 2015 in cooperation with ParlAmericas and UN-Women. The goal of the meeting was to analyze the challenges for developing an effective legislative response to the problem of political violence against women at the national level. The main outcome of the meeting was a discussion of the principal provisions that a law on that subject should contain.

The Secretariat followed up on the outcome of the first meeting by drafting a model Inter-American law on political violence against women, which it based on examples of progress in the region, including in particular the 2012 Bolivian law on violence and political harassment against women. The draft model law was re-discussed and approved at a second regional meeting of experts held in La Paz, Bolivia, on May 30 and 31, 2016.

The internationally recognized experts participating in these meetings included CEVI experts: CEVI President Diana González, Expert of Uruguay; Susana Chiarotti, Expert of Argentina; Julieta Paredes, Expert of Bolivia; Flor María Díaz, Expert of Colombia; María del Carmen Alanís, Expert of Mexico; and Silvia Loli, Expert of Peru at the time of the meeting.

### **c. Continuing education**

The graduate diploma program in justice, gender, and violence launched on September 8, 2014, concluded in June 2015. It was organized by the CIM through the MESECVI in cooperation with the Supreme Court of Mexico, the Supreme Court of Argentina, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Latin American Council of Social Sciences (CLACSO). It attracted Latin American legal professionals, including public prosecutors, public defenders, forensic scientists, human rights defenders, and other practitioners interested in gender justice. The program was designed to provide the basic knowledge and the analytic and practical tools required to protect women's human rights effectively in accordance with the constitutional, regional, and international obligations of the states.

Twenty-five graduate diplomas were issued for completion of the program, and 43 certificates were issued for completion of one or more seminars.

Following up on this academic offering, on August 11 and 12, 2016, the Technical Secretariat hosted an interinstitutional coordination meeting during which representatives of CLACSO and the Latin American School of Social Sciences (FLACSO) reworked the academic content of the program in order to keep it going and make it an academic specialization.

As a result of their efforts, a specialization and an international program in public policy and gender justice were launched online on March 13, 2017. They are organized by the OAS, CLACSO, and FLACSO Brazil. The academic coordinators are Magdalena Valdivieso Ide, Doctor of Political Science, University of Chile, and Luz Patricia Mejía, Technical Secretary of the MESECVI. The specialization (52 credits) requires 480 class hours, and the international program (12 credits) requires 120.

The specialization and the international program in public policy and gender justice are scheduled to run through February 2018. They are designed to provide an integral space for theoretical and practical training in which to analyze gender-specific situations of structural inequality from the standpoint of international women's human rights law and to approach gender justice from the public policy perspective. They are intended for graduate and postgraduate students, civil servants, judicial officials, legislators, members and managers of nongovernmental

organizations; professionals interested in gender-related public policy; members of social organizations and movements; and political party representatives.

**d. Dissemination of the Convention of Belém do Pará**

A webinar was held in the context of the MESECVI Strategic Plan, one of whose objectives is to raise societal awareness of violence against women and promote the Convention of Belém do Pará.

The Secretariat held the webinar, entitled “Preparation of Shadow Reports: CSO Participation in the Third Evaluation Round of the MESECVI,” on June 30, 2016, in order to present information on preparing these reports for the Third Multilateral Evaluation Round that would help civil society organizations registered with the OAS assist the MESECVI in monitoring state adherence to the Convention of Belém do Pará, with the ultimate goal of improving the lives of women in the region. Fifty-eight people participated in this webinar. The webinar presentations are available in Spanish at the following link: <http://www.oas.org/es/mesecvi/otrasreuniones.asp>.

**e. Belém do Pará Convention portal**

As a result of the Hemispheric Seminar “Women’s Human Rights: Good Practices in Gender Justice” (Buenos Aires, Argentina, September 25 to 27, 2013), co-organized by the CIM and the Domestic Violence and Access to Justice Offices of the Supreme Court of Argentina, the Belém do Pará Convention portal was developed to provide a mechanism for sharing and publicizing information on all Convention-related subjects, including the MESECVI, good practices for eradicating violence against women, reports, publications, news, and events.

In addition to centralizing information on the Convention, the platform provides two spaces for sharing information among the various stakeholders. One offers government organizations, civil society, and other stakeholders a way to share information on initiatives and good practices for preventing, punishing, and eradicating violence against women. To publicize information obtained by the MESECVI from the evaluation and follow-up rounds, the platform also has a space for reporting progress and challenges for implementing the Convention of Belém do Pará in the states parties.

The Secretariat is currently in the process of raising funds to maintain and update the tool.

**V. THIRD MULTILATERAL EVALUATION ROUND (2015-2017)**

**a. Thirteenth Meeting of the MESECVI Committee of Experts**

The Thirteenth Meeting of the MESECVI Committee of Experts was held in Mexico City, Mexico, from October 11 to 13, 2015. It was attended by the experts of 18 states parties.<sup>5</sup> The opening session featured remarks by Diana González-Perrett, President of the MESECVI Committee

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5. Antigua and Barbuda, Argentina, Bahamas, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Saint Lucia, Suriname, and Uruguay

of Experts; Lorena Cruz Sánchez, President of INMUJERES and Competent National Authority of Mexico; Martha Elena García Gómez and Angélica de la Peña Gómez, both Secretaries of the Senate Committee on Gender Equality; Laura Nereida Plascencia Pacheco, Chair of the House Committee on Gender Equality; Miguel Ruiz Cabañas, Deputy Secretary of Multilateral Affairs and Human Rights, Department of Foreign Affairs; and Carmen Moreno Toscano, Executive Secretary of the CIM.

In accordance with Articles 27c and 30 of the Rules of Procedure of the CEVI, the experts engaged in a dialogue with civil society organizations, focusing on subjects which they considered important in the context of the Third Multilateral Evaluation Round, primarily sexual violence, child pregnancy, and trafficking in women and girls. The dialogue included presentations by the following civil society organizations: CLADEM, JASS, the Center for Reproductive Rights, IPAS, PROMDSR/PROMSEX, Women's Link, and the PPFA. During this segment, the experts had an opportunity to exchange questions and comments with the representatives of the participating organizations.

The second day of the meeting featured presentations of the report on the work of the CEVI (MESECVI/CEVI/doc.232/16) and of the annual program of work for 2017 (MESECVI/CEVI/doc.233/16). Following the general discussion, the CEVI approved the agreements of its thirteenth meeting (MESECVI/CEVI/doc.237/16.rev1), thereby adopting, *inter alia*, the *Hemispheric Report on Sexual Violence and Child Pregnancy in the States Party to the Belém do Pará Convention* (MESECVI/CEVI/doc.234/16) and a draft model Inter-American law on political violence against women (MESECVI/CEVI/doc.235/16). It also approved draft guidelines for regulating virtual participation of the Committee of Experts (MESECVI/CEVI/doc.236/16.rev1); requested the Technical Secretariat of the MESECVI to draft a comprehensive model law on the prevention, punishment, and eradication of the gender-based murder of women (femicide/feminicide); and agreed to encourage application of the Convention of Belém do Pará in the following areas: trafficking in women and girls from a human rights perspective; violence against defenders of women's human rights; prevention of violence against women, and fundamentalism and the secular state.

It also agreed to urge the states parties to provide the conditions and financial resources required for the work of the MESECVI and to ensure that the experts were present to exercise their functions in accordance with Article 11 of the Statute of the MESECVI and Article 12 of the Rules of Procedure of the CEVI.

All of the documents have been published by the Secretariat and are available at in Spanish at <http://www.oas.org/es/mesecvi/reunionedesdeexpertas.asp>. Most are also available in English at <http://www.oas.org/en/mesecvi/meetingofexperts.asp>.

## **VI. FINANCING THE MESECVI**

### **Sources of MESECVI funding**

The OAS and CIM assemblies have consistently appealed to the states to contribute human or financial resources to the MESECVI. The agreements of the Sixth Conference of the States Parties

to the MESECVI (Lima, Peru, October 15 and 16, 2015) establish that strengthening the MESECVI requires support from the states parties in the form of human and/or financial resources. They also establish that alternative funding must be found for the Mechanism to work correctly.

The Sixth Conference of States Parties agreed, *inter alia*, to:

“17. Urge and remind periodically . . . the State Parties that have not done so, to make voluntary contributions regularly, to the extent of their possibilities, in order to ensure compliance with the tasks of the Technical Secretariat of the Mechanism and, in an extraordinary way, to guarantee the participation of the Experts in the CEVI meetings;

“18. Request the Technical Secretariat of the MESECVI to [help] State Parties, when requested, to obtain funding from partners for the joint [realization] of national projects, and invite those State Parties requesting technical assistance, to [cover] the associated costs, to the extent possible;

“19. Reiterate the request of the Secretary General, within the framework of available resources, to give priority to the allocation of the required human, technical and financial resources for the Inter-American Commission of Women (CIM) to optimize its work as Technical Secretariat of the MESECVI;

“20. Invite the States that are not party to the Convention and the Permanent Observers to the OAS to consider contributing financial and human resources to strengthen the work of the Mechanism.”

As a result of this initiative, the states parties agreed to increase the regular budget of the Inter-American Commission of Women by US\$60,000. In addition, in 2016, the fund established for the MESECVI received contributions from Mexico and Trinidad and Tobago. This funding was earmarked to pay for one (1) consultation on the functioning of the MESECVI and part of one (1) consultation on developing the model inter-American law on political violence against women. It has not been renewed for 2017.

Consequently, concentrated efforts are still needed to strengthen the MESECVI by mobilizing resources from the states parties to the Convention and other possible donors for the development and execution of specific projects, as shown in the table below.

<b>MESECVI Contributions</b>		
<b>Year</b>	<b>Donor</b>	<b>Total</b>
2013	Argentina	15,000.00
	France	2,091.89
	Mexico	29,453.11
	Nicaragua	5,000.00
	Suriname	2,000.00
	Trinidad and Tobago	15,000.00
<b>2013 Total</b>		<b>68,545.00</b>
2014	Argentina	15,000.00

	Mexico	34,529.59
	Nicaragua	6,000.00
<b>2014 Total</b>		<b>55,529.59</b>
2015	Mexico	29,717.87
	Nicaragua	6,000.00
<b>2015 Total</b>		<b>35,717.87</b>
2016	Mexico	30,253.85
	Trinidad and Tobago	15,000.00
<b>2016 Total</b>		<b>45,253.85</b>
<b>2017 Total</b>		<b>0.00</b>
<b>Grand Total</b>		<b>205,046.31</b>

**APPENDIX I**



**Executive Summary**

**Hemispheric Report on Sexual Violence and  
Child Pregnancy in the States Party to the Belém do Pará Convention**

November 2016





## Introduction

The high incidence of sexual violence against girls and adolescents, its relationship to child and adolescent pregnancy and forced motherhood, and the absence of public policies dealing effectively with this grave situation have become a topic of special concern for the Americas and, in particular, for the Committee of Experts of the Follow-Up Mechanism to the Convention of Belém do Pará (MESECVI).

Beginning with its first *Hemispheric Report* on the implementation of the Convention of Belém do Pará (2008),<sup>6</sup> the MESECVI has consistently advised the states parties of the importance of giving priority attention to the right of girls and adolescents to a life free from violence and a stereotype-free education, for which the full exercise of their sexual and reproductive rights is fundamental.

The wide publicity given throughout the region to cases of girls who have become pregnant through sexual violence and been forced to continue their pregnancies has brought the subject of child, adolescent, and forced pregnancy to the fore in the Americas. Thanks to a number of factors, such as weakness of the international and national legal frameworks for girls' sexual and reproductive rights (including legal prohibitions on the termination of pregnancy), disinformation about the legality and availability of abortion, absence of protocols for cases in which abortion is legal, and legislation that perpetrates gender stereotypes, Latin America and the Caribbean is the only region in the world where, according to the United Nations Population Fund (UNFPA), births to girls under age 15 are rising and projected to rise until 2030.<sup>7</sup>

This type of structural sexual violence against girls and adolescents takes on added complexity when we consider that early pregnancy not only has physical and psychological consequences, but also interferes with the right to full development and the life plans of girls who are driven or forced to continue these pregnancies.

*“When I was ten [I got pregnant] from my stepfather . . . I didn’t want to have it because it was a result of rape and I wasn’t going to have it. . . . I see that to be a mother, you have to have patience because they can take away my kid if I’m not treating her well. . . . My daughter was hospitalized because she had pneumonia.”*

K., 17 years old, Ecuador

Source: PPFA (2016). *Stolen Lives*.

6. Available at <http://www.oas.org/en/mesecevi/docs/InformeHemisferico2008-en.pdf>

7. UNFPA (2013). *State of World Population 2013: Motherhood in Childhood - Facing the challenge of adolescent pregnancy*, p. 5, <http://www.unfpa.org/sites/default/files/pub-pdf/EN-SWOP2013-final.pdf>

## Tackling the issue

In its Declaration on Violence against Women, Girls and Adolescents, and their Sexual and Reproductive Rights (2014),<sup>8</sup> the MESECVI Committee of Experts reaffirmed that:

- “[S]exual and reproductive rights are part of the catalogue of human rights that are protected and defended by the universal and inter-American human rights systems . . .”;
- “[S]exual violence against women and girls prevents the exercise of their rights as established in regional and international human rights instruments”;
- “[T]he negation of public policy and sexual and reproductive health services exclusively to women, through norms, practices, and discriminatory stereotypes, constitutes a systematic violation of their human rights and subjects them to institutional violence by the State . . .”

Criminal law dogma across the region considers the sexual abuse of girls under 14 to be a crime, since it does not recognize the validity of consent. Therefore, in the view of the Committee of Experts, any pregnancy in a girl under the age of 14 should be considered unconsented and, as such, a product of sexual violence. One of the results of the absence of consistent public policy on the right of girls to exercise sexual and reproductive rights without violence has been high maternal mortality rates and serious life consequences for women and girls who did not have access to health or educational services designed to enable them to make free and informed choices about their sexual and reproductive rights.

*“ . . . One night my uncle came to where I was sleeping . . . , he told me to take off my clothes, and I told him no, he told me angrily that if I didn’t take them off, he would take them off . . . , he told me to open my legs. . . , he opened them by force, he stuck his thing in my chunche (vagina), it hurt and burned a lot. . . , my chunche hurt, I started crying, I couldn’t sleep, when I shut my eyes I could see what my uncle did to me, I didn’t want to, I felt bad . . . .”*

Irene, 12 years old, Nicaragua  
Source: PPFA (2016). *Stolen Lives*.

The Committee of Experts has also recognized the paucity of data on sexual violence against girls and adolescents; child, adolescent, and forced pregnancy, and some specific manifestations of sexual violence. To improve both the available data and information on violence against women and the government response to it, in 2014, the Committee adopted a system of progress indicators for measuring the implementation of the Belém do Pará Convention.<sup>9</sup> This system provides concrete tools for evaluating the human rights situation of women in each state party that can be used to measure the states’ efforts to ensure that women live free from violence.

The system of indicators makes it possible to evaluate an important group of public policies in the region against inter-American and universal standards for the protection of the rights of girls and adolescents. In this context, the Committee of Experts sent the states a questionnaire containing a set of indicators for sexual violence against girls (specifically, girls under age 14) in order to obtain a

8. Available at <http://www.oas.org/es/mesecvi/docs/DeclaracionDerechos-EN.pdf>

9. For more information, see <http://www.oas.org/en/mesecvi/indicators.asp> and MESECVI (2015). *Practical Guide to Use of the System of Progress Indicators for Measuring the Implementation of the Belém do Pará Convention*, [http://www.oas.org/en/mesecvi/docs/Manual\\_Indicadores\\_ENG.pdf](http://www.oas.org/en/mesecvi/docs/Manual_Indicadores_ENG.pdf)

general assessment of the region, gauge the efforts of the states parties, and provide specific legislative, public policy, program, and other recommendations.

### General assessment

Girls and adolescents account for more than 20 percent of the population in Latin America and the Caribbean,<sup>10</sup> and child and adolescent pregnancy rates in the region's countries are among the highest in the world. This situation represents a challenge for the region.<sup>11</sup> According to a World Health Organization (WHO) study cited by the Latin American Federation of Obstetrics and Gynecology Societies (FLASOG), there are two million births to girls under age 15 every year.<sup>12</sup>

According to various international studies, between 7 and 36 percent of women report experiencing some type of sexual abuse in childhood, and one of the most dramatic consequences of this violence is child pregnancy. The Pan American Health Organization (PAHO) has also estimated that between 11 and 20 percent of child and adolescent pregnancies are the result of sexual violence.<sup>13</sup> According to PAHA, for girls of 15, most first sexual experiences are involuntary and unwanted, and 60 percent of girls who have had sexual intercourse before age 15 did so involuntarily with men six years older than them on average.<sup>14</sup>

UNFPA<sup>15</sup> has also pointed out that pregnancy in adolescents and girls under age 14 is closely related to sexual assault. Most of these pregnancies are unwanted, and they are more prevalent in vulnerable, disenfranchised groups. Furthermore, the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) reports that most child pregnancies are the result of sexual assault by family members (incestuous sexual abuse), unlike pregnancies between the ages of 15 and 19, which can be due to early sexual initiation.<sup>16</sup>

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10. Latin American Federation of Obstetrics and Gynecology Societies (FLASOG) (2011). *Factores relacionados con el embarazo y la maternidad en menores de 15 años en América Latina y el Caribe* [Factors Related to Pregnancy and Motherhood in Minors under 15 Years of Age in Latin America and the Caribbean], <http://www.sguruguay.org/documentos/6factores-relacionados-maternidad-menores-15-anos-lac.pdf>
  11. UNICEF and ECLAC (2007). "Teenage motherhood in Latin America and the Caribbean: Trends, problems and challenges," *Challenges: Newsletter on progress towards the Millennium Development Goals from a child rights perspective*, No. 4, [https://www.unicef.org/lac/desafios\\_Nro4\\_eng\\_Final\(1\).pdf](https://www.unicef.org/lac/desafios_Nro4_eng_Final(1).pdf)
  12. FLASOG (2011), *op. cit.*
  13. PAHO/WHO (2015). Information Bulletin: *El embarazo en adolescentes* [Pregnancy among Adolescents], [http://www.paho.org/nic/index.php?option=com\\_docman&task=doc\\_download&gid=714&Itemid=235](http://www.paho.org/nic/index.php?option=com_docman&task=doc_download&gid=714&Itemid=235)
  14. *Ibid*
  15. Ramiro Molina Cartes/UNFPA/AECID (2011). *El embarazo en adolescentes menores de 15 años de América Latina y el Caribe* [Pregnancy in Adolescent Minors under Age 15 in Latin America and the Caribbean]
  16. CLADEM (2016). *Girl Mothers. Forced child pregnancy and motherhood in Latin America and the Caribbean*, <http://www.cladem.org/pdf/Girl-Mothers-English.pdf>

According to the World Health Organization, girls under age 16 face four times the risk of maternal death than women in their twenties, and the death rate of their neonates is about 50% higher.<sup>17</sup> UNFPA tells us that the girls who face the greatest risk of complications and death from pregnancy and childbirth are 14 or younger.<sup>18</sup> In its report *Access to Maternal Health Services from a Human Rights Perspective*, the Inter-American Commission on Human Rights (IACHR) has noted that “. . . attitudes such as indifference, mistreatment, and discrimination . . . by health sector employees that affect women and girls victims of violence and/or sexual abuse, as well as the lack of appropriate reproductive health services to address situations of violence, constitute barriers to access of health services.”<sup>19</sup>

This group of younger adolescents tends to be overlooked by the national health, education, and development institutions or be outside their scope in general because girls who have been forced to marry cannot attend school and do not have access to sexual and reproductive health services.

To make matters worse, women and girl victims of violence may not seek health services because of fear or stigma or may be less able to access sexual and reproductive health services like emergency contraception and abortion services. All of this facilitates a pattern of greater violence throughout life. Indeed, in addition to the sexual violence associated with early pregnancies, gender-based violence is higher among women who were younger at first birth.<sup>20</sup>

*“I couldn’t give birth normally, because I had been raped repeatedly and I didn’t want anybody to even touch me, it scared me, they did a caesarian . . . I didn’t let them [examine] me because I just cried, my vagina hurt, I felt awful when the doctor wanted to do the exam. The doctor said, “Take her to another hospital,” because I wouldn’t let her examine me.*

S., 14 years old, Ecuador

Source: PFFA (2016). *Stolen Lives*.

Furthermore, these pregnancies also have major consequences for the product of the rape. The children of child mothers are two-to-six times more likely to have low birth weight. Their health and growth may be affected by the impact on their mother. They continue the pattern of poverty and dropping out of school, and they are at higher risk of physical abuse, neglect, and malnutrition. In general, there is a direct impact on the right of girls to live free from violence and their right to grow up and be educated free from stereotyped patterns.<sup>21</sup>

17. WHO (2015). “Adolescent pregnancy: a culturally complex issue.” *Bulletin of the World Health Organization* (Vol. 87, pp.405-484), <http://www.who.int/bulletin/volumes/87/6/09-020609/en/>

18 UNFPA (2013), *op. cit.*

19 IACHR (2010). *Access to Maternal Health Services from a Human Rights Perspective*, par. 38, <http://www.oas.org/en/iachrwomen/docs/pdf/saludmaternaeng.pdf>

20 IPPF/WHR (2014). “Facts about Gender-based Violence in Latin America and the Caribbean,” <https://www.ippfwhr.org/sites/default/files/GBV-Fact-Sheet.pdf>

21 Article 6 of the Belém do Pará Convention

Sexual violence against girls in the region in the 10-to-14 age range is accompanied by three additional serious violations of the rights of girls:

1. **Forced child pregnancy**, which occurs when a girl under age 14 becomes pregnant and is prevented from getting an abortion or has difficulty, is delayed, or encounters obstacles in getting abortion.<sup>22</sup>
2. **Child or forced marriage** is any marriage where at least one of the parties is under 18 years of age.<sup>23</sup> According to UNICEF, 29 percent of girls in Latin America and the Caribbean are married by age 18.<sup>24</sup>
3. **Impunity** due to legislative shortcomings, deficient care and investigation protocols, or gender or age discrimination. As the IACHR has recalled, “the lower credibility of children places them at a disadvantage when sexual violence is reported, since the world of children is associated with wild imagination, and so their accusations and statements are used to reduce the punishments imposed on their assailants.”<sup>25</sup>

## Recommendations

The Committee of Experts points out that forced pregnancy perpetuates sexual violence in girls and exposes them to new and repeated forms of violence and violation of their human rights, which also undermine their personal integrity, their status as girls, and their future possibilities. Furthermore, according to the broad doctrinal framework established by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child,<sup>26</sup> forced pregnancy and child marriage are harmful practices that gravely affect the rights of girls.

The Committee of Experts used the system of indicators to collect information from the states in a number of areas, including statistics and information on legislation and care protocols relating to child pregnancy. It also conducted a comprehensive analysis of the international and national legal frameworks for girl and adolescent rights.

In its analysis, it found a significant gap or imbalance between the situation of girl victims of sexual violence and the laws that protect them. The strength of the penalties for the offense of raping a girl contrasts sharply with the care and response mechanisms provided for these situations. Of the states analyzed, none reported specific information on known prosecutions or sentences for sexual abuse of girls under 14 years of age, and none provided information on the number of girls who received emergency kits for prophylactic treatment and special care after reporting sexual assault.

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22 CLADEM, 2016, *op. cit.*

23. Committee on the Elimination of Discrimination against Women (CEDAW) and Committee on the Rights of the Child (CRC) (2014). Joint general recommendation/general comment No. 31 of CEDAW and No. 18 of the CRC on harmful practices, par. 20, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?SymbolNo=CEDAW/C/GC/31/CRC/C/GC/18](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?SymbolNo=CEDAW/C/GC/31/CRC/C/GC/18)

24. UNICEF (2014). *State of the World's Children 2015: Executive Summary*, statistical tables, p. 89, [https://www.unicef.org/publications/files/SOWC\\_2015\\_Summary\\_and\\_Tables.pdf](https://www.unicef.org/publications/files/SOWC_2015_Summary_and_Tables.pdf)

25 IACHR (2011). *Access to Justice for Women Victims of Sexual Violence: Education and Health*, par. 52, <https://www.oas.org/en/iachr/women/docs/pdf/sexualviolenceeduhealth.pdf>

26 CEDAW and CRC, 2014, *op. cit.*

In view of the above, the Committee makes the following recommendations:

**Public policy in the area of legislation**

- Eliminate unsafe abortion by providing by law that all pregnancies in girls shall be considered high risk and may be legally terminated, a process that should be accompanied by the necessary measures to ensure the overall health of girls, their sexual and reproductive health, and their rights to life, personal integrity, intimacy, non-discrimination, and freedom from violence;
- Enact legislation guaranteeing the availability of emergency prophylactic treatment for HIV and other sexually transmitted diseases in public health services, especially in cases of sexual violence against girls;
- Eliminate all criminal laws and all protocols that strengthen gender stereotypes and, in particular, stereotypes that blame the victim or accord higher priority to the life of the product of forced pregnancy than to the best interests of the girls;
- Strengthen the secular nature of the states, both in their laws and in measures to be adopted on issues related to sexual violence against girls and child pregnancy in the region;
- Strongly recommend that the states parties review and, where necessary, reform their laws and practices by increasing the minimum age of marriage to 18 for both girls and boys, with or without the consent of the parents, and give priority to reforming civil and criminal laws that exempt the aggressor from criminal responsibility by reason of marriage.

**Public policy in the area of education**

- Establish public policies to prevent sexual violence against girls in schools and health centers using an intersectional approach that takes into account race, ethnicity, sexual orientation, and poverty in view of the various factors that can place girls at risk of sexual abuse and violence;
- Include age-appropriate instruction on sexual and reproductive rights, including instruction on HIV/AIDS and STDs, for all children and adolescents in school curricula at all academic levels, to ensure that they are empowered by the knowledge and exercise of their sexual and reproductive rights;
- Ensure that the states produce information and statistics reflecting an analysis of the context of sexual violence against girls, so that these analyses can be used to evaluate and implement public policies to protect the right of girls to freedom from violence, discrimination, and stereotyped patterns;
- Train government employees in the judicial and medical sectors on the comprehensive care that girl victims of sexual violence should receive from a gender and human rights perspective.

### **Public policy in the area of health**

- Reduce the high rates of infant and maternal mortality and morbidity in the region using appropriate, differentiated approaches;
- Adopt and implement in health services care protocols for girl victims of sexual violence, in indigenous languages or sign language where appropriate;
- Implement comprehensive care protocols to protect the life and health of girls who decide to terminate their pregnancies;
- Ensure that all protocols guarantee access to sexual and reproductive health services and counseling for all girls, regardless of age and under confidential conditions, including with respect to the parents when they are the possible abusers;
- Adopt public health service care protocols that set out the treatment steps and procedure for caring for girls who are using emergency contraception or post-exposure prophylaxis for HIV and other STDs, especially in cases of sexual violence;
- Ensure that all girls who are victims of sexual violence have access to emergency contraception; guarantee distribution of free emergency oral contraceptives in public health services without regard to social class, ethnicity, or age, and ensure full compliance by removing any obstacles that prevent it;
- Make sure that abusive and humiliating behavior does not occur in institutional settings and that health personnel do not re-victimize girls or deny access to health services to girls who need it, and ensure access to information on reproductive health, which is essential for them to exercise their reproductive autonomy and their rights to health and physical integrity;
- Provide child protection bodies with the budgets required to ensure comprehensive, specialized protection for girls who are pregnant and/or have experienced sexual violence;
- Disaggregate information and data on children by sex and age in accordance with the recommendation of the Beijing Platform for Action and Article 8h of the Convention of Belém do Pará; conduct research on the situation of girls, and, where appropriate, incorporate the results in the development of policies, programs, and decisions for the advancement of girls.

### **Public policy in the area of access to justice**

- Strengthen mechanisms for effective interaction between the health and judicial sectors in cases of sexual violence against girls;
- Take appropriate steps to identify criminal justice obstacles to punishment and to providing reparation for the victims in cases of sexual violence against girls, and take whatever

measures are available to the judiciary and the investigative bodies to eliminate these obstacles and protect the right to justice of the victims and their families;

- Ensure effective compliance with the laws punishing sexual violence against girls, as well as access to justice and reparation for victims of such offenses;
- Ensure comprehensive care and protection of the best interests of girls in the context of judicial proceedings, and ensure transparent information on the number of prosecutions and the situation of the aggressors;
- Adopt and implement in police forces and/or complaint-taking entities and prosecutor's offices care protocols for girls who are victims of sexual violence, in indigenous languages or sign language when appropriate;
- Ensure that the judicial system has adequate and appropriate means for girls who suffer obstetric violence to report these situations easily;
- Investigate and punish obstetric violence against girls occurring within health systems in the region;
- Investigate cases of maternal mortality in girls to determine reasons for their deaths and punish those responsible;
- Ensure that that girls who have experienced violence are treated with dignity, taking all relevant measures to promote their physical and psychological recovery and social reintegration in an environment favorable to their health, well-being, self-esteem, dignity, and autonomy, bearing in mind their different specificities and needs;
- Ensure the confidentiality of victims from the time the incident is reported to the end of the process in a situation of violence, ensuring a streamlined and speedy process, thereby granting credibility to the victims and protecting the privacy and dignity of the affected persons;
- Provide judicial bodies with the budgets required to eliminate the obstacles that impede punishment of aggressors and increase impunity, sending a message that such actions are socially acceptable.

#### **Public policy in the area of communications**

- Manage cases of child pregnancy known to the media by discussing the problem and avoiding sensationalism and stigmatization of the victim.