

ACCESS TO PUBLIC INFORMATION ON VIOLENCE AND DISCRIMINATION AGAINST WOMEN: PROGRESS AND CHALLENGES IN THE AMERICAS

1. In March 2015, the Inter-American Commission on Human Rights (IACHR) issued the report *Access to Information, Violence against Women and the Administration of Justice in the Americas*. In that report, the IACHR examined the challenges faced by women in gaining adequate and effective access to State-controlled information on the prevention of and protection against gender-based violence and discrimination, as well as access to justice for victims. It systematized the obligations of States in this area and the standards developed by the inter-American human rights system, and made several recommendations to the States.

2. In an effort to compile information on the actions taken by States to advance the implementation of these recommendations and the challenges that still persist, in May 2018, the Special Rapporteur for Freedom of Expression circulated a public consultation questionnaire to States and civil society.¹ The Office is grateful to the States of Argentina, Colombia, Ecuador, Honduras, Guatemala, Mexico, Peru, and Saint Vincent and the Grenadines for the information provided in their responses to the questionnaire. The Commission also received information from the Office of the Human Rights Ombudsperson of El Salvador, the Human Rights Commission of Mexico City, the Presidential Secretariat for Women of Guatemala, and civil society organizations from five countries in the region.²

3. Based on the information gathered through the questionnaire responses and other publicly available sources, this document provides a non-exhaustive analysis of the main trends identified since 2015 in relation to the progress and challenges in the implementation of the recommendations set out in the report.

Regulatory framework for access to information on violence and discrimination against women

4. The IACHR has identified a general effort by the countries of the region to enshrine access to information as a human right in their constitutions and to adopt specific regulatory frameworks aimed at governing the exercise of this right.³ In September 2016, Argentina enacted the Public Information Access Act;⁴ in January 2017, Peru's Executive Branch created the National Authority for Transparency and Access to Public Information;⁵ and in April of the same year, the Executive Branch of Costa Rica issued two decrees regulating "Transparency and access to public information in the State and its

¹ IACHR, Office of the Special Rapporteur for Freedom of Expression. [Press Release R98/18](#). Office of the Special Rapporteur for Freedom of Expression invites consultation on access to information, violence against women, and the administration of justice in the Americas. May 9, 2018.

² The Office of the Special Rapporteur appreciates the contributions of the Human Rights Legal Clinic of the National University of La Plata in conjunction with the Center for the Implementation of Constitutional Rights (Argentina); Maurice Law (Canada); *Artículo 19* (Brazil), and *Colectiva Ciudad y Género* (Mexico).

³ IACHR, [Access to Information, Violence against Women, and the Administration of Justice in the Americas](#), OAS/Ser.L/V/II.154. Doc. 19, March 27, 2015, para. 135.

"With just four remaining exceptions - Bolivia, Costa Rica, Cuba, and Venezuela - most Latin American countries now have freedom of information laws." UNESCO, [Access to Information: Lessons from Latin America](#), 2017, p. 11.

⁴ [Ley 27275. Derecho de Acceso a la Información Pública](#) [Law 27275 Right to Access to Public Information].

⁵ [Decreto Legislativo 1353 que crea la Autoridad Nacional de Transparencia y Acceso a la Información Pública, Fortalece el Régimen de Protección de Datos Personales y la Regulación de la Gestión de Intereses](#) [Legislative Decree 1353 which creates the National Authority for Transparency and Access to Public Information, Strengthens the Personal Data Protection Regime, and the Regulation of Interest Management].

According to civil society organizations, several provisions of Legislative Decree 1353 do not comply with inter-American standards on access to information, including those related to the obligation of States to ensure the independence of bodies responsible for guaranteeing the right to public information. See Proética, et al., [Pronunciamiento - Autoridad para la transparencia: una promesa incumplida](#) [Statement - Authority for transparency: a broken promise], January 24, 2017.

agencies” and the “Opening of Public Data,” as part of the National Open Government Strategy.⁶

5. Some States have also implemented initiatives to remove obstacles to women’s access to public information. According to information provided by the State of Mexico, in 2016, the National Institute of Transparency, Access to Information, and Protection of Personal Data approved a set of *Criteria for Regulated Entities to Guarantee Conditions of Accessibility that Allow Vulnerable Groups to Exercise the Human Rights of Access to Information and Protection of Personal Data*, a concept that includes “members of indigenous peoples, Afro-descendants, persons with disabilities, women, girls, children, adolescents, the elderly, and migrants.” In light of these Criteria, the regulated entities “shall promote and implement actions intended to guarantee accessibility conditions so that vulnerable groups may exercise, under equal conditions and free from any discrimination, the human rights of access to information and personal data protection. To this end, they must take steps to “eliminate any physical, communication, regulatory, or other gaps that may hinder the full exercise of the aforementioned human rights.”⁷

6. In Guatemala, the Office of the Human Rights Ombudsperson (PDH), the regulatory body for access to public information, has developed actions aimed at “[maintaining] and [increasing] relations with civil society and international cooperation entities in order to promote women’s access to public information, as well as the strengthening of municipal stakeholders and civil organizations throughout the country.” According to the PDH, these actions seek to address a structural situation marked by the under-representation of women among those who submit requests for access to public information in the country.⁸

7. In relation to this point, the 2017 Annual Report of the PDH reports that women made only 39% of the requests for public information filed nationally in 2017. This percentage dropped slightly in the 2014-2017 period.⁹ In the same time frame, according to data collected by the PDH, there was an exponential increase in the total number of requests submitted.¹⁰

8. Women are also underrepresented among those requesting access to public information in other countries of the region. According to data from Brazil’s Ministry of Transparency and Comptroller General of the Union [*Ministério da Transparência e Controladoria-Geral da União*] (CGU), women filed 39% of the more than 500,000 requests for access to public information submitted in the country from May 2012 to June 2017.¹¹ In Paraguay, women account for 44% of the people who have submitted requests for

⁶ IACHR, *Annual Report 2017, Report of the Office of the Special Rapporteur for Freedom of Expression*, OEA/Ser.L/V/II. Doc. 210/17, December 31, 2017, para. 340, citing *El país*.cr. April 27, 2017. *Dos proyectos de ley y dos decretos buscan implementar Gobierno Abierto en el país* [Two Bills and Two Decrees Seek to Implement Open Government in the Country].

⁷ *Consejo Nacional del Sistema Nacional de Transparencia, Acceso a la Información Pública y Protección de Datos Personales* [National Council of the National System of Transparency, Access to Public Information and Protection of Personal Data], *Criterios para que los sujetos obligados garanticen condiciones de accesibilidad que permitan el ejercicio de los derechos humanos de acceso a la información y protección de datos personales a grupos vulnerables* [Criteria for Regulated Entities to Guarantee Conditions of Accessibility that Allow Vulnerable Groups to Exercise the Human Rights of Access to Information and Protection of Personal Data], May 4, 2016, Chapter I. Article 2. Point VIII; Chapter I, Article 3.

⁸ Human Rights Ombudsperson [*Procurador de los Derechos Humanos*] (PDH). *Informe Anual de la situación del derecho a la información pública 2017* [Annual Report on the Situation of the Right to Public Information 2017]. April 2018, p. 16.

⁹ In 2014, women accounted for 39.65% of all reported requests for access to public information, 38.49% in 2015, 38.98% in 2016 and 38.79% in 2017. Human Rights Ombudsperson [*Procurador de los Derechos Humanos*] (PDH). *Informe Anual de la situación del derecho a la información pública 2017* [Annual Report on the Situation of the Right to Public Information 2017]. April 2018, p. 14.

¹⁰ Human Rights Ombudsperson [*Procurador de los Derechos Humanos*] (PDH). *Informe Anual de la situación del derecho a la información pública 2017* [Annual Report on the Situation of the Right to Public Information 2017]. April 2018, pp. 13 *et seq.*

¹¹ *Ministério da Transparência e Controladoria-Geral da União* [Ministry of Transparency and Comptroller General of the Union] (CGU). June 2, 2017. *Governo Federal atinge marca de 500 mil pedidos de acesso à informação*.

access to public information since the entry into force of law 5282/2014 “on free citizen access to public information and government transparency.”¹²

9. This Office reiterates the duty of States to bring their domestic legislation on access to information, violence against women, and discrimination into line with the relevant inter-American and international standards. This necessarily involves “implementing an adequate legal framework; removing legal or administrative obstacles that impede access to information; promoting the right of access within all of the State’s entities and authorities, through the adoption and enforcement of rules and procedures and through the training of public officials on the custody, administration, filing and provision of information; and in general terms, adopting public policy that is favorable to the full exercise of this right.”¹³

The obligation to collect and produce information on violence and discrimination against women

10. In order to comply with the obligation to exercise due diligence to prevent, investigate, and punish acts of violence and discrimination against women, “have the specific obligation to produce meaningful statistics and other types of relevant information on the causes, consequences, and incidence” of such acts.¹⁴ In its report *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, the IACHR recommended that the States step up efforts to move towards the effective implementation of comprehensive systems for compiling information and producing statistics on “the causes, consequences, and frequency of violence and discrimination against women, [...] on their treatment by all organs of the state (i.e., police, courts, public ministry, public defenders’ offices, offices of legal assistance to victims, and all others that may exist in each country) and [...] the effectiveness of state action.”¹⁵

11. A number of States in the region have enacted laws designed to advance compliance with the obligation.¹⁶ In July 2015, Colombia passed Law 1761 mandating the adoption of a “National System of Statistics on Gender-Based Violence.”¹⁷ In November 2016, Paraguay passed the “Law for the Comprehensive Protection of Women against all Forms of Violence,” which requires the Ministry of Women to create a “Unified and Standardized Reporting System on Violence against Women.”¹⁸ In January 2018, Uruguay’s Law 19.580 came into force, creating an Observatory on Gender-Based Violence against Women,¹⁹ as well as Ecuador’s Comprehensive Organic Law to Prevent and Eradicate Violence against

¹² *Portal Unificado de Información Pública* [Unified Public Information Portal]. *Resumen de Solicitudes* [Summary of Requests]. Consulted on August 23, 2018.

¹³ IACHR, *The Inter-American Legal Framework Regarding the Right to Access to Information*, 2d Ed., Office of the Special Rapporteur for Freedom of Expression, March 7, 2011, para. 43

¹⁴ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 50.

¹⁵ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 149 point 2.

¹⁶ It should be noted that, according to the MESECVI, several countries of the English-speaking Caribbean “[present] numerous challenges in terms of the production of and access to information and transparency. Several countries noted in response to the indicators that there was no specific regulation related to the production of information, or that the information was collected, but was not publicly available.” Inter-American Commission of Women. *Follow-up Mechanism to the Belém do Pará Convention (MESECVI). Third Hemispheric Report on the Implementation of the Belém do Pará Convention in the Americas: Paths to follow*. OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/1-CE/doc.10/14 Rev.1. 2017, para. 318.

¹⁷ *Ley 1761 de 2015 por la cual se crea el tipo penal de feminicidio como delito autónomo y se dictan otras disposiciones* [Law No. 1761 of 2015 establishing the crime of femicide as an independent offense and other provisions].

¹⁸ *Ley de Protección Integral a las Mujeres, contra toda Forma de Violencia. Ley N° 5777 (2016)* [Law on the Comprehensive Protection of Women against All Forms of Violence. Law No. 5777 (2016)].

¹⁹ Article 18, *Ley N° 19.580 de Violencia hacia las Mujeres basada en Género* [Law No. 19.580 on Gender-Based Violence against Women].

Women, which provided for the creation of a Single Registry of Gender Violence against Women.²⁰

12. Several countries in the region have also taken actions to effectively implement these regulatory frameworks. In 2016, Colombia released the Regulatory, Conceptual, and Operational Framework of the Integrated Information System on Gender-based Violence (SIVIGE), a system whose general objective is “to provide, integrate, harmonize, and disseminate statistical information on gender-based violence, based on quality standards, the principles of official statistics, and international standards; to support the design, implementation, and evaluation of public policies and the targeting of actions that allow for a comprehensive approach to gender-based violence in order to guarantee the effective enjoyment of rights.”²¹

13. That same year, “in order to advance towards the goal of achieving national coverage” of the data included in the Single Registry of Cases of Violence against Women (RUCVM), the National Institute of Statistics and Censuses of Argentina (INDEC) “initiated a new type of work with the participation of the provincial departments of statistics, in order for each of them to compile the information from their jurisdiction.”²² Also in 2016, Trinidad and Tobago put in place a Central Registry on Domestic Violence,²³ and the General Directorate of Statistics and Censuses of El Salvador created the Gender Statistics Department,²⁴ the entity responsible for coordinating the National Data and Statistics System for Information on Violence against Women, in conjunction with the Ministry of Justice and Public Security.²⁵ For its part, the Peruvian State reported that the National Observatory on Violence against Women and Members of the Family Unit, created by Law 30.364 enacted in 2015, became operational in March 2018.²⁶

²⁰ [Ley Orgánica Integral para Prevenir y Erradicar la Violencia contra las Mujeres](#) [Comprehensive Organic Law to Prevent and Eradicate Violence against Women].

²¹ National Administrative Department of Statistics (DANE). [Sistema Integrado de Información sobre Violencias de Género \(SIVIGE\) - Marco Normativo, Conceptual y Operativo](#) [Integrated Information System on Gender-based Violence (SIVIGE) - Regulatory, Conceptual, and Operational Framework]. Bogotá, Colombia. 2016, p. 12. Nevertheless, the [Defensoría del Pueblo](#) [Office of the Ombudsperson] has stated that the SIVIGE “still does not work properly, so there are no reliable data to reflect the dynamics of violence against women.”

²² National Institute of Statistics and Censuses, [Registro Único de Casos de Violencia contra las Mujeres](#) [Single Registry of Cases of Violence against Women], 1st Ed., March 2018, p. 19.

²³ Committee on the Elimination of Discrimination against Women. [Concluding observations on the combined fourth to seventh periodic reports of Trinidad and Tobago](#). 25 July 2016. CEDAW/C/TTO/CO/4-7, para. 20. The Committee urged the State to ensure that the Registry “has up-to-date statistical data on cases focusing on all forms of gender-based violence against women, including domestic violence, which should be disaggregated by age, type of offence and the relationship between the victim and the perpetrator” Para. 21.a).

²⁴ IACHR, Response of the Office of the Human Rights Ombudsperson of El Salvador to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas.

²⁵ “The National Data and Statistics System for Information on Violence against Women is a data, statistics, and information management tool whose main purpose is to ensure that there is a national database on acts of violence against women. It should compile and standardize statistical data and information through coordination and interaction with the institutions and public bodies that generate records on acts of violence against women.” Ministry of Justice and Public Security and General Directorate of Statistics and Censuses, [Informe sobre Hechos de Violencia contra las Mujeres. El Salvador. 2016 y 2017](#) [Report on Acts of Violence against Women. El Salvador. 2016 and 2017]. San Salvador, El Salvador, 2018, p. 33.

²⁶ The Observatory will be responsible for “collecting, recording, processing, analyzing, publishing, and disseminating periodic, systematic, and comparable information on violence against women and members of the family unit” and for “promoting studies and research on the evolution, prevalence, types, and modalities of violence against women and members of the family unit and its consequences and effects, identifying those social, cultural, economic, and political factors that in some way are associated with or may constitute the cause of violence.” The Observatory should function as a “mechanism of intersectoral coordination” between the Ministry of Women and Vulnerable Populations, the Ministry of the Interior, the Ministry of Justice and Human Rights, the Ministry of Health, the Judiciary, the Public Ministry, and the National Institute of Statistics and Informatics. These entities collect information through two surveys and a set of “administrative records.” Arts. 116.1 & 117. Supreme Decree enacting [Reglamento de la Ley N° 30364, Ley para prevenir, sancionar y erradicar la violencia contra las mujeres y los integrantes del grupo familiar](#) [Regulations to Law No. 30364 on the Prevention, Punishment, and Eradication of Violence against Women and Members of the Family Unit]; IACHR, Response of Peru to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 13, 2018.

14. In September 2018, UN Women Mexico and Mexico's National Institute of Statistics and Geography (INEGI) announced the launch of the Global Center of Excellence in Gender Statistics (CEEG), an entity that "will be dedicated solely and exclusively to the analysis and generation of statistics with a gender perspective." This initiative "seeks to strengthen the production, availability, analysis, and use of data and the design of internationally comparable statistics for the achievement of gender equality."²⁷

15. Notwithstanding this progress, several countries still face significant challenges in developing comprehensive and unified systems for the collection, processing, and production of comprehensive information on all forms of violence and discrimination against women. According to information provided by civil society, Brazil has not yet made progress in meeting its obligations under the Maria Da Penha Law, adopted in 2006, on the production, systematization, and dissemination of qualitative and quantitative information on gender-based violence.²⁸ In the same regard, in March 2018, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) noted "[the] lack of information on the prevalence, causes and consequences of gender-based violence against women" in Suriname.²⁹

16. Far from having a unified information system, many countries in the region have a wide variety of databases or sources of statistical data on violence against women. While the Presidential Secretariat for Women of Guatemala identified the need to "make efforts to establish a unified and cross-referenced system of data on violence"³⁰ as an ongoing challenge in the country, Argentina³¹ and Mexico³² reported the existence of at least three information systems on the subject. The CEDAW Committee has also highlighted the lack of unified, coordinated, and consistent data collection systems on gender-based violence in Honduras³³ and Paraguay.³⁴

17. As for the sources of information that should serve as input for these systems, according to data from the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), "more than 1/3 of the countries in the region have specific regulations"³⁵ on the subject and "a majority of countries conducted surveys on violence against women."³⁶

²⁷ UN Women. [Lanzan en Mexico el primer Centro Global de Excelencia en Estadística de Género \(CEEG\) a nivel mundial](#) [First Global Center of Excellence in Gender Statistics (CEEG) launched in Mexico]. 10 September 2018.

²⁸ Article 8. II. [Lei Maria da Penha - Lei 11340/06 | Lei nº 11.340, de 7 de agosto de 2006](#) [Maria da Penha Law – Law 11340/06 / Law No. 11.340 of August 7, 2006]. IACHR, Response of the organization *Artículo 19* to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 15, 2018.

²⁹ Committee on the Elimination of Discrimination against Women. [Concluding observations on the combined fourth to sixth periodic reports of Suriname](#). 14 March 2018. CEDAW/C/SUR/CO/4-6, para. 26.d)

³⁰ IACHR, Response of the Presidential Secretariat for Women of Guatemala to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 22, 2018. The Committee on the Elimination of Discrimination against Women observed the "absence of reliable disaggregated data" about acts of gender-based violence in the country. Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined eighth and ninth periodic reports of Guatemala](#), 22 November 2017, CEDAW/C/GTM/CO/8-9, para.

³¹ The Single Registry of Cases of Violence against Women (RUCVM), the Registry of Femicides of the Argentine Justice System (RNFJA), and the National Observatory on Violence against Women.

³² The National Data and Information Bank on Cases of Violence against Women (BANAVIM), the Integrated System of Statistics on Violence against Women and a "public platform for recording crime and incidents against women from a gender perspective," under the Executive Secretariat of the National Public Security System.

³³ Committee on the Elimination of Discrimination against Women. [Concluding observations on the combined seventh and eighth periodic reports of Honduras](#). 25 November 2016. CEDAW/C/HND/CO/7-8, para. 23.f).

³⁴ Committee on the Elimination of Discrimination against Women, [Concluding observations on the seventh periodic report of Paraguay](#). 22 November 2017. CEDAW/C/PRY/CO/. Paras. 20.e) & 21.e)

³⁵ Argentina, Chile, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, the Dominican Republic, and Uruguay. Inter-American Commission of Women. [Follow-up Mechanism to the Belém do Pará Convention \(MESECVI\). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow](#). OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017, para. 304.

³⁶ Inter-American Commission of Women. [Follow-up Mechanism to the Belém do Pará Convention \(MESECVI\). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow](#). OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017, para. 339.

In this regard, the National Survey on Violence against Women³⁷ conducted by El Salvador in 2017 has been described as a “pilot instrument” for such research at the regional level. According to the information available, this survey is the first instrument of its kind “[aligned with] international standards [...] and consistent with the strategic objectives of the Beijing Platform for Action.”³⁸ The IACHR has also underscored that the “Survey on Discrimination Based on Sexual Orientation and Gender Identity (ENDOSIG),” carried out by Mexico in 2018,³⁹ is “an essential step towards drafting and implementing public policies with a human rights focus for the protection of the rights of LGBTI persons.”⁴⁰

18. However, only a minority of countries in the region have used this resource on a regular basis.⁴¹ This omission makes it more difficult to “makes it difficult to visualize and determine the extent of the problem, as well to see the changes that occur over time - if the violence increases (and why this is the case) or decreases (and if this is a result of the public policies put into place).”⁴²

19. Given the lack of regular surveys on the subject, most of the systems developed by States to collect, systematize, and disseminate information on gender-based violence are

³⁷ The survey seeks to “generate statistics on the different types of violence against women aged 15 and over throughout their lives and in the last twelve months, in the public and private spheres, to contribute to the formulation or development of public policies that guarantee women a life free from violence.” Ministry of Justice and Public Security and General Directorate of Statistics and Censuses, [Informe sobre Hechos de Violencia contra las Mujeres. El Salvador. 2016 y 2017](#) [Report on Acts of Violence against Women. El Salvador. 2016 and 2017]. San Salvador, El Salvador, 2018, p. 32.

³⁸ UNDP El Salvador. [Presentan resultados de la primera Encuesta Nacional de Violencia contra la Mujer](#) [Results of the first National Survey on Violence against Women presented]. 13 April 2018.

³⁹ IACHR, Response of Mexico to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 18, 2018. Mexico has also conducted two surveys - *the National Survey on Discrimination (ENADIS)* and the *National Survey on the Dynamics of Household Relations (ENDIREH)* - which “consider variables such as: various types of violence: emotional, sexual, physical, economic/property-related; various spheres of violence: school, intimate partner, work, community, and family; and the consideration of different groups in vulnerable situations that are victims of discriminatory attitudes, namely: LGBTI persons, indigenous people, migrants, and older adults, among others.” IACHR, Response of Mexico to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 18, 2018.

⁴⁰ IACHR. Press Release 87/18. IACHR Welcomes Mexico’s Move to Develop a Survey on Discrimination Based on Sexual Orientation and Gender Identity. Washington, D.C., April 23, 2018.

⁴¹ Inter-American Commission of Women. [Follow-up Mechanism to the Belém do Pará Convention \(MESECVI\). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow](#). OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017, para. 346.

⁴² Inter-American Commission of Women. [Follow-up Mechanism to the Belém do Pará Convention \(MESECVI\). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow](#). OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017, para. 316.

In 2016, Bolivia conducted the Survey on the Prevalence and Characteristics of Violence Against Women in order to “[generate] statistical information on the magnitude of the different types of gender-based violence [...] that women suffer or have suffered, both in the public sphere [...] and in the private sphere [...] on the awareness of or search for services and avenues of justice to address violence; and their perceptions of the institutional response”. National Statistics Institute – INE, [Encuesta de Prevalencia y Características de la Violencia Contra las Mujeres 2016. Resultados](#) [Survey on the Prevalence and Characteristics of Violence against Women 2016. Results], June 2017, p. 83.

In 2015, Peru carried out the National Survey on Social Relations “aimed at determining the prevalence of violence against children and adolescents between the ages of 9 and 17 in family and school settings, violence against women, and social tolerance towards violence against women.” IACHR, Response of Peru to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 13, 2018.

The Presidential Secretariat for Women of Guatemala reported that “The SNIVCM is in the process of developing a National Information Survey on Violence against Women, for which the preliminary conceptual framework is already in place.” IACHR, Response of the Presidential Secretariat for Women of Guatemala to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 22, 2018.

Similarly, the Argentine State reported that the “National Survey on the Prevalence of Violence” is currently being prepared. IACHR, Response of Argentina to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 15, 2018.

Honduras conducts the Demographic and Health Survey, through which “women are asked about episodes of violence since the age of 15 and episodes of sexual abuse before and after their 12th birthday. Women in partner relationships are asked about acts of violence in the 12 months preceding the survey, about the results of physical violence and the search for help or the reasons for not seeking help.” IACHR, Response of Honduras to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 5, 2018. The survey will be conducted again in 2018. Government of the Republic of Honduras, [Levantamiento de Encuesta de Demografía y Salud comenzaría en julio](#) [Demographic and Health Survey to begin in July]. May 29, 2018.

based on data produced by administrative records generated by law enforcement,⁴³ health centers, the courts, and other entities. Many of these records “reflect specific institutional needs, objectives, and purviews”⁴⁴ of the governmental entities that administer them, and—among other shortcomings—do not use standardized formats and criteria for the collection of information that would allow for the systematization of information. Consequently, the systems developed from them make it impossible “to know the true extent and impact of violence against women.”⁴⁵

20. Based on the information collected, States have the obligation to produce comprehensive and consolidated statistics on violence and discrimination against women. Statistics in this area should be updated periodically and appropriately disaggregated according to factors such as sex/gender, race, ethnicity, age, socioeconomic status, sexual orientation, gender identity, disability, and other criteria that make it possible to assess the real impact of violence and discrimination on specific groups of women in situations of special vulnerability.⁴⁶ According to the IACHR, the production of properly disaggregated information on the subject is also essential if the State is to comply with its duty to provide these groups with special and priority attention.⁴⁷

21. In recent years, some States in the region have adopted standards that seek to advance compliance with this obligation by disaggregating the data generated by existing registers or information collection systems. In Guatemala, the *Registry of Missing Women*, created by law in 2016, must include information on the victim’s “age, marital status, nationality, profession, occupation or trade, domicile, cultural identification/ethnic affiliation, and an indication of the language spoken in addition to Spanish or an indigenous language.”⁴⁸ The *Single Registry of Gender Violence against Women in Ecuador*, established by law in 2018, must “[include] data on sex, age, ethnic self-identification, gender, educational level, immigration status, marital status of the victim and the assailant, type of violence, existence of previous complaints, court judgment, and other additional data that reflect international human rights standards.”⁴⁹ In Paraguay, the reports produced by the *Unified and Standardized Reporting System on Violence against Women*, created by law in 2016, must contain information on “age, disability, marital status, geographic origin, language, ethnicity, schooling, profession or occupation, and connection to the assailant,” among other data on women who report acts of gender-based

⁴³ The State of St. Vincent and the Grenadines reported on the design of “quantitative information collection systems (crime victim reporting form), with the assistance of the Department of Statistics,” which have been implemented and used since 2014 by the Royal St. Vincent and the Grenadines Police Force. As reported by the State, such information is disaggregated by sex, age, race, and/or identity, among other factors, and is then forwarded to the Division of Gender Affairs. IACHR, Response of St. Vincent and the Grenadines to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 15, 2018.

⁴⁴ UNDP & UN Women. *From Commitment to Action: Policies to End Violence against Women in Latin America and the Caribbean*. Panama. 2017, p. 78.

⁴⁵ UNDP & UN Women. *From Commitment to Action: Policies to End Violence against Women in Latin America and the Caribbean*. Panama. 2017, p. 78. In order to address these difficulties, according to UN Women, “some countries have advanced the incorporation of a specific module on violence against women in other reception surveys, such as the Demographic and Health Surveys (DHS), citizen security, victimization, etc., a minor cost in comparison to the specialized surveys (Mexico and

Ecuador). Additionally, some countries take advantage of the administrative records through rigorous statistical procedures such as records based surveys (Argentina).” UNDP & UN Women. *From Commitment to Action: Policies to End Violence against Women in Latin America and the Caribbean*. Panama. 2017, p. 79.

⁴⁶ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, paras. 13, 77 & 92.

⁴⁷ IACHR, *The Inter-American Legal Framework Regarding the Right to Access to Information*, 2d Ed., Office of the Special Rapporteur for Freedom of Expression, March 7, 2011, para. 36.

⁴⁸ Art. 3.c). *Ley de Búsqueda Inmediata de Mujeres Desaparecidas (Decreto Número 9-2016)* [Law on the Immediate Search for Missing Women (Decree No. 9-2016)].

⁴⁹ Art. 16.2. *Ley Orgánica Integral para Prevenir y Erradicar la Violencia contra las Mujeres* [Comprehensive Organic Law to Prevent and Eradicate Violence against Women].

violence.⁵⁰ In Uruguay, Law 19.580 of 2018 establishes the obligation of the National Women's Institute to "[generate] quantitative and qualitative data on gender-based violence that includes variables such as age, disability, racial and ethnic origin, religion, and geographic origin, among other aspects of discrimination."⁵¹

22. Despite these advances, the information produced by many States in the region has not yet been disaggregated in such a way as to highlight the scale and prevalence of gender-based violence against groups in a situation of special vulnerability, such as girls and adolescents, pregnant women, older women, indigenous women,⁵² women belonging to ethnic minorities, women with disabilities, women migrants, asylum seekers, or refugees; women who are victims of trafficking and other forms of exploitation; lesbian, bisexual, transgender, and intersex persons, among other groups.⁵³ The CEDAW Committee has also identified gaps in the production of information on missing women in various countries in the region.⁵⁴

23. In relation to lesbian, bisexual, transgender, and intersex persons, the IACHR has noted that "the data collection mechanisms in OAS countries are very limited," which means that the available statistics do not reflect the true magnitude of the violence against them. The Commission has identified that existing records are often inaccurate, as they do not reflect, among other things, the gender identity of victims of violence. These shortcomings result in the invisibility of violence towards lesbian, bisexual, transgender, and intersex persons and the absence of effective state responses to address this phenomenon.⁵⁵

24. Similarly, the IACHR has identified "a major weakness of the data collection and information analysis system, with major gaps in the availability and accuracy of data and statistics" on the situation of children and adolescents. According to the Commission, the principal shortcomings are associated with "the lack of reliable data collection systems; the lack of sufficient institutional capacity; and the lack of trained human resources to collect and analyze the relevant data."⁵⁶

25. In accordance with the relevant inter-American standards, the regulatory frameworks of many States in the region establish that systems for collecting information

⁵⁰ Art. 30(a). *Ley de Protección Integral a las Mujeres, contra toda Forma de Violencia. Ley N° 5777 (2016)* [Law on the Comprehensive Protection of Women against All Forms of Violence. Law No. 5777 (2016)].

⁵¹ Art. 11, *Ley N° 19.580 de Violencia hacia las Mujeres basada en Género* [Law No. 19.580 on Gender-Based Violence against Women].

⁵² According to the IACHR, "This marginalization and vulnerability of indigenous women is enhanced when States fail to produce comprehensive and disaggregated statistics, and do not properly document the differentiated forms of violence that affect indigenous women." IACHR, *Indigenous Women and their Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 44/17, April 17, 2017, para. 7.

⁵³ See, e.g., Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined eighth and ninth periodic reports of Uruguay*, CEDAW/C/URY/CO/8-9, 25 July 2016; Committee on the Elimination of Discrimination against Women, *Concluding observations on the seventh periodic report of Paraguay*, 22 November 2017, paras. 20.e) & 21.e); Committee on the Elimination of Discrimination against Women, *Concluding observations on the seventh periodic report of Argentina*, CEDAW/C/ARG/CO/7, 25 November 2016, paras. 22.c) & 48; Committee on the Elimination of Discrimination against Women, *Concluding observations on the seventh periodic report of Costa Rica*, CEDAW/C/CRI/CO/7, 21 July 2017, para. 16.e). Inter-American Commission of Women, *Follow-up Mechanism to the Belém do Pará Convention (MESECVI). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow*. OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017. Paras. 354-355.

⁵⁴ Committee on the Elimination of Discrimination against Women. *Concluding observations on the combined seventh and eighth periodic reports of Honduras*. 25 November 2016. CEDAW/C/HND/CO/7-8, para. 22.f). Committee on the Elimination of Discrimination against Women. *Concluding observations on the ninth periodic report of Mexico*. 20 July 2018. CEDAW/C/MEX/CO/9, para. 24.g).

⁵⁵ IACHR, *Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas*, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, paras. 99-101.

⁵⁶ IACHR, *Toward the Effective Fulfillment of Children's Rights: National Protection Systems*, OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, paras. 420-421.

on violence and discrimination against women must include information from the judicial system.⁵⁷ However, challenges persist in the effective fulfillment of this obligation, whether due to delays in the actual implementation of these systems or shortcomings in the production of information by the courts.

26. According to the information provided by the States to this Office, most of the judicial bodies in the countries of the region produce information on homicides and acts of sexual violence against women. States also reported on various initiatives aimed specifically at producing information on the administration of justice in relation to the crime of femicide.

27. The State of Argentina indicated that it has the *National Registry of Femicides of the Argentine Justice System (RFJA)*,⁵⁸ which collects information on “judicial proceedings in the country’s 24 jurisdictions investigating the violent deaths of women and trans/transvestite women on the basis of gender”⁵⁹ and gender-related homicides. According to information provided by the State of Ecuador, it has a *Technical Subcommittee for the Validation of Femicides*, which produces information on “the number of victims of femicide and attempted femicide, the number of victims according to the status of the proceedings at the pretrial and trial stages, the number of victims according to the decision to close the case, [and] data on femicides.”⁶⁰

28. In many cases, however, the statistics generated by the judiciary do not provide an accurate picture of the judicial treatment of other types of gender-based violence. Many countries use concepts such as “family violence”⁶¹ or “intra-family violence”⁶² as a criterion for disaggregating information produced by judicial bodies, without specifying the specific type of violence against women (physical, economic, psychological, obstetric, etc.).⁶³ This Office also notes that, as a rule, countries do not produce accurate and up-to-

⁵⁷ See, *inter alia*, Art. 12, *Ley 1761 de 2015 por la cual se crea el tipo penal de feminicidio como delito autónomo y se dictan otras disposiciones de Colombia* [Law No. 1761 of 2015 establishing the crime of femicide as an independent offense and other provisions]; art. 34.a) of Ecuador’s *Ley Orgánica Integral para Prevenir y Erradicar la Violencia contra las Mujeres* [Comprehensive Organic Law to Prevent and Eradicate Violence against Women]; art. 30.d), *Ley de Protección Integral a las Mujeres, contra toda Forma de Violencia. Ley N° 5777 (2016)* [Law on the Comprehensive Protection of Women against All Forms of Violence. Law No. 5777 (2016)].

⁵⁸ The National Registry of Femicides of the Argentine Justice System (RFJA) provides information disaggregated by type of femicide; the context in which the crime is committed; sociodemographic information on the victim and the perpetrator; and the type of connection between the victim and the perpetrator. Information is also collected on the existence of protective measures; the type of crime charged; the procedural status of the defendant and the cases in which the criminal action has been extinguished by suicide or other forms of death of the defendant. Supreme Court of Justice of Argentina. *Registro Nacional de Femicidios de la Justicia Argentina. Metodología* [National Registry of Femicides of the Argentine Justice System. Methodology].

⁵⁹ National Registry of Femicides of the Argentine Justice System, *Datos del Poder Judicial sobre: Femicidios 2017* [Judicial Branch data on: Femicides 2017], undated.

⁶⁰ The Subcommittee is composed of the Attorney General’s Office, the Council of the Judiciary, the Ministry of the Interior, Senplades, the Ministry of Justice, Human Rights, and Worship, the Public Defender’s Office, and the National Council for Gender Equality. *Fiscalía General del Estado. Conformación del Subcomité Técnico de Validación de Femicidios* [Office of the Attorney General, Establishment of the Technical Subcommittee for the Validation of Femicides].

When disaggregating information on the “characteristics of the victim,” the Technical Subcommittee for the Validation of Cases of Femicide takes into account the following variables: “The victim’s identity card; the victim’s name; sex; age; nationality; ethnicity; marital status; education; profession; occupation; disability; pregnancy; number of children; victims by connection; relationship of victims by connection; victim history; history of gender violence; victim assailant; other legal proceedings between victim and assailant.” IACHR, Response of the Council of the Judiciary of Ecuador to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas.

⁶¹ IACHR, Response of Peru to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 13, 2018.

⁶² According to information provided by the State of Colombia, “the Ministry of Justice and Law has been consolidating a set of gender violence indicators for each stage of the criminal proceedings (complaint, trial, and conviction), concentrating to that effect on three sources of institutional information: the Office of the Attorney General of the Nation, the National Penitentiary and Prison Institute - INPEC, and the Family Police Stations that operate within “Houses of Justice” [*Casas de Justicia*]. These indicators address four themes: femicide, domestic violence, human trafficking, and sexual violence. IACHR, Response of Colombia to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 4, 2018.

⁶³ According to the information provided by the Office of the Human Rights Ombudsperson, in El Salvador, “workplace violence has been documented.” IACHR, Response of the Office of the Human Rights Ombudsperson of El Salvador to the

date information on the adjudication time of court cases and the type of reparation measures granted to victims of gender-based violence.

29. There are also shortcomings in the production of information about the administration of justice in cases of violence against certain groups of particularly vulnerable women. In this regard, both the IACHR and the CEDAW Committee have noted the lack of accurate judicial statistics on murders and other acts of violence against lesbian, bisexual, transgender, and intersex persons, which “further complicates the analysis of situations of impunity” in these cases.⁶⁴

30. As the IACHR has stressed, States have the obligation to create institutional spaces for the active participation of civil society in the processes of collecting information and producing statistics on violence and discrimination against women. These spaces must guarantee that “women who receive State-produced information can be heard with regard to their specific access-to-information needs. This is especially important for women in traditionally marginalized groups, such as indigenous women and Afro-descendants, given that they face greater obstacles to accessing public information and formal forums for participation.”⁶⁵

31. According to information provided by the State, the Board of Directors of Peru’s National Observatory on Violence against Women and Members of the Family Unit “is made up of institutions from the public sector, civil society and academia.”⁶⁶ For its part, the State of Guatemala reported that the Coordinating Office for Statistics on Gender and Peoples has created “a space for the discussion and analysis of statistical production from the perspective of gender and peoples,” that will involve the participation of “gender units of public institutions, women’s organizations and indigenous peoples, as well as academic bodies and research institutes.”⁶⁷ In Colombia, in order for “non-governmental actors to be able to influence the collection of information on violence and discrimination against women, girls, and adolescents on the basis of their gender,” the National Administrative Department of Statistics conducted an open public consultation (on a website for one month and 3 in-person sessions) on the 2017-2022 National Statistical Plan.⁶⁸ In Ecuador, in March 2018, “the Technical Subcommittee for the Validation of Cases of Femicide met with representatives of civil society organizations that generate information on cases of

consultation questionnaire on access to information, violence against women and the administration of justice in the Americas.

⁶⁴ IACHR, Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 477.

See: Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Argentina, CEDAW/C/ARG/CO/7, 25 November 2016, para. 20.e). Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Chile, CEDAW/C/CHL/CO/7, 14 March 2018, para. 24.e).

⁶⁵ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 58

⁶⁶ IACHR, Response of Peru to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 13, 2018.

⁶⁷ IACHR, Response of the Presidential Secretariat for Women of Guatemala to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 22, 2018. In this regard, in 2017, the CEDAW Committee recommended to the State that “that civil society organizations, including women’s organizations representing the abovementioned groups, be involved in all processes of information-gathering and that awareness-raising programmes be put in place for communities and all those in charge of designing methods and collecting and analyzing information.” Committee on the Elimination of Discrimination against Women, Concluding observations on the combined eighth and ninth periodic reports of Guatemala, 22 November 2017, CEDAW/C/GTM/CO/8-9, para. 49.

⁶⁸ IACHR, Response of Colombia to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 4, 2018.

femicide and defined a collaborative mechanism for the regular exchange of information and validation of data.”⁶⁹

Obligations to disseminate public information on violence and discrimination against women

32. States have the obligation to proactively disseminate the qualitative and quantitative information they produce on violence and discrimination against women. In this regard, the IACHR has stressed that “given the public interest in statistical information on the problem of violence against women, States must have appropriate legal and administrative mechanisms for guaranteeing broad access to such information, and must establish means for publicizing it and fostering debate and public scrutiny over policies in this area.”⁷⁰

33. According to data from MESECVI, a majority of the signatory countries of the Convention of Belém do Pará “have built publicly available databases or have other sources of statistical data on violence against women.”⁷¹ However, many of these sources are not up to date and, given the absence of comprehensive information systems on the subject, they are presented in a fragmented or incomplete manner, such that “some of the information may be found on one webpage, some on another page. Others disseminate the information via social media, which certainly can have a broad impact, but does not take into account the gaps in [access to] technology.”⁷²

34. States in the region indicate that they have carried out a wide range of activities to disseminate information on women’s right to a life free from discrimination and violence.⁷³ States have also reported the development of initiatives to disseminate information on telephone lines that provide assistance, information, and advice to women who experience violence, such as Argentina’s 144 hotline,⁷⁴ the 155 hotline in Colombia⁷⁵ or the 100 hotline in Peru.⁷⁶ In addition, some states reported campaigns to shape new male attitudes and address sociocultural patterns that discriminate against women, such as the “Men for Equal Relationships” initiative in Peru or the “Take off Your Blindfold” campaign in Costa Rica.

⁶⁹ IACHR, Response of Ecuador to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas.

⁷⁰ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 87, citing IACHR, *Access to Justice and Social Inclusion: The Road towards Strengthening Democracy in Bolivia*, June 28, 2007, para. 357.

⁷¹ Inter-American Commission of Women. [Follow-up Mechanism to the Belém do Pará Convention \(MESECVI\). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow](#). OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017, para. 344. The countries identified by the MESECVI are Argentina; Barbados; Bolivia; Chile; Colombia; Costa Rica; Ecuador; El Salvador; Grenada; Guatemala; Honduras; Jamaica; Mexico; Panama; Paraguay; Peru; the Dominican Republic; Saint Vincent and the Grenadines; Suriname; Trinidad and Tobago; Uruguay, and Venezuela, p. 108.

⁷² Inter-American Commission of Women. [Follow-up Mechanism to the Belém do Pará Convention \(MESECVI\). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow](#). OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017, para. 317.

⁷³ Inter-American Commission of Women. [Follow-up Mechanism to the Belém do Pará Convention \(MESECVI\). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow](#). OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017, para. 413.

⁷⁴ “La Línea 144 atiende en tu Barrio,” “No hay horarios,” “#NoEstasSola,” and “Toma la Decisión,” among others. National Women’s Institute, *Informe de Gestión 2017* [2017 Management Report], p. 41.

⁷⁵ IACHR, Response of Colombia to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 4, 2018. Also, according to information provided by the State, Colombia has the LegalApp mobile application that provides information on steps, procedures, services, and guidance for addressing disputes and common crimes, as well as the regulatory and jurisprudential framework on specific issues, including gender-based violence <https://www.legalapp.gov.co/>.

⁷⁶ “100pre Hay Una Solución contra la violencia hacia la mujer” [“There’s always a solution to violence against women”]. Ministry of Women and Vulnerable Populations, *MIMP Lanza Campaña “100pre Hay Una Solución” En El Marco del Día Internacional de la Eliminación de la Violencia Contra la Mujer* [MIMP Launches “There Is Always a Solution” Campaign on the International Day for the Elimination of Violence against Women].

35. Despite this progress, the CEDAW Committee has expressed its concern over “women’s limited access to information about their rights” in Chile,⁷⁷ Honduras,⁷⁸ Argentina,⁷⁹ Costa Rica,⁸⁰ and Uruguay.⁸¹ In these and other countries of the region, many women are still unaware of the content and scope of their rights and the ways to enforce them; the protection mechanisms available in view of the risk of violence and the ways to access them; the free legal assistance programs available; and the other mechanisms for caring for women victims of violence and gender-based discrimination.

36. At the same time, challenges persist in the dissemination of information that enables certain groups of women to know their rights and to identify particular forms of violence against them. In particular, the IACHR has pointed out that much of the violence committed against children goes unpunished “not only because certain forms of abusive behavior are understood by children as ‘normal’ and accepted social practices, but also due to the lack of child-friendly reporting mechanisms or the fact that they are unaware of their existence.”⁸² The IACHR has also indicated that the limited knowledge of their rights is one of the factors explaining why indigenous women do not report acts of violence committed against them.⁸³ Similarly, the Commission has stated that “internalized stigma and prejudiced views held by LGBT persons themselves might also hinder recognition and acknowledgment of abuse,”⁸⁴ and therefore it is often not reported.

37. As the IACHR has underscored, the dissemination of information “must take into account the diversity of the target audience and the different races, ethnicities, and languages included.”⁸⁵ In this regard, the Office was informed that the campaign “There Is Always a Solution to violence against women” was also carried out in Quechua, and that the Presidential Advisory Office on Women in Colombia has translated some sections of the policies and regulations on gender and women’s rights into the Tukano, Shikuanai, and Emperara Siapidara languages.⁸⁶ For its part, Bolivia has disseminated the content of the *Comprehensive Law to guarantee women a life free from violence* in native languages, and the campaigns to prevent violence against women developed in Guatemala have been translated into “the four languages of the dominating ethnicities.”⁸⁷

⁷⁷ Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Chile, CEDAW/C/CHL/CO/7, 14 March 2018, para. 14. e)

⁷⁸ Concluding observations on the combined seventh and eighth periodic reports of Honduras. 25 November 2016. CEDAW/C/HND/CO/7-8, para. 12.

⁷⁹ Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Argentina, CEDAW/C/ARG/CO/7, 25 November 2016, para. 12.e)

⁸⁰ The Committee also questioned the absence of information in Costa Rica on the remedies available to indigenous women, women of African descent, refugee and asylum-seeking women, as well as women with disabilities, in order for them to complain about intersecting forms of discrimination. Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Costa Rica, CEDAW/C/CRI/CO/7, 21 July 2017, para. 8.d)

⁸¹ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined eighth and ninth periodic reports of Uruguay, CEDAW/C/URY/CO/8-9, 25 July 2016, para. 11.b).

⁸² To address this situation, the Commission has recommended to the States that “Information accessible to children and adolescents of all ages should be disseminated about their rights and how to exercise them through, *inter alia*, the school curriculum, the media, including digital media, and public information materials, adapting contents and media to different ages and making particular efforts to reach out to children and adolescents in marginalized situations.” IACHR, Toward the Effective Fulfillment of Children’s Rights: National Protection Systems, OEA/Ser.L/V/II.166 Doc. 206/17, November 30, 2017, para. 283, *citing* the UN Committee on the Rights of the Child, General Comment No. 12, The right of the child to be heard, CRC/C/GC/12, July 20, 2009, paras. 120 & 347.

⁸³ IACHR, Indigenous Women and their Human Rights in the Americas, OEA/Ser.L/V/II. Doc. 44/17, April 17, 2017, para. 144.

⁸⁴ IACHR, Violence against lesbian, gay, bisexual, trans and intersex persons in the Americas, OAS/Ser.L/V/II.rev.2 Doc. 36, November 12, 2015, para. 97.

⁸⁵ IACHR, Access to Information, Violence against Women, and the Administration of Justice in the Americas, OAS/Ser.L/V/II.154. Doc. 19, March 27, 2015, para. 11.

⁸⁶ IACHR, Response of Colombia to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, July 4, 2018.

⁸⁷ UNDP & UN Women. From Commitment to Action: Policies to End Violence against Women in Latin America and the Caribbean. Panama. 2017, p. 62.

Access to information as a tool for access to justice for women who experience violence and discrimination

38. The IACHR has stressed that access to information by women victims of violence “is a requirement for them to be able to effectively access justice and to obtain the judicial remedies available under national legislation.”⁸⁸ In particular, States should recognize the right of women who experience acts of violence and discrimination and their families to have direct and prompt access to judicial records so that they can obtain timely information on progress in the investigation, prosecution, and punishment of these acts.

39. According to the information received by this Office, different countries in the region have incorporated these standards into their domestic regulatory frameworks. By virtue of these norms, judicial authorities in Colombia have the duty to respect the “the right of victims and their families or persons in their social and/or community environment to participate and cooperate with the justice system in the investigation and prosecution of crimes of violence against women, in particular femicide.”⁸⁹ In Argentina, women victims of violence have the right to “participate in the proceedings by receiving information on the status of the case.”⁹⁰ Similarly, in Uruguay, women are entitled to “participate in the proceedings relating to the situation of violence that [affects them].”⁹¹

40. Some countries also have provisions expressly establishing the obligation of States to ensure that information on gender-based violence prosecutions is available in languages other than the official language of the State and/or that interpreters are available who can effectively convey judicial information to women belonging to indigenous communities.⁹² In Guatemala, the officials of the Comprehensive Services System for Victims of Violence against Women must “inform the victims in an understandable manner, and where appropriate in their language, of the status of court proceedings and the effects of judicial decisions,”⁹³ while victims of sexual violence, exploitation and human trafficking are entitled to “legal and technical [advice] and an interpreter when receiving services and protection, in order to have access to information in the language that they fully understand.”⁹⁴ According to the information available, the Public Criminal Defense Institute “has interpreters who speak and understand 13 of the 22 Mayan languages spoken in Guatemala.”⁹⁵

41. In El Salvador, women victims of violence have the right to “[receive] information about their rights and the process in a language or dialect that they understand, in an accessible manner appropriate to their age and maturity.”⁹⁶ In the case of Paraguay, judicial authorities have “the obligation to inform women in situations of violence, in the language or dialect that they understand, in an accessible manner appropriate to their age and maturity [...] [about] the status of the judicial proceedings in which they are involved,

⁸⁸ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 110.

⁸⁹ Art. 6, *Ley 1761 de 2015 por la cual se crea el tipo penal de femicidio como delito autónomo y se dictan otras disposiciones de Colombia* [Law No. 1761 of 2015 establishing the crime of femicide as an independent offense and other provisions].

⁹⁰ Art. 16.g), *Ley de protección integral para prevenir, sancionar y erradicar la violencia contra las mujeres en los ámbitos en que desarrollen sus relaciones interpersonales* [Law on Comprehensive Protection to Prevent, Punish and Eradicate Violence against Women in the Context of Interpersonal Relationships].

⁹¹ Art. 8.f), *Ley N° 19.580 de Violencia hacia las Mujeres basada en Género* [Law No. 19.580 on Gender-Based Violence against Women].

⁹² IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 120.

⁹³ Art. 17 e), *Acuerdo 30-2010* [Order 30-2010] of the Supreme Court of Justice.

⁹⁴ Art. 11, *Ley contra la violencia sexual, explotación y trata de personas* [Law against Sexual Violence, Exploitation and Human Trafficking] (Decree 09-2009) of Guatemala.

⁹⁵ UNDP & UN Women. *From Commitment to Action: Policies to End Violence against Women in Latin America and the Caribbean*. Panama. 2017, p. 71.

⁹⁶ Art. 57.o), *Ley Especial Integral para una Vida Libre De Violencia para las Mujeres* [Special Comprehensive Law for a Life Free of Violence against Women].

as well as to provide free copies of the records of such proceedings.”⁹⁷ In Peru, the Inter-institutional Protocol of Action against Femicide, Attempted Femicide and High Risk Partner Violence, updated in June 2018, establishes the State’s obligation to provide “an interpreter or other effective means” to indigenous women so that they can “make themselves understood and be able to understand justice authorities.”⁹⁸

42. Despite this progress,⁹⁹ the IACHR has identified persistent language barriers that hinder indigenous women’s access to justice in the Americas. According to the Commission, “It is very often the case that indigenous women are not provided interpreters for some or all of the proceedings, and are also confronted with the ethnic and cultural insensitivity of the [justice authorities].”¹⁰⁰ In the same regard, the CEDAW Committee has expressed its concern over the “limited access to legal aid and to interpreters of indigenous languages” in Argentina,¹⁰¹ the “multiple barriers, including financial, linguistic and geographic, facing women with low incomes, rural women, indigenous women and women with disabilities in obtaining access to justice” in Chile,¹⁰² and the “linguistic barriers, which act as deterrents to filing complaints” of acts of gender-based violence in Guatemala.¹⁰³

43. With regard to women with disabilities, the Office emphasizes that Ecuador’s regulatory framework recognizes their right to “have interpretation, language adaptation, and augmentative communication, as well as additional support tailored to their needs, in order to guarantee their rights.”¹⁰⁴ Similarly, Uruguay’s Law 19.580 establishes the right of women with disabilities “[to] have an interpreter, language adaptation, and augmentative communication, as well as other necessary support and reasonable accommodations to guarantee their rights.”¹⁰⁵

44. Most of the States in the region have regulatory frameworks that guarantee “that free legal services exist and are available”¹⁰⁶ to victims of violence and discrimination

⁹⁷ Art. 46.d), *Ley de Protección Integral a las Mujeres, contra toda Forma de Violencia* [Law on the Comprehensive Protection of Women against All Forms of Violence].

⁹⁸ [Decreto Supremo N° 004-2018-MIMP que aprueba la actualización del “Protocolo Interinstitucional de Acción frente al Femicidio, Tentativa de Femicidio y Violencia de Pareja de Alto Riesgo”](#) [Supreme Decree No. 004-2018-MIMP approving the updating of the “Inter-institutional Protocol of Action against Femicide, Attempted Femicide and High Risk Partner Violence”].

⁹⁹ According to information provided by the State of Mexico, “In 2015, the Office of the Attorney General of the Republic and the National Institute of Indigenous Languages entered into a Cooperation Agreement on Access to and Use of the National Register of Interpreters and Translators in Indigenous Languages (PANITLI), with a view to providing access to information on interpretation and translation services in national indigenous languages in the work of the Office of the Attorney General of the Republic.” IACHR, Response of Mexico to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 18, 2018.

¹⁰⁰ IACHR, [Indigenous Women and their Human Rights in the Americas](#), OEA/Ser.L/V/II. Doc. 44/17, April 17, 2017, paras. 140-141.

¹⁰¹ Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Argentina, CEDAW/C/ARG/CO/7, 25 November 2016, para. 12.c)

¹⁰² Committee on the Elimination of Discrimination against Women, Concluding observations on the seventh periodic report of Chile, CEDAW/C/CHL/CO/7, 14 March 2018, para. 14.b)

¹⁰³ Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined eighth and ninth periodic reports of Guatemala](#), 22 November 2017, CEDAW/C/GTM/CO/8-9, para. 12.a)

¹⁰⁴ Art. 9.5, [Ley Orgánica Integral para Prevenir y Erradicar la Violencia contra las Mujeres](#) [Comprehensive Organic Law to Prevent and Eradicate Violence against Women] of Ecuador.

¹⁰⁵ Art. 7.d) , [Ley N° 19.580 de Violencia hacia las Mujeres basada en Género](#) [Law No. 19.580 on Gender-Based Violence against Women].

¹⁰⁶ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 117.

See, among other provisions, art. 9.8), [Ley Orgánica Integral para Prevenir y Erradicar la Violencia contra las Mujeres](#) [Comprehensive Organic Law to Prevent and Eradicate Violence against Women]; art. 19, [Ley contra el Femicidio y otras Formas de Violencia Contra la Mujer](#) [Law against Femicide and Other Forms of Violence against Women] of Guatemala; art. 10.2.c) [Ley de protección integral para prevenir, sancionar y erradicar la violencia contra las mujeres en los ámbitos en que desarrollen sus relaciones interpersonales](#) of Argentina [Law on Comprehensive Protection to Prevent, Punish and Eradicate Violence against Women in the Context of Interpersonal Relationships], and art. 9 of [Ley 1761 de 2015 por la cual se crea el tipo penal de feminicidio como delito autónomo y se dictan otras disposiciones de Colombia](#) [Law No. 1761 of 2015 establishing the crime of femicide as an independent offense and other provisions].

against women. In keeping with these standards, Argentina, Bolivia, Chile, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Peru, Saint Kitts and Nevis, Trinidad and Tobago, Uruguay, and Venezuela have “a large number of free legal assistance services, either public or sponsored by the government, specialized in gender-based violence.”¹⁰⁷

Conclusions and recommendations

45. While highlighting the progress made in some of the region’s countries in the adoption of specific regulatory frameworks governing the exercise of the right to public information, this Office urges all States to intensify their efforts to identify and adequately address the barriers that prevent women from fully exercising this right under conditions of equality and non-discrimination. In this regard, the Office encourages States to conduct mass outreach campaigns on the content and scope of the right to public information, and to educate women and civil society organizations on the mechanisms available for requesting information from the State. State officials should also receive training on international standards for access to information regarding gender-based violence and discrimination.¹⁰⁸

46. The Office also recognizes the progress made in various States in the region in adopting regulatory frameworks that provide for the creation of comprehensive information-gathering systems on discrimination and violence against women, and urges States that have not yet done so to move forward expeditiously with the enactment of this type of legislation. Once enacted, the States should proceed without delay with the effective implementation of those provisions, allocating sufficient and appropriate human, financial, technical, and other resources for this purpose. Meeting this obligation will allow States to have the qualitative and quantitative information necessary for the design, adaptation, and evaluation of public policies and state programs to address gender-based violence and discrimination.¹⁰⁹

47. In order to fully understand the prevalence and real impact of all forms of violence against women, it is essential that information systems include statistical data generated through surveys, which are “one of the most effective and reliable methods of measurement”¹¹⁰ of gender-based violence and discrimination. To this end, States should ensure that surveys are conducted on a regular basis and include women in particularly vulnerable situations within the target population.

¹⁰⁷ Inter-American Commission of Women. Follow-up Mechanism to the Belém do Pará Convention (MESECVI). Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in The Americas: Paths to Follow. OEA/Ser.L/II. OEA/Ser.L/II.7.10 MESECVI/I-CE/doc.10/14 Rev.1. 2017, para. 587.

¹⁰⁸ The Presidential Secretariat for Women of Guatemala reported the organization of training workshops for its staff on the right of access to information and the Public Information Access Act. IACHR, Response of the Presidential Secretariat for Women of Guatemala to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 22, 2018.

The Argentine State reported that the National Women's Institute, in conjunction with the Women's Office of the Supreme Court of Justice, is holding “a number of meetings among public agencies to establish, design and/or implement gender policies” which address issues including “training, awareness-raising, outreach, research and statistics, direct assistance, and the strengthening of civil society organizations.” IACHR, Response of Argentina to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas, June 15, 2018.

In El Salvador, “To date, there are no specific training courses on the subject of access to information and violence and discrimination against women, girls, and adolescents. The Institute for Access to Public Information, for its part, conducts and offers training on the subject of access to public information, but does not include a component on access to information, violence, and discrimination against women, girls, and adolescents. Nevertheless, it is hoped that through its recently created Institutional Gender Unit, it will be possible to mainstream the gender perspective.” IACHR, Response of the Office of the Human Rights Ombudsperson of El Salvador to the consultation questionnaire on access to information, violence against women and the administration of justice in the Americas.

¹⁰⁹ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 141.

¹¹⁰ UNDP & UN Women. From Commitment to Action: Policies to End Violence against Women in Latin America and the Caribbean. Panama. 2017, p. 78.

48. Information generated through surveys should be supplemented—but cannot be substituted—by data generated by the administrative records of various state bodies. It is vitally important that States take effective measures to ensure that these records use uniform formats and criteria for the collection of information and that they create mechanisms for institutional coordination among themselves. These mechanisms should be aimed at ensuring that the data produced by different state agencies are compiled and homogenized by a single comprehensive and unified information system that contains disaggregated information, so as to construct an accurate picture of the specific ways in which violence and discrimination affect women and, in particular, groups of women in special situations of vulnerability.

49. Information systems should include data on the justice system in relation to all forms of gender-based violence, including those that tend to be invisible, such as psychological violence, economic violence, online violence, or obstetric violence. In particular, it is essential that States intensify their efforts to produce information on the number of arrests, prosecutions, convictions, protection orders, and judgments handed down for these acts; the time taken to adjudicate court cases; the gender composition of justice systems; the budgets allocated to judicial activity; and existing accountability mechanisms.¹¹¹

50. This Office recalls that States should take effective measures to disseminate, proactively and informally, the qualitative and quantitative information they produce on gender-based violence and discrimination. The information disseminated should be complete, comprehensible, and periodically updated.¹¹²

51. Since universal access is not yet guaranteed, the proactive dissemination of information on violence and discrimination against women cannot be limited to the use of Internet portals. Accordingly, States should complement the use of websites with the development of other channels of communication that meet and take account of the particular needs of certain groups of women, such as girls and adolescents, women with disabilities, indigenous women, Afro-descendent women, and rural women.¹¹³

52. This Office also urges States to recognize the role that civil society organizations from various countries in the region have played in compiling information on gender-based violence and discrimination, both to highlight the prevalence of this phenomenon and its impact on women's rights, and to urge the authorities to uphold their obligations in this area.¹¹⁴ Within this framework, the authorities should create opportunities for exchange between state entities and these key civil society actors.

53. Finally, it is essential that States continue developing initiatives to ensure that women are aware of their rights and how to enforce them, as well as the comprehensive protection and support mechanisms available and the ways in which they can be accessed. These initiatives should be specially designed to reach out to girls and adolescents; older

¹¹¹ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 15

¹¹² IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 56

¹¹³ IACHR, *Access to Information, Violence against Women, and the Administration of Justice in the Americas*, OAS/Ser.L/V/II.154 Doc. 19, March 27, 2015, para. 68.

¹¹⁴ See: *Observatorio de Femicidios en Argentina Adriana Marisel Zambrano* [Adriana Marisel Zambrano Observatory on Femicide in Argentina] of the Argentine organization *La Casa del Encuentro*; the website www.infoviolenciadomestica.org.uy developed by the Center for Archives and Access to Public Information (CAinfo), and the Uruguayan Network Against Domestic and Sexual Violence (RUCVDYS); the *Voces contra la Violencia* [Voices against Violence] initiative in Nicaragua; the *Observatorio Mujeres, Paz y Seguridad* [Women, Peace, and Security Observatory] of the Colombian organization *Humanas*, and the *Observatorio de Sentencias Judiciales en las Altas Cortes de Justicia* [Observatory of High Court Judgments] of the Regional Feminist Coordination for Human Rights and Gender Justice, among other initiatives.

women; indigenous women; women from ethnic minorities; women with disabilities; migrant women and women asylum seekers or refugees; women who are victims of trafficking and other forms of exploitation, and LGBTI persons, among other groups, in order to provide them with the information they need to effectively exercise their rights.

In the specific case of women victims of gender-based violence and discrimination and their families, States should ensure that they have full access to information on progress in the investigation, prosecution, and punishment of these acts. In this regard, the Office urges States that do not yet have such standards to adopt regulatory frameworks aimed at ensuring that information on court proceedings in cases of gender-based violence and discrimination is available in languages other than the official language of the State and that women have access free of charge to interpreters and legal aid services. Once such legislation is enacted, suitable measures must be taken for its effective implementation, in particular through the allocation of sufficient resources. At the same time, it must be ensured that women are aware of the rights recognized by these provisions.