

GUIDE TO THE APPLICATION OF THE INTER-AMERICAN CONVENTION ON THE

PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN



BELÉM DO PARÁ CONVENTION • MESECVI, 2014



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*The **Follow-up Mechanism to the Belém do Pará Convention (MESECVI)** is an independent, consensus-based peer evaluation system that looks at the progress made by States Party to the Convention in fulfilling its objectives. MESECVI is financed by voluntary contributions from the States Party to the Convention and other donors, and the Inter-American Commission of Women (CIM) of the OAS acts as its Secretariat.*

Guide to the application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention)

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Follow-up Mechanism to the Belém do Pará Convention (MESECVI)

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Contents

1. Introduction	5		
2. Background	7		
2.1 Adoption of the Belém do Pará Convention	7		
2.2 Creation of the Follow-up Mechanism (MESECVI)	8		
3. The Belém do Pará Convention	11		
3.1 Preamble	13		
i. Violence against women as a violation of human rights	13		
ii. Violence against women as an offense against human dignity and a manifestation of historically unequal power relations between women and men	14		
iii. Violence against women pervades every sector of society	14		
iv. Elimination of violence against women is essential to equal development	15		
3.2 Chapter I: Definition and scope of application	17		
Article 1	19		
Article 2	20		
3.3 Chapter II: Rights protected	25		
Article 3	27		
Article 4	27		
Article 5	31		
Article 6	33		
3.4 Chapter III: Duties of the States	37		
Article 7	39		
a. Refrain from engaging in any act or practice of violence against women	40		
b. Apply due diligene	40		
c. Include in their domestic legislation penal, civil, administrative and other provisions	42		
d. Adopt legal measures to require the perpetrator to refrain from harassing	43		
e. Take all appropriate measures	44		
f. Establish fair and effective legal procedures	45		
g. Effective access to restitution	48		
h. Adopt legislative or other measures	49		
Article 8	50		
a. Promote awareness and observance of the right of women to be free from violence	51		
b. Modify social and cultural patterns of conduct of men and women	52		
c. Promote the education and training of all those involved	52		
d. Provide appropriate specialized services	53		
e. Promote and support governmental and private sector education	54		
f. Provide women who are subjected to violence access to effective readjustment and training	55		
g. Encourage the communications media to develop appropriate media guidelines	55		
h. Ensure research and the gathering of statistics and other relevant information	56		
i. Foster international cooperation	56		
Article 9	57		
3.5 Chapter IV: Inter-American Mechanisms of Protection	59		
Article 10	61		
Article 11	67		
Article 12	69		
4. Conclusions	73		
5. Annexes	75		
5.1 Text of the Belém do Pará Convention	77		
5.2 Complete list of the recommendations of the MESECVI Committee of Experts	82		
5.3 System of progress indicators for measuring the implementation of the Belém do Pará Convention	88		
6. Bibliography	99		

Acronyms

CEDAW	CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
CEDAW COMMITTEE	COMMITTEE FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN
CESCR	UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
CIM	INTER-AMERICAN COMMISSION OF WOMEN
CRPD	UNITED NATIONS COMMITTEE ON PEOPLE WITH DISABILITIES
ECHR	EUROPEAN COURT OF HUMAN RIGHTS
IACHR	INTER-AMERICAN COMMISSION OF HUMAN RIGHTS
I/A COURT H.R.	INTER-AMERICAN COURT OF HUMAN RIGHTS
MESECVI	FOLLOW-UP MECHANISM TO THE BELÉM DO PARÁ CONVENTION
OAS	ORGANIZATION OF AMERICAN STATES

1. Introduction

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention) was the first binding international treaty in the world to recognize that violence against women constitutes a punishable violation of human rights. The Inter-American Commission of Women (CIM) of the Organization of American States (OAS) played a fundamental role in the design of this treaty, and in carrying out a regional campaign for the adoption of measures to gradually eradicate violence against women. This required the design of a multi-dimensional and multi-focal strategy to analyze the incidence of violence against women, create a broad consensus on combating it and adopting the measures necessary for its elimination.¹

The strategy included the involvement and support of civil society at the national level, as well as the participation of the governing bodies of the OAS. This unprecedented joint collaboration between civil society, States and the CIM led to the Convention's adoption and entry into force in a relatively short period and with broad adhesion of the OAS Member States.²

The Belém do Pará Convention has contributed to raising awareness of the severity of violence against women, as well as the States' responsibility to adopt concrete measures to prevent and eradicate it. The Convention establishes a system of rights in order to guarantee women a life free of violence and a system of State obligations to respect and guarantee those rights and act with due diligence to protect women from any form of gender-based violence. Although a general regional concern about violence against women existed before the adoption of the Convention, it was not reflected in the laws of the majority of States. Thanks to this instrument, the region began to accept the realities of violence against women, in both the private and public spheres, as a violation of human rights.

Since its adoption in 1994, the majority of American States have adopted protection laws relating to women and the family. The broad acceptance of the Convention however was soon shown to be insufficient, to the extent that States tended to privilege the family as an institution and not women as subjects of the right to live a life free

of violence. From this point, the first generation of laws was revised with a view towards transcendent reforms, plans and public policies that would effectively protect women's right to a life free of violence.

The Follow-up Mechanism to the Belém do Pará Convention (MESECVI) has highlighted the need to modernize legislation on violence against through integrated laws on violence that allow for a unified and coherent response to different forms of violence against women, on the basis of public policy, justice, investigation, and the collection of data and statistics.³ Not all the States of the region however have managed to ride this wave of legislative reforms, known as "second generation laws."

Though the region has advanced significantly in promoting the interpretation of violence against women as a violation of human rights, deeply-held patriarchal attitudes and stereotypes about women's and men's social roles and responsibilities continue to support inequality. The persistence of these stereotypes perpetuates social norms that subordinate women and continue to be the main obstacle to the effective respect of women's human rights.

A number of obstacles persist to the full realization of women's human rights and citizenship - from their access to education, employment with equal pay and benefits, and health and other social services, to women's ability to negotiate their sexual relations and reproductive autonomy, protect themselves from violence, including in their own homes, and participate effectively in decision-making in the political, economic and social spheres. Figures on violence against women and girls in the region are alarming and unacceptable. Physical, psychological and sexual violence, trafficking of women and girls for labour and sexual exploitation, abuse in schools, workplaces and health centres, and violations of sexual and reproductive rights continue to be part of the daily lives of women and girls throughout the hemisphere.⁴

1. Poole (Linda). "Génesis de la Convención de Belém do Pará: Educar y promover el rechazo a la violencia." [Genesis of the Belém do Pará Convention: Educating and promoting the rejection of violence against women] *Suplemento Todas* (Suplemento Especial, Lunes 28 de octubre de 2013). National Institute of Women of Mexico (INMUJERES), http://www.inmujeres.gob.mx/images/stories/todas/todasmilenio_especial.pdf
2. Ibid.

3. MESECVI. *Follow-up Report on the Recommendations made by the CEVI in the evaluation stage of the First Multilateral Evaluation Round* (MESECVI-III/doc.57/11). Washington, D.C.: Follow-up Mechanism to the Belém do Pará Convention (MESECVI), Organization of American States (OAS), 2011, <http://www.oas.org/es/mesecvi/docs/MESECVI-Follow-upReport-ENG.doc>

4. MESECVI. "Declaration of the Committee of Experts of the MESECVI on the Celebration of the Twentieth Anniversary of the Adoption of the Belém do Pará Convention" (MESECVI/CEVI/doc.193/13 Rev.1), adopted by the Tenth Meeting of the Committee of Experts, September 12th 2013, <http://www.oas.org/es/mesecvi/reunionesdeexpertas.asp>

In this context, the MESECVI has spurred initiatives to support States in the obligation to protect the human rights of women and eliminate the violence that may affect them. This guide aims to contribute to knowledge management on the issue of violence against women, as well as to existing knowledge, interpretation and application of the Belém do Pará Convention.

The general objectives of the Guide are to: i) facilitate States' understanding of their obligations under the Convention to promote the right of women in the hemisphere to a life free of violence, highlighting the complementarity between the Belém do Pará Convention, other inter-American human rights instruments, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); and ii) favour the fulfillment of the duties that the States Party to the Convention must carry out in addressing violence against women from the perspectives of prevention, care, punishment and eradication.

The Guide aims to contribute to the implementation of the Belém do Pará Convention from the different branches of public power, through a step-by-step review of the content of the Convention, as well as the policies, measures and actions that each State Party should carry out in order to fulfill the Convention. An interpretation of each of the articles of the Convention highlights the critical areas of resistance to its application. The Guide will serve as an input to the design of public policies that strengthen State actions to prevent, punish and compensate for violence against women and girls in all its forms, by providing tools to address violence against women from a gender perspective.

The main audience of this material is the State, including the executive, legislative and judicial branches, since the obligation to promote equality and women's empowerment requires action from all three, at all levels of the State. Within this obligation, States must eliminate norms and practices that sustain forms of violence against women, including violence within the family, violence within the community, and violence that is perpetrated or tolerated by the State, and implement multi-disciplinary protection and prevention measures from a gender perspective.

This obligation has been clearly defined by international human rights law in general, and by the Belém do Pará Convention in particular. Accordingly, it is hoped that, in exploring the development of doctrine and jurisprudence on the obligations derived from the Convention, this Guide will be useful not only to States but also to civil society and women's organizations that provide support to and monitor State interventions; and to the Committee of Experts of the MESECVI in the fulfillment of their mandate.

The Guide has been prepared on the basis of the experience of the MESECVI, complemented by inter-American and international legal standards on women's human rights. The thematic reports of the Inter-American Commission on Human Rights (IACHR) and the jurisprudence of the Inter-American Court of Human Rights (I/A Court H.R.) have served as the main sources, as well as the decisions of related bodies of the United Nations.

The first section of the Guide explores the development of the Belém do Pará Convention and the establishment of the MESECVI, and is followed by an interpretation of the spirit and content of the Preamble and articles one through twelve of the Convention. Special emphasis is placed on articles seven and eight because they provide the broad framework of measures that aim to prevent, punish and eradicate violence against women in all spheres of life. These norms take into consideration both the origins of gender-based violence and the foci of its reproduction and practice, highlighting specific areas where the State must implement measures and mechanisms to combat this violence.

The second section addresses the work of the MESECVI, in terms of its duty to follow-up on the commitments made by States and promote the implementation and objectives of the Belém do Pará Convention. It also addresses future challenges that the Mechanism will face in terms of its institutional development as a hemispheric reference point in the area of guaranteeing and promoting women's human rights from a perspective of diversity and inter-culturalism.

The final section of the Guide provides a series of conclusions arrived at by the MESECVI after its integral analysis of the interpretation of the Belém do Pará Convention.

This Guide is the product of a collaborative effort by the members of the Committee of Experts of the MESECVI, coordinated by a Working Group that was chaired by Susana Chiarotti Boero, Principle Expert of Argentina to the MESECVI. On the basis of their inputs and with the support of the CIM and the Technical Secretariat of the MESECVI, the Guide was developed by Soraya Long Saborio. The Guide is part of the project "Enhancing the capacity of OAS Member States to implement the Belém do Pará Convention," which is being implemented by the CIM from 2012 to 2015, with the support of the Government of Canada.

Linda J. Poole
Executive Secretary of the CIM
1986 - 1996

2. Background

2.1. Adoption of the Belém do Pará Convention

In 1990, the Inter-American Commission of Women (CIM), a permanent, inter-governmental specialized organization created to ensure recognition and observance of women's rights,⁵ embarked upon a process of inter-American consultations on the subject of women and violence. The purpose of the consultations was to begin the research and elicit proposals on how best to regulate the phenomenon of violence against women in the Americas.

The consultations produced a number of findings and recommendations that specifically underscored the universal prevalence of the various forms and manifestations of violence against women, warranting a series of corrective measures, one of which was to urge CIM to draw up a Convention on women and violence.⁶ Working from this basis CIM's Executive Committee convened a Meeting of Experts for the 1990/92 period to consider the viability of an inter-American convention on women and violence, as part of its mandate to study how best to prevent and eradicate violence perpetrated against women.

The preliminary draft text of the proposed inter-American convention on the prevention, punishment and eradication of violence against women was circulated to the governments of the OAS Member States on November 8th 1991. Internal consultations in each country were broad-based and included relevant parliamentary commissions, ministries and other government agencies, professional associations, non-governmental women's organizations and human rights organizations. Once the consultations were concluded, CIM's Sixth Special Assembly of Delegates, which met in April 1994, approved the draft Convention for submission to the OAS General Assembly.⁷

In June of that year, during the twenty-fourth regular session of the OAS General Assembly, held in Belém do Para, Brazil, CIM introduced the draft "Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women," which was adopted by acclamation. The Convention, henceforth known as the Belém do Pará Convention, entered into force on March 5th 1995, and has thus far been ratified by 32 of the OAS' 35 member states.⁸

The Belém do Pará Convention establishes, for the first time, women's right to live a life free from violence.⁹ It regards violence against women as a violation of their human rights and tackles the problem from the political, legal, social, economic and cultural angles. "The Belém do Pará Convention places the daily reality of women in the region under the microscope of International human rights law, adopting as a new paradigm of human rights – and particularly women's rights – that the private is public and consequently, the State has an inescapable duty to prevent, eradicate and punish violence in the lives of women, in both the public and private spheres."¹⁰

The Convention distinguishes the following: (1) violence that occurs within the family or domestic unit or within any other interpersonal relationship; (2) violence perpetrated outside the home by any person and including, *inter alia*, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and (3) violence perpetrated or condoned by the state or its agents, regardless of where it occurs.

5. Established in 1928, CIM has become a major forum for discussing and crafting policy on women's rights and gender equality in the Americas. Its mission is to support the member states of the Organization of American States in their efforts to fulfill their various international and inter-American commitments in the area of women's human rights and gender equity and equality, so that those commitments become effective public policy and serve to achieve women's full and equal participation in the civil, political, economic, social and cultural realms. CIM Statute, Article 2.

6. CIM. "Resumen del proceso de preparación del Proyecto de Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer," (OEA/Ser.L.II.3.6, CIM/doc.5/94), document prepared for the VI Special Assembly of Delegates of the CIM, April 1994, http://www.corteidh.or.cr/tablas/22205_2.doc

7. Ibid.

8. Cuba, Canada and the United States have not signed the Convention.

9. See CIM. *Violence in the Americas: A Regional Analysis* (including a Review of the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará)). Washington, D.C.: Inter-American Commission of Women, Organization of American States, 2001, <http://www.oas.org/en/mesecvi/library.asp>.

10. Mejía (Luz Patricia). "La Comisión Interamericana de Mujeres y la Convención de Belém do Pará. Impacto en el Sistema Interamericano de Derechos Humanos" [The Inter-American Commission of Women and the Belém do Pará Convention: Impact on the Inter-American Systems of Human Rights] *Revista IIDH: Edición especial sobre el XXX Curso Interdisciplinario en Derechos Humanos* (56). San José: Inter-American Institute of Human Rights (IIDH), 2012, p. 194-195, http://iidh-websserver.iidh.ed.cr/multic/UserFiles/Biblioteca/IIDH/3_2013/766d57df-258c-45f8-a242-ec65d785cc3.pdf

The Convention also creates a system at the domestic and international level that does more than simply affirm women's right to a life free of violence, since the system creates specific obligations incumbent upon the States Party and under which they must practice due diligence in order to protect women from any form of gender-based violence.

This historic agreement, which commits the States Party to protecting women from acts that violate their human rights – including their right to a life free of gender-based violence – has set the standard for the adoption of laws and policies on violence against women in the States Party to the Convention, and has established a political and strategic framework for their implementation. This is because the Belém do Pará Convention has triggered the establishment of mechanisms aimed at protecting and defending women's rights in the struggle to eradicate violence against women's physical, sexual and psychological integrity in both the public and private spheres. Thus, the States Party to the Convention are not only condemning violence against women, but also undertaking to adopt, without delay, all appropriate measures to prevent, punish and eradicate it.

Because implementation of the Convention is not easy however, those who drafted it had the foresight to provide for follow-up mechanisms. Under the terms of the Convention, as part of their efforts to abolish violence against women, the States Party have an obligation to inform CIM of the measures they have adopted, the progress they have achieved and the obstacles they have encountered. Furthermore, under resolution AG/RES. 1456 (XXVII-0/97), the Executive Secretariat of the CIM was instructed to report to the General Assembly every two years on the progress made in the Convention's application and on the experiences and results achieved through the initiatives and programs pursued by the Member States to combat violence against women.

2.2 Creation of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI)

Five years after the Belém do Pará Convention entered into force, CIM prepared a study titled "Violence in the Americas: A Regional Analysis," which showed that the Convention's objectives were not being achieved. Accordingly, efforts got underway to develop a proposal for a Follow-Up Mechanism to the Belém do Pará Convention, and in October 2004, the Conference of States Party approved the Statute of the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI). The purpose of the MESECVI is to follow up on the commitments undertaken by the States Party to the Convention; to contribute to achievement of the objectives established therein, and to enable technical cooperation among the States Party, as well as with other Member States and Permanent Observer States. The MESECVI is based on the principles

of sovereignty, non-intervention, the legal equality of States, and observance of the principles of impartiality and objectivity in the mechanism's functioning, so as to guarantee fair application and equal treatment among the States Party.¹¹

By adopting the MESECVI, the States expressed their political determination to have a consensus-based and independent system to examine the progress made toward fulfillment of the Convention, while agreeing to implement MESECVI's recommendations.

Under its Statute, the Mechanism's purposes are as follows:¹²

- To follow up on the commitments undertaken by the States Party to the Convention and review how they are being implemented;
- To promote implementation of the Convention and contribute to achievement of the objectives established therein;
- To establish a system of technical cooperation among the States Party, which is open to other Member States and Permanent Observer States, for the exchange of information, experiences and best practices as a means to update and harmonize their domestic legislation, as appropriate, and attain other common objectives associated with the Convention.

On the other hand, given the importance of monitoring, coordination, and participation by women's initiatives organized through academia, NGOs, and social groups and movements to achieve full enjoyment of human rights, it also falls to the MESECVI to activate the necessary mechanisms to make this instrument an institutional standard for the defence of women's human rights in the region.¹³

For their part, in the MESECVI process the States undertake to:

- Formulate the Statute and Rules of Procedure of the MESECVI and monitor their compliance
- Adopt the MESECVI's plans and work programs and evaluate their execution
- Answer the questionnaire circulated by the Committee of Experts
- Implement the recommendations made by the Committee of Experts
- Report on the follow-up indicators.

11 . Statute of the MESECVI, Article 2

12 . Statute of the MESECVI, Article 1

13 . MESECVI. "Draft Strategic Plan of the MESECVI 2013-2017, January 2013-December 2017." (OEA/Ser.L/II.7.10, MESECVI/CEVI/doc.179/12 rev.1), considered by the Ninth Meeting of the Committee of Experts (November 12th to 14th), 2012b, <http://www.oas.org/en/mese cvi/meetingofexperts.asp>

MESECVI has two bodies: the Conference of States Party, which is the political body, and the Committee of Experts, which is a technical body composed of specialists in the areas encompassed by the Convention.

The Conference of States Party brings together the National Competent Authorities¹⁴ and other representatives of those States that have signed and/or ratified the Belém do Pará Convention, for a discussion of the national reports and the Committee of Experts' recommendations. It is also responsible for approving and adopting the Hemispheric Report, for dealing with routine matters related to the MESECVI's functioning and for exchanging ideas on effective and sustainable implementation of the Convention.

The Committee of Experts approves and adopts the questionnaire that starts each Multilateral Evaluation Round, analyzes the national reports and prepares its recommendations, approves and adopts the questionnaire that starts each follow-up round and discusses other matters related to the concepts and methods associated with the Convention's implementation. The experts are appointed by the governments and serve in a personal capacity.

Procedurally, at each multilateral evaluation round the Committee of Experts adopts a questionnaire based on one or more provisions of the Convention. That questionnaire is then sent to the Competent National Authorities for reply. Based on these replies, the Committee of Experts draws up and adopts country reports and makes recommendations to the countries, which they must then follow up.¹⁵ All the experts have access to the replies that appear in the questionnaires submitted by the States Party, although no expert participates in the preparation of the report on his or her country of origin.

Drawing upon the national reports, the Committee issues a Hemispheric Report. That report and the final country reports are then approved by the Conference of States Party. Once the final report is approved by the Conference it is published and sent to the OAS General Assembly and the CIM Assembly of Delegates.



To date, the Mechanism has issued two Hemispheric Reports. The first was adopted by the Second Conference of States Party, held in Caracas, Venezuela in July 2008. It was based on the findings of the multilateral evaluation that began in July 2005 and ended in July 2007. The second Hemispheric Report was approved in April 2012 by the Fourth Conference of States Party and was based on the second multilateral evaluation round that began in April 2010.

The Executive Secretariat of the CIM serves as Secretariat of the Conference and of the Committee and is also home to the headquarters of the MESECVI. The Mechanism is funded by voluntary contributions by the States Party to the Convention, as well as other donors. In addition to these functions, the Secretariat also sponsors other political and/or technical meetings to examine important issues related to the Convention's implementation, such as femicide, women's access to justice, citizen security from a gender perspective, and so forth.

The work of the MESECVI and its results have proven that it is an effective tool in the protection of women's human rights. It provides a systematic and ongoing multilateral evaluation method by which to determine the impact that the Belém do Pará Convention has had in the region and what the States Party have accomplished in terms of the prevention, punishment, and eradication of violence against women. It has also served as a vehicle to identify the existing challenges in the implementation of public policies in this area. Likewise, the MESECVI has enabled cooperation between and among the States Party, and between the States Party and the entire membership of the OAS, to help achieve the goals of the Belém do Pará Convention.

14. The States Party designate the Competent National Authorities, which serve as liaison between the Secretariat and the governments.

15. During the Follow-up Round, the Committee of Experts identifies and circulates a number of indicators by which to monitor the recommendations prepared during the Evaluation Round. The States Party report on compliance with these recommendations and a combined Follow-up Report is then prepared.



3. The Belém do Pará Convention

3.1 PREAMBLE

THE STATES PARTY TO THIS CONVENTION,

RECOGNIZING that full respect for human rights has been enshrined in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights, and reaffirmed in other international and regional instruments;

AFFIRMING that violence against women constitutes a violation of their human rights and fundamental freedoms, and impairs or nullifies the observance, enjoyment and exercise of such rights and freedoms;

CONCERNED that violence against women is an offense against human dignity and a manifestation of the historically unequal power relations between women and men;

RECALLING the Declaration on the Elimination of Violence against Women, adopted by the Twenty-fifth Assembly of Delegates of the Inter-American Commission of Women, and affirming that violence against women pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age or religion and strikes at its very foundations;

CONVINCED that the elimination of violence against women is essential for their individual and social development and their full and equal participation in all walks of life; and

CONVINCED that the adoption of a convention on the prevention, punishment and eradication of all forms of violence against women within the framework of the Organization of American States is a positive contribution to protecting the rights of women and eliminating violence against them,

HAVE AGREED to the following ...

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CONVINCED that the elimination of violence against women is essential for their individual and social development and their full and equal participation in all walks of life; and

CONVINCED that the adoption of a convention on the prevention, punishment and eradication of all forms of violence against women within the framework of the Organization of American States is a positive contribution to protecting the rights of women and eliminating violence against them,

HAVE AGREED to the following ...

This preamble sets out four guiding principles that must be used to interpret not just this Convention but domestic laws as well.

i. Violence against women is a violation of human rights

The World Conference on Human Rights, held in Vienna in 1993, issued a Declaration of Vienna in which it specifically recognized women's rights and elevated the right of women to live free of violence to the rank of a human right. For the first time, it declared that the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority objectives of the international community.¹⁶

Currently, from the perspective of the United Nations,¹⁷ three principles surround the issue of violence against women, which will be addressed in the interpretive analysis of the nucleus of rights included in the Belém do Pará Convention. First, violence against women and girls is addressed a matter of equality and non-discrimination between men and women. Second is the acknowledgement that the convergence of multiple forms of discrimination increases the risk that some women will be victims of specific, compounded or structural discrimination. Finally, the inter-dependence of human rights is reflected in the efforts made to address the causes of violence against women, which are linked to the civil, cultural, economic, political and social spheres.

Recognition of violence against women as a violation of human rights placed the problem of this type of violence squarely on the global public agenda, which meant that violence against women – heretofore regarded as a private issue – became a public problem that had to be prevented, punished and eradicated.

16 . United Nations. Vienna Declaration and Programme of Action, adopted by the World Conference of Human Rights, 1993, par. 18, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>.

17 . United Nations. *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences* (A/66/215), 2011, paragraph 20, <http://www.un.org/Docs/journal/asp/ws.asp?m=A/66/215>

While violence against women is regarded as a violation of their human rights, it is also an obstacle to women's full enjoyment of their rights. Therefore, States have an obligation to protect women from violence, hold those responsible accountable, deliver justice for the victims and provide them recourse.

States are under an obligation to take measures to prevent, eradicate and punish violence against women, which means that States are answerable for the acts or omissions of their agents and will be held accountable if they fail to fulfill their obligations with respect to private acts that involve a violation of a woman's right to live a life free of violence. In this context, the Convention develops a new theoretical framework for the protection of women in the region by bringing together the criteria set by the CEDAW Committee in 1992, which establish that States may also be held responsible for private acts of violence if they do not adopt measures with due diligence to prevent the violation of rights or to investigate and punish acts of violence and compensate the victims. In other words, thanks to the Convention, the region has leapt forward in terms of its view that only the State or its agents violate human rights, and has categorized violence against women as a clear violation of human rights.¹⁸

To put a stop to this phenomenon at all levels, States have to apply clear, unequivocal and effective policies. Claims on the State to take all appropriate measures to respond to violence against women thus move from the realm of discretion and become legal entitlement¹⁹ that are internationally protected.

ii. Violence against women is an affront to human dignity and a manifestation of the historically unequal power relations between men and women

Violence against women is not an isolated phenomenon; it is a multi-dimensional problem that affects every country of the Americas and the world. It is expressed in different ways and in places as numerous as they are diverse. It has a common root, however: the universal discrimination that women suffer for the mere fact that they are women.

One of the causes of violence singled out in the Belém do Pará Convention is the "historically unequal power relations between women and men," i.e. gender inequality. Violence against women is defined as socially and culturally constructed and sanctioned gender-based violence, and therefore possible to eliminate through the eradication of discrimination, the promotion of equality and women's empowerment, and the monitoring of the full exercise of women's human rights.²⁰

These historically unequal power relationships between men and women are the product of historical-social circumstances that legitimized, in law, in society, and in culture, the violation of the human rights of women and girls. Consequently, society and the State violate women's rights systematically, either by action or omission, with the result that the State's response to the violence committed against women is deficient. The roles that the various institutions play are influenced by socio cultural patterns that discriminate against women and are pervasive throughout society. This environment is conducive to a continuum of violence and discrimination against women, based on social practices that tend to belittle the serious nature of an act of gender-based violence.²¹

iii. Violence against women pervades every sector of society

Violence against women is a universal problem of epidemic proportions and present in every sector of society, regardless of the woman's class, race or ethnicity, income level, culture, level of education, age or religion – though specific manifestations of violence against women do vary according to the social, economic and historical context. The Belém do Pará Convention recognizes that violence against women can occur both in public and in private, as it transcends the privacy of the home.²²

18. Mejía, 2012. op. cit., p.195

19. United Nations. *Ending violence against women: From words to action. Study of the Secretary-General*. New York: United Nations, 2006, p. 18, <http://www.un.org/womenwatch/daw/vaw/v-sg-study.htm>

20. Ibid. (Executive Summary)

21. In this regard, see in general, IACHR *Access to Justice for Women Victims of Sexual Violence in Mesoamerica* (OEA/Ser.L/V/II. Doc. 63), Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011a, <https://www.oas.org/en/iachr/women/docs/pdf/WOMEN%20MESOAMERICA%20ENG.pdf>

22. Belém do Pará Convention, articles 2 and 3.

“The many forms and manifestations of violence and women’s differing experiences of violence point to the intersection between gender-based subordination and other forms of subordination experienced by women in specific contexts.”²³ Women are targets of violence because a number of social and cultural risk factors make them more vulnerable and expose them to greater discrimination. In exploring alternative ways to deal with the problem of violence against women, the priority must be to reshape those social and cultural risk factors. This is why the Belém do Pará Convention tackles the problem of violence against women from the political, legal, social, economic and cultural perspectives and why it is imperative that States take specific measures to guarantee women’s right to a life free of violence, both in the public and private spheres.



Important strides have been made in the prevention and punishment of violence against women and the States of the region are much more aware of the need to deal with this problem. Even so, much work remains to be done to achieve effective observance of women’s human rights, especially their right to a life free of violence. Violence against women continues to be a devastating reality in all parts of the world.²⁴

iv. The elimination of violence against women is essential for their equal development

Violence against women limits their participation in the social, political and economic spheres, and thus represents one of the most serious challenges to sustainable human development in the Americas.²⁵ It is considered a serious obstacle to the achievement of all internationally agreed upon development objectives, including the Millennium Development Goals.²⁶

Violence prevents women from contributing to, and benefiting from, development by restricting their choices and limiting their ability to act.²⁷ More women than men live in absolute poverty and the gap continues to widen, which has serious consequences for women and their children. Women carry a disproportionate share of the problems of coping with poverty, social disintegration, unemployment, environmental degradation and the effects of war.²⁸ The negative effect that violence against women has on economic growth and poverty alleviation is a factor that should figure among governments’ chief concerns. Sustainable social and economic development cannot be achieved without women’s full participation. Indeed, the full participation of women in all spheres of life, on an equal basis with men, is essential for a country’s full and complete economic, political and social development.²⁹

Equality and equity between men and women are a priority for the international community and, as such, must be a fundamental factor in economic and social development. Accordingly, States must strengthen policies and programs that improve, ensure and broaden the participation of women in all spheres of political, economic, social and cultural life, as equal partners, and improve their access to all resources needed for the full exercise of their fundamental rights.³⁰ In other words, the gender issue must be a priority on the national agenda.

23. United Nations, 2006, op.cit., p. 28.

24. United Nations, 2006, op.cit., p. 21

25. MESECVI. “Technical Note: Violence against Women in Latin America.” Washington, D.C.: Follow-up Mechanism to the Belém do Pará Convention, Organization of American States, 2011, <http://www.oas.org/en/mesecvi/library.asp>

26. United Nations General Assembly Resolution A/RES/65/187 “Intensification of efforts to eliminate all forms of violence against women” (February 23, 2011), <http://www.un.org/en/ga/65/resolutions.shtml>

27. United Nations, 2006, op.cit., p. 22

28. See, in general: United Nations. *Report of the World Summit on Social Development* (A/CONF.166/9). Copenhagen: United Nations, 1995, <http://undesadspd.org/Home/WorldSummitforSocialDevelopment1995.aspx>

29. Human Rights Council/OHCHR. Resolution A/HRC/RES/23/7 “Elimination of Discrimination against Women,” 2013, http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21920

30. United Nations, 1995, op.cit.



3.2 CHAPTER I

DEFINITION AND SCOPE OF APPLICATION

Article 1 For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

Article 2 Violence against women shall be understood to include physical, sexual and psychological violence: that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse; that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and that is perpetrated or condoned by the state or its agents regardless of where it occurs.

3.2 CHAPTER I

DEFINITION AND SCOPE OF APPLICATION

Article 1

For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

This is a broad concept of violence that encompasses all forms that are targeted at women because they are women, or that affect women disproportionately.³¹ This violence is a form of discrimination that either partially or totally prevents women from enjoying their human rights and fundamental freedoms.

The definition works from the premise that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position vis-à-vis men;³² furthermore, because of their particular condition and circumstance, some women are particularly vulnerable to violence.³³

The Inter-American Court of Human Rights (I/A Court H.R.) has held that “not every human rights violation committed against a woman necessarily implies a violation of the provisions established in the Belém do Pará Convention.”³⁴ In order for it to find a violation of the Belém do Pará Convention, the Court, invoking Article 1 thereof, held that the violence must be gender-based and must be perpetrated in an acknowledged context of violence against women.³⁵ In that same

case, the Court makes reference to gender stereotyping, which it defines as a preconception about personal attributes, characteristics or roles that correspond or should correspond to either men or women. It wrote that the creation and use of stereotypes becomes one of the causes and consequences of gender-based violence against women.³⁶

Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion. Such prejudices and practices may justify gender-based violence as a way of protecting or controlling women. The effect of such violence on women’s physical and mental integrity is to deprive them of equal enjoyment, exercise and knowledge of human rights and fundamental freedoms.³⁷

Similarly, impunity for violations of women’s human rights is a consequence of prejudices and discriminatory practices. Impunity³⁸ for gender-based crimes sends the message that violence against women is tolerated; which perpetuates such crimes and leads to a social acceptance of the phenomenon, the sense of insecurity that women have, and their persistent mistrust of the justice system.³⁹

The Committee of Experts of the MESECVI recognizes that the definition of violence against women used in Article 1 of the Convention was incorporated, in whole or in part, mainly in those countries that have adopted comprehensive laws on violence against women or where the legislation has been modernized in the last five years. Comprehensive laws allow for a unified and consistent treatment of the different forms of violence against women.⁴⁰

For this Committee, a clear and comprehensive definition of violence against women, like the one used in Article 1 of the Convention, is helpful in

31. CEDAW. “General Recommendation No. 19: “Violence against Women.”” (11th session, 1992), <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>

The Inter-American Court identified three considerations that have to be taken into account when examining a case from the gender perspective. First, women are affected by acts of violence differently than men; second, some acts of violence are directed specifically at women, and three, some acts affect women in greater proportion than the men. See: I/A Court H.R. “Case of Miguel Castro Castro Prison v. Peru: Judgment of November 25, 2006,” paragraphs 223 and 224, http://www.corteidh.or.cr/docs/casos/articulos/seriec_160_ing.pdf

32. See, in general: United Nations. *Declaration on the Elimination of Violence against Women* (A/RES/48/104), 1993, <http://www.un.org/documents/ga/res/48/a48r104.htm>

33. With this situation in mind, in its Article 9 the Convention of Belém do Pará provides that States Party shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons, pregnancy, disability or other condition or circumstance.

34. I/A Court H.R. “Case of Perozo et al. v. Venezuela: Judgment No. 195 of January 28, 2009,” paragraph 295, http://www.corteidh.or.cr/docs/casos/articulos/seriec_195_ing.pdf

35. I/A Court H.R. “Case of González et al. (“Cotton Field”) v. Mexico: Judgment No. 205 of November 16, 2009,” paragraph 231, http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf

36. *Ibid.*, paragraph 401

37. CEDAW, 1992, *op.cit.*

38. Impunity for violations of human rights exists when there are failings in their investigation, prosecution, detention, trial and sentencing of those responsible, which includes the actions of all those responsible for the administration of justice, including police, prosecutors, judges and others. The State has an obligation to combat these situations through all available legal means, since impunity perpetuates the chronic repetition of violations of human rights and the absence of defence of the victims and their families. In this regard, see: IACHR, 2011a, *op. cit.*

39. I/A Court H.R., 2009 (Case of González et al), *op.cit.*, paragraph 400.

40. MESECVI. *Second Hemispheric Report on the Implementation of the Belém do Pará Convention*. Washington, D.C.: Follow-Up Mechanism to the Belém do Pará Convention, 2012a, p. 17, <http://www.oas.org/en/mesecevi/hemisphericreports.asp>

drafting the laws that have to be enforced to eradicate violence against women in all its forms. With a clear definition of violence against women in comprehensive anti-violence laws, a uniform response to the various forms of violence committed against women can be brought to public policy, justice, research, and data collection. Thus, implementation of comprehensive laws on violence against women is based on shared principles and on coordination among the different agents charged with their enforcement.⁴¹

Article 2

Violence against women shall be understood to include physical, sexual and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;***
- b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and***
- c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.***

Violence against women expresses itself in numerous and varied ways, which manifest themselves in an ongoing series of multiple, interrelated and at times recurring forms of violence that vary according to social, economic, cultural and political contexts. Consequently, no list of forms of violence against women can be exhaustive. Although the Convention specifically mentions physical, sexual and psychological violence against women, States must acknowledge the evolving nature of violence against women and respond to new forms as they are recognized.⁴² Thus, for example, while economic, property-related or financial violence is not expressly mentioned in the Convention, it is now regarded as a form of violence at the international level and is being included in some domestic laws.⁴³

In its Hemispheric Reports, the Committee of Experts recognizes other forms of violence against women that occur within the region, which include moral violence, understood as any behaviour that involves libel, slander, defamation or other harm inflicted on a woman's honour; and symbolic violence, which includes messages, values and symbols that convey and perpetuate dominance over women, their inequality and discrimination against them. Then there is femicide, defined as "the extreme form of gender-based violence against women, a product of the violation of their human rights in the public and private spheres, consisting of a combination of misogynistic behaviours that can lead to social and State impunity and may culminate in homicide and other forms of violent death among women."⁴⁴

These forms of violence affect women from birth and create a variety of problems in their lives. They have an effect on families and communities across all generations and reinforce other types of violence prevalent in society. The most common form of violence experienced by women globally is intimate partner violence, sometimes leading to death.⁴⁵

Some forms of violence occur in more than one setting, such as harmful traditional practices that involve both the family and the community and are tolerated by the State. While the Convention clearly singles out the family unit, the community and the State, its message is that violence is not defined by the physical space in which it takes place, but by the power relations that give rise to it, and the nature of the interpersonal relations between victims and perpetrators.⁴⁶

Article 2 of the Belém do Pará Convention had a positive influence on the reform of existing laws and the enactment of new laws to advance the observance of women's human rights. Laws were passed on the prevention, punishment and eradication of intra-family violence, as well as specific laws on violence against women which address its various manifestations, such as sexual violence, femicide, trafficking in women, sexual exploitation, and others.

41. MESECVI, 2011, op.cit., p. 3.

42. United Nations, 2006, op.cit., p. 36.

43. MESECVI, 2012a, op.cit., p. 19.

44. MESECVI, 2012a, op.cit., p. 19

45. United Nations, 2006, op.cit. (Executive Summary)

46. ECLAC. *No More! The Right of Women to Live a Life Free of Violence in Latin America and the Caribbean*. Santiago: Economic Commission for Latin America and the Caribbean, 2007, p. 21, <http://www.eclac.cl/publicaciones/xml/4/32194/Nomore.pdf>

Violence against women committed within the family or domestic unit or any other interpersonal relationship: The Committee of Experts has observed that some States narrow this type of violence to domestic violence or intra-family violence, which makes for a confusing body of law since both expressions refer to violence practiced within the family, against any member, male or female. It also excludes the violence inflicted by co-habiting partners, boyfriends, ex-spouses or persons who, while not legally related to a woman, have an interpersonal relationship with her.⁴⁷ In this sense it is important to recall the broad concept of family that is used by the United Nations' Special Rapporteur on Violence against Women, its Causes and Consequences, which "encompasses intimate-partner and interpersonal relationships, including non-cohabitating partners, previous partners and domestic workers."⁴⁸



Violence within the family is a generalized phenomenon that affects women from all social status. It continues to be perceived as acceptable and legitimate – a crime against which complaints are rarely brought, mainly out of fear of reprisal, pressure from the family or community to not reveal domestic problems, women's scarce knowledge of their own rights, lack of support services, economic dependence and the perception that the police do not respond with appropriate solutions. In addition, certain groups of women are particularly vulnerable to this type of violence – hence the prevalence of domestic violence and sexual aggression against women from indigenous populations is higher than that perpetrated against any other group of women, which highlights in particular the nexus between poverty, exclusion and violence.⁴⁹ In order to address this type of violence, it is essential that related regulations be specific to preventing, punishing and eradicating the violence inflicted on women, which requires the elimination of any regulations that *de jure* or *de facto* may violate the human rights of women, in particular their right to live a life free of violence.⁵⁰

States are under an obligation to eliminate or invalidate any regulation that might generate indirect discrimination, understood as particularly negative repercussions on one person or group with specific characteristics. In this sense, the I/A Court H.R. has pointed out that it is possible that those who have formulated the regulation may not be aware of its practical consequences and that, in such cases, the intent to discriminate is not intrinsic and the burden of proof is overturned. On this point, the United Nations' Committee on People with Disabilities (CRPD) has declared that "...a law that is applied impartially may have a discriminatory effect if it does not take into consideration the particular circumstances of the persons to which it is applied."⁵¹

47. MESECVI, 2012a, op.cit., p. 18

48. United Nations, 2011, op.cit. paragraph. 25.

49. Ibid. par. 26, 27 & 28

50. MESECVI. *Second Hemispheric Report on the Implementation of the Belém do Pará Convention*. Washington, D.C.: Follow-Up Mechanism to the Belém do Pará Convention, 2008, p. 46, <http://www.oas.org/en/mesecevi/hemisphericreports.asp>

51. I/A Court H.R. "Case of Artavia Murillo et al. ("In Vitro Fertilization") v. Costa Rica: Judgment No. 257 of November 28," 2012, http://www.corteidh.or.cr/docs/casos/articulos/seriec_257_ing.pdf, Cf. Committee on the Rights of Persons with Disabilities, Communication No. 3/2011: "Case of H. M. v. Sweden, CRPD/C/7/D/3/2011, 19 April 2012," paragraph 286.

Violence in the community: Under the Convention, violence against women moves beyond the privacy of the home and is present in neighbourhoods, on means of transportation, in schools, hospitals, workplaces and, in general, in every realm of life where women are present and participate. This is why the Convention also protects women in the public sphere. One expression of violence at the level of the community is the generalized discrimination and violence directed against women as a result of their sexual orientation or gender identity.

Femicide (the murder of women for gender-based reasons) is becoming an increasing focus of attention within the community, as are sexual violence,⁵² sexual harassment, trafficking in persons and forced prostitution. The Committee of Experts welcomes the efforts that States have made to harmonize their own laws on these subjects with international standards. For example, in many countries the laws on human trafficking faithfully reflect the Palermo Protocol and the elements of the crime of forced prostitution as set out in the Elements of Crimes that supplements the Rome Statute creating the International Criminal Court.⁵³

52. In keeping with other international case law and in consideration of the provisions of the Convention on the Prevention, Punishment and Eradication of Violence against Women, the Inter-American Court of Human Rights held that sexual violence consists of actions of a sexual nature committed with a person without their consent; in addition to physical penetration of the human body, they may include acts that do not imply penetration or even any physical contact whatsoever. I/A Court H.R., 2009 (Case of González et al), op.cit, paragraph 306.

53. The elements of the crime of forced prostitution are spelled out: 1. The perpetrator caused one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent. 2. The perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature (...) See MESECVI, 2012a, op.cit., p. 22.

Violence perpetrated or condoned by the state or its agents: The violence practiced by the State, whether through its agents, by omission or by public policy, includes physical, sexual and psychological violence and may constitute torture.⁵⁴ Time and time again the I/A Court H.R has held that the State's power is not without its limits and that it is incumbent upon States to act "within the limits and pursuant to the procedures that permit both the preservation of public security as well as the fundamental rights of human beings."⁵⁵

Some constitutions and comprehensive laws on violence against women make reference to violence perpetrated by the State or regard it as part of "institutional violence."⁵⁶ In such cases, States must take care to take the measures necessary to prevent and punish that kind of violence.⁵⁷

Protecting women from the violence committed by the State has become increasingly relevant, as the number of cases of violence against women, particularly sexual violence—including rape—,⁵⁸ perpetrated by agents of the States in hospitals, schools, incarceration facilities and elsewhere, is on the rise. Similarly, the proliferation of sexual violence in armed conflicts and massive violations of human rights in the region demonstrate its use as a weapon of war and method of suppression of women's bodies and lives. The Committee of Experts notes that the nature and impact of rape in these contexts has been documented by transitional justice mechanisms such as truth commissions and, more recently, the inter-American human rights system and national courts. The Committee also notes that sexual violence has a greater impact on women that have been displaced by these situations, who require protection that is adequate to their needs and that takes into account the gender dimensions of forced displacement and the risks that are generated for displaced women.⁵⁹

54. Torture and cruel, inhuman or degrading punishment or treatment are strictly prohibited by international human rights law. The absolute prohibition of torture, both physical and mental, is currently part of the international *jus cogens*. See, *inter alia*, I/A Court H.R., "Case of the Miguel Castro Castro Prison v. Peru: Judgment No. 160 of November 25, 2006," paragraph 271.

55. I/A Court H.R., 2006 (Case of Miguel Castro Castro), op.cit., paragraph 240.

56. MESECVI, 2012a, op.cit., p. 34.

57. MESECVI, 2012a, op.cit., p. 37.

58. In keeping with case law and legal standards in international criminal law and comparative criminal law, the Court considered that sexual rape does not necessarily imply a non-consensual sexual vaginal relationship, as traditionally considered. Sexual rape must also be understood as act of vaginal or anal penetration, without the victim's consent, through the use of other parts of the aggressor's body or objects, as well as oral penetration with the virile member. I/A Court H.R., 2006 (Case of Miguel Castro Castro), op.cit., paragraph 310.

59. MESECVI, 2012a, op. cit., p. 35.

In this context, the Committee of Experts has recommended that sexual violence perpetrated by State agents be expressly criminalized and, where appropriate, that it be classified as a war crime and crime against humanity.⁶⁰ If such provisions were in place, these crimes could be prosecuted not just when committed in an armed conflict (in which case they would be war crimes and the crime of sexual violence) but also when committed in the absence of armed conflict, when a systematic or generalized pattern against the civilian population is proven (in the case of crimes against humanity).⁶¹

To help eradicate violence against women perpetrated by the State or its agents, penalties must be established to punish the responsible agents. Such provisions should figure mainly in the Penal Code, either as a separate crime or as an aggravating circumstance of a crime already on the books but committed by a public official.

States are also responsible for private acts – State-tolerated violence – if they fail to act with the necessary due diligence to prevent a violation of rights, to investigate and punish acts of violence already committed, and to compensate their victims. The case law of the I/A Court H.R. is that the State is liable for human rights violations that occur between or among private parties if it has failed to take the necessary preventive and protective measures, despite having knowledge of a real and immediate threat to an individual or group that the State could have prevented or averted.



In other words, in order to assign blame to the State for the acts of third parties, the particular circumstances of the case must be considered, as must the question of whether the State acted on its obligations to protect.⁶² In the case of *María da Penha Fernandes v. Brazil*, the Inter-American Commission on Human Rights (IACHR) established the existence of a pattern of State tolerance in cases of violence against women, in particular as a result of ineffective police and judicial action, as the State failed to act with the necessary due diligence to “prevent these degrading practices.”⁶³

Regardless of the form of violence or the scenario(s) in which it takes place, State efforts to eliminate all forms of violence against women must consider not only the immediate impact of abuse on the lives of those involved, but also the ways in which existing structures of discrimination and inequality perpetuate and exacerbate the experience of victims. States must bear in mind the need to understand the specificities of violence against women, as well as the obligation to duly recognize, at the local level, the diverse forms of oppression that women experience. Programmatic responses to violence against women cannot be considered in isolation from individual, family, community, or State contexts. Interventions that are designed exclusively to mitigate abuse, without taking into account the realities of women’s lives; do not question the fundamental gender inequalities and discrimination that give rise to that abuse.⁶⁴

60. The I/A Court H.R. has delivered three judgments involving sexual violence committed in the context of massacres and/or internal armed conflict:

- I/A Court H.R. “Case of the Plan de Sánchez Massacre v. Guatemala: Reparations and Costs,” 2005, http://www.corteidh.or.cr/docs/casos/articulos/seriec_116_ing.pdf;
 - I/A Court H.R., 2006 (Case of Miguel Castro Castro), op.cit.; and
 - I/A Court H.R. “Case of the Dos Erres Massacre v. Guatemala,” 2009, http://www.corteidh.or.cr/docs/casos/articulos/seriec_211_ing.pdf.
61. MESECVI, 2012a, op. cit., p. 34.

62. I/A Court H.R., 2009 (Case of González et al), op.cit, paragraph 280.

63. IACHR. “Report 54/01. Case 12,051: María da Penha Maia Fernandes.” Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2001, paragraph 56, <http://www.cidh.oas.org/annualrep/2008eng/Chap3.g.eng.htm>

64. United Nations, 2011, op.cit., paragraphs 81 & 84.



3.3 CHAPTER II

RIGHTS PROTECTED

Article 3 Every woman has the right to be free from violence in both the public and private spheres.

Article 4 Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include, among others: the right to have her life respected; the right to have her physical, mental and moral integrity respected; the right to personal liberty and security; the right not to be subjected to torture; the rights to have the inherent dignity of her person respected and her family protected; the right to equal protection before the law and of the law; the right to simple and prompt recourse to a competent court for protection against acts that violate her rights; the right to associate freely; the right of freedom to profess her religion and beliefs within the law; and the right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making.

Article 5 Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights, and may rely on the full protection of those rights as embodied in regional and international instruments on human rights. The States Party recognize that violence against women prevents and nullifies the exercise of these rights.

Article 6 The right of every woman to be free from violence includes, among others: the right of women to be free from all forms of discrimination; and the right of women to be valued and educated free of stereotyped patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination.

3.3 CHAPTER II

RIGHTS PROTECTED

Article 3

Every woman has the right to be free from violence in both the public and private spheres.

Violence against women is rooted in the inequality and discrimination that they suffer, both in the private and public spheres. The CEDAW Committee emphasized that gender-based violence, including the murders, kidnappings, disappearances and domestic violence “are not isolated, sporadic or episodic cases of violence; rather they represent a structural situation and a social and cultural phenomenon deeply rooted in customs and mindsets” and that these situations of violence are founded “in a culture of violence and discrimination.”⁶⁵

Institutions like the family, language, advertising, education, the mass media, and others, are the conduits of an ideological discourse and message that shape the behaviour of men and women to conform to established cultural patterns that reinforce inequalities. They also reinforce the roles and stereotypes that are so detrimental to women. This is why the right of women to live free and to live a life free of violence includes, *inter alia*, the right to be free from any form of discrimination and to be valued and educated free of stereotyped patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination,⁶⁶ as provided in Article 6 of the Convention.

The international community has taken a number of approaches to the matter of gender violence. It has adopted treaties whose specific purpose is to eliminate gender discrimination and violence, while also introducing the principle of non-discrimination into existing instruments. These instruments form a solid basis for States to protect women’s rights and wipe out not only violence but also discrimination. They also reassert that States have a duty to prevent violence against women, investigate such acts when they occur, punish the offenders and offer the victims compensation.

The obligation to guarantee the right to a life free from violence in both the public and private spheres makes the State accountable for the acts committed by its

own agents and by private parties. Thus, a State’s tolerance of cases of violence and discrimination against women violates its obligation to punish; but such tolerance also violates the State’s obligation to prevent by virtue of the fact that its tolerance not only enables but also perpetuates discrimination against women.

Because violence against women is structural in nature, its eradication will require a comprehensive approach, which can be achieved if certain key measures are taken. Individual, family, social, cultural and institutional factors have to be considered from a multi-dimensional perspective. Accordingly, the State must be ready to provide or make possible a wide array of services, everything from services for victims of violence to prevention targeting every level where that violence is present, which will call for legal, economic, cultural, social and educational measures. With that purpose in mind, the role of every public agency must be focused on an effort by each country and State to achieve a holistic response to the problem of gender violence. This will require active commitment by and coordination of the judicial, executive and legislative branches of government and the various parts of the government, while also relying on the participation of the various institutions and actors in society.⁶⁷

Article 4

Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include, among others:

- a. The right to have her life respected;***
- b. The right to have her physical, mental and moral integrity respected;***
- c. The right to personal liberty and security;***
- d. The right not to be subjected to torture;***
- e. The rights to have the inherent dignity of her person respected and her family protected;***
- f. The right to equal protection before the law and of the law;***
- g. The right to simple and prompt recourse to a competent court for protection against acts that violate her rights;***
- h. The right to associate freely;***

65. CEDAW, cited by the I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraph 133.

66. IACHR, 2011a, op.cit., paragraph 47.

67. ECLAC, 2007, op.cit., p. 23

- i. *The right of freedom to profess her religion and beliefs within the law; and*
- j. *The right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making.*

This article refers not just to the exercise and enjoyment of the rights protected under the Belém do Pará Convention, but also those protected in other instruments, whether regional or international, which serves to expand women’s umbrella of protection.

a. *The first and foremost principle of law protected is the right to life*

The I/A Court H.R. has written that the right to life plays a fundamental role as it is the condition *sine qua non* for the realization of all other rights. Hence, States have an obligation to guarantee the creation of the conditions necessary so that violations of that inalienable right do not occur and, in particular, the duty to prevent their agents from endangering it (negative obligation). States must adopt all the appropriate measures to protect and preserve the right to life (positive obligation), in keeping with their obligation to guarantee the full and free exercise of the rights of all persons subject to their jurisdiction.⁶⁸

For its part, the IACHR has written that protection of the right to life is a critical component of a State’s due diligence obligation to protect women from acts of violence. This legal obligation applies to the entire apparatus of the State and also includes any obligations the State has to prevent and respond to actions by non-state actors and private parties.⁶⁹

Given that the right to life is a fundamental human right, narrow interpretations are inadmissible. In essence, the fundamental right to life includes not just the right of every human being not to be deprived of his or her life arbitrarily, but also the right not to be denied access to the conditions that will ensure a dignified existence.⁷⁰

68. I/A Court H.R. 2006 (Case of Miguel Castro Castro), op. cit., paragraph 237.

69. IACHR. “Report 170/11. Case 12,578: María Isabel Véliz Franco et al. v. Guatemala.” Inter-American Commission of Human Rights, Organization of American States, 2011, paragraph 75, <http://www.oas.org/en/iachr/decisions/court/12.578FondoENG.pdf>

70. I/A Court H.R. “Case of the “Street Children” (Villagrán Morales et al) v. Guatemala: Judgment No. 63 of November 19, 1999,” paragraph 144, http://www.corteidh.or.cr/docs/casos/articulos/seriec_63_ing.pdf

b. *The right to integrity*

This right means that every woman is entitled to be treated with respect for the inherent dignity of her human person and shall not be subjected to torture or cruel, inhuman or degrading treatment or punishment. For the Inter-American Court, violation of the right to physical and psychological integrity of persons is a category of violation that has several gradations ranging from torture to other types of humiliation or cruel, inhuman or degrading treatment, with varying degrees of physical and psychological effects caused by endogenous and exogenous factors.⁷¹

The IACHR has established a close nexus between the right to humane treatment and the right to health, so that adequate and prompt health services are one of the principal measures by which to guarantee women’s right to humane treatment. Throughout the Americas, public and private health institutions are places where women exercise their economic, social and cultural rights. However, health institutions can often be perilous places for women, where various forms of physical, psychological and sexual violence can occur, taking a devastating toll on the health and wellbeing of thousands of women in the region.⁷²

With these considerations in mind, the Committee of Experts has observed that one form of gender violence related to women’s integrity and health concerns sexual and reproductive rights.⁷³ It points out that the women most at risk are poor women, teenage girls, and women from areas who do not have easy access to health services, forcing them to resort to unhealthy and even dangerous practices.⁷⁴

The right to life and the right to personal integrity are essential rights and part of the core of non-repealable rights that cannot be suspended in time of war, public danger or other emergency.⁷⁵

71. I/A Court H.R. “Case of Caesar v. Trinidad and Tobago: Judgment No. 123 of March 11, 2005,” paragraph 69, http://www.corteidh.or.cr/docs/casos/articulos/seriec_123_ing.pdf

72. See, in general, IACHR. *Report on Access to Justice for Women Victims of Sexual Violence: Education and Health* (OEA/Ser.L/V/II. Doc. 65). Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011d, <http://www.oas.org/en/iachr/women/docs/pdf/SEXUALVIOLENCEEducHealth.pdf>

73. See also IACHR. *Access to Maternal Health Services from a Human Rights Perspective* (OEA/Ser.L/V/II). Inter-American Commission of Human Rights, Organization of American States, 2010, <http://www.oas.org/en/iachr/women/docs/pdf/MaternalHealth2010.pdf>

74. MESECVI, 2008, op.cit., p.17

75. American Convention on Human Rights, Article 27(2)

c. The right to personal liberty and security

Because of this right, no woman can be deprived of her physical liberty except for the reasons, cases or circumstances specifically established by law (material aspect), and then only in strict accordance with the objectively defined procedures that the law prescribes (formal aspect).⁷⁶ In other words, every woman has the right to organize, in keeping with the law, her individual and social life according to her own choices and beliefs. Liberty, thus defined, is a basic human right, inherent in the attributes of the person and embodies the possibility of all human beings to self-determination and to choose freely the options and circumstances that give meaning to their life, according to their own choices and beliefs.⁷⁷

d. Every woman's right not to be subjected to torture

It is important to draw the connection between this norm and the Inter-American Convention to Prevent and Punish Torture, to fully comprehend that mistreatment amounts to torture when: i) it is intentional; ii) it causes severe physical or mental suffering, and iii) it is committed for a specific end or purpose. The I/A Court H.R. has written that torture can be inflicted not only through physical violence, but also through acts that produce severe physical, psychological or moral suffering in the victim.⁷⁸ By this definition, rape constitutes torture.⁷⁹

e. The right to have the inherent dignity of one's person respected and one's family protected

The Inter-American Court has held that the right to have one's honour and dignity respected has to do with a person's self-esteem and self-worth,⁸⁰ and that the right to a family is such a basic right that it cannot be suspended no matter how extreme the circumstances.⁸¹ With respect to the concept of the family, various human rights bodies that have been created by treaties have indicated that there is not one sole model of the family, which can vary. The European Court of Human Rights has interpreted the concept of "family" in broad

terms. Thus, for example, in the Case of X, Y and Z v. the United Kingdom, the Court recognized that a transsexual person, her female partner and a child can constitute a family.⁸² In any case, a public policy designed to protect the family must also protect the rights to honour and intimacy of the girls and women in that family, with particular attention to policies that guarantee their right to a life free of violence, particularly in the domestic sphere.

f. The right to equal protection before the law

States have an obligation not to introduce discriminatory regulations in their legal systems, to eliminate regulations of a discriminatory nature, to combat practices of this nature, and to establish norms and other measures that recognize and ensure the effective equality before the law of every individual.⁸³ Nevertheless, differences in treatment in otherwise similar circumstances are not necessarily discriminatory. A distinction that is based on "reasonable and objective criteria" may serve a legitimate state interest. It may, in fact, be required to achieve justice or to protect persons requiring the application of special measures. It must be a distinction based on reasonable and objective criteria that pursue a legitimate aim and employ means that are proportional to the end sought.⁸⁴

g. The right to a simple and prompt recourse to a competent court for protection against acts that violate her rights

This right creates a duty incumbent upon the State to offer women victims of violence protection, under conditions of equality and free from any form of discrimination. For the I/A Court H.R., this duty involves four obligations: prevention, investigation, punishment and reparation of any human rights violation, in order to prevent impunity.⁸⁵

76. I/A Court H.R., 1999 (Case of the "Street Children"), op.cit., paragraph 131

77. I/A Court H.R. 2012 (Case of Artavia Murillo et al.), op.cit., paragraph 142

78. I/A Court H.R. "Case of Cantoral Benavides v. Peru: Judgment No. 69 of August 18, 2000," paragraph 100, http://www.corteidh.or.cr/docs/casos/articulos/seriec_69_ing.pdf and "Case of Maritza Urrutia v. Guatemala: Judgment of November 27, 2003," paragraph 91, http://www.corteidh.or.cr/docs/casos/articulos/seriec_103_ing.pdf

79. I/A Court H.R. "Case of Fernández Ortega et al. v. Mexico: Judgment No. 224 of August 30, 2010," paragraph 117 et seq., http://www.corteidh.or.cr/docs/casos/articulos/seriec_215_esp.pdf

80. I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraph 444.

81. I/A Court H.R., 2012 (Case of Artavia Murillo et al.), op.cit., paragraph 145.

82. ECHR. "Case of X, Y and Z v. the United Kingdom, (No. 21830/93): Judgment of 22 April 1997," paragraph 36 ("When deciding whether a relationship can be said to amount to 'family life,' a number of factors may be relevant, including whether the couple live together, the length of their relationship and whether they have demonstrated their commitment to each other by having children together or by any other means"), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58032>

83. I/A Court H.R. "Case of Vélez Lóor v. Panama: Judgment No. 218 of November 23, 2010," paragraph 248, http://www.corteidh.or.cr/docs/casos/articulos/seriec_218_ing.pdf

84. IACHR. "Report 4/01: Case 11,625, María Eugenia Morales v. Guatemala." Inter-American Commission of Human Rights, Organization of American States, 2001, paragraph 31, <http://www.cidh.oas.org/women/guatemala11.625eng.htm>

85. See, in general, I/A Court H.R., 2009 (Case of González et al.), op.cit.

In cases of violence committed against women, the administration of justice must be conducted from a gender perspective, as this will enable it to make a clean break from its traditional way of deciding disputes and the case will be settled differently, through the lens of violence against women. As a result, the duty to investigate will take on additional dimensions. In order to comply with the obligation to investigate and punish, the State must remove all the obstacles and mechanisms *-de facto* and *de jure*- that sustain impunity; it must grant sufficient guarantees of security to witnesses, judicial authorities, prosecutors, other officers of the court, and the next of kin of the victims, and use all possible measures to advance the proceedings. States must also show that the result was not the product of a mechanical implementation of certain procedural formalities without a genuine search for the truth and that it conducted an immediate, exhaustive and impartial investigation that was intended to explore all possible lines of investigation that would help identify the authors of the crime so that they might be prosecuted and punished, with a view to avoiding the repetition of similar or analogous situations.⁸⁶

In cases of gender-based violence, investigations should: include the specific patterns of discrimination unique to each area, in accordance with protocols and manuals that meet the requirements of due diligence; regularly provide information to the families of the victims on the progress of the investigation and give them full access to the files; and be conducted by officials that have been fully trained in similar cases and the care of victims of gender-based discrimination and violence. It is also important to ensure that the different bodies that participate in investigations and judicial processes have the necessary human and material resources to carry out their work effectively, independently and impartially, as well as guaranteeing the safety of those that participate in the investigation. In addition, the results of the process should be made publically available so that society is made aware of the facts that were subject to investigation.⁸⁷

h. The right to associate freely

Every person has the right to freely associate for ideological, religious, political, economic, labour, social, or cultural ends or for sports or any other reason. Exercise of this right is subject only to the legally prescribed restrictions that are strictly necessary in a democratic society in the interests of national security or public safety and order, or to protect public health or morals or the rights and

freedoms of others.⁸⁸ It presupposes that every individual is capable of deciding, without any form of pressure, whether or not she wishes to form part of some association. What is involved here, then, is the fundamental right to join a group to achieve some common lawful purpose, without the kind of pressure or interference that might alter or distort the group's purpose. In other words, the right of association is both a right and a freedom: the right to form associations without restrictions other than those listed above, and the freedom of every person not to be compelled or forced to join.⁸⁹

i. The right of freedom to profess her religion and beliefs within the law

Under the American Convention on Human Rights, this right includes every woman's freedom to keep her religion or her beliefs or to change them, and her freedom to profess and preach her religion and beliefs, either individually or collectively, in public and in private. No woman shall be subject to restrictions that might impair her freedom to maintain or to change her religion or beliefs.

The freedom to profess her religion and beliefs is subject only to the limitations prescribed by law that are necessary to protect public safety, order, health or morals, or the rights and freedoms of others.⁹⁰

j. The right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making

The IACHR has stressed the point that adequate participation and representation of women at all levels of government is a condition *sine qua non* for stronger democracy in the Americas. Accordingly, the States must take measures to respect and guarantee women's exercise of their political rights, including special temporary measures.⁹¹ In this way, political rights may be effectively exercised while at the same time observing the principles of equality and non-discrimination. In other words, women's effective participation in political life has a direct bearing on the struggle against gender-based discrimination. Along these same lines, the CEDAW Committee has declared that one of the goals of the States Party must be to

86. IACHR, 2011a, op.cit., paragraphs 83 and 84.

87. In this sense, see I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraph 455.

88. American Convention on Human Rights, Article 16

89. I/A Court H.R. "Case of Baena Ricardo et al. v. Panama: Judgment No. 72 of November 28, 2003," paragraphs 156 and 159, http://www.corteidh.or.cr/docs/casos/articulos/seriec_72_ing.pdf

90. American Convention on Human Rights, Article 12.

91. See, in general, IACHR. *The Road to Substantive Democracy: Women's Political Participation in the Americas* (OEA/Ser.L/V/II. Doc. 79). Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011b, <http://www.oas.org/en/iachr/women/docs/pdf/POLITICALpart.pdf>

accelerate the participation of women, in conditions of equality, in the political, economic, social, cultural, civil, and other realms. Rather than an exception to the principle of non-discrimination, the Committee considers these efforts as a way of underlining that special temporary measures are a necessary part of a strategy for the achievement of substantive or *de facto* equality between women and men in the enjoyment of their human rights and fundamental freedoms.⁹²

Women's inclusion in all spheres of politics strengthens democracy, as it advances political pluralism by bringing in the voices and demands of women, who represent approximately half the population in the Americas. The IACHR has also observed that women's participation in positions of power and decision-making can have a multiplier effect in achieving equal rights in all areas of importance to gender equality, not just politics.⁹³

The IACHR has also mentioned the importance of special temporary measures to achieve parity in public and private life. Parity means that men and women participate equally and are equally represented in the decision-making process and it is one of the democratic principles in the region. Parity is a qualitative concept that presupposes a redistribution of power in the job market, decision-making and family life. The purpose of parity in government is to achieve equal gender representation in the decision-making process. It is also based on the idea that women have a right to participate in decisions that affect the welfare of society, not just as equals but also as a different half of the citizenry, with their own interests and needs at stake.⁹⁴

Article 5

Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights, and may rely on the full protection of those rights as embodied in regional and international instruments on human rights. The States Party recognize that violence against women prevents and nullifies the exercise of these rights.

92. CEDAW. "General Recommendation 25: on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures," paragraph 18, [http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(Spanish\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(Spanish).pdf).

93. IACHR, 2001b, op.cit., paragraph 6

94. Ibid., paragraph 16

The effective enjoyment of human rights refers as much to economic, social and cultural rights as to civil and political rights, given the interdependent and integral nature of those rights. In the *Case of Acevedo Buendía*, the I/A Court H.R. referred to these characteristics, highlighting that civil and political, and economic, social, and cultural rights should be understood integrally as human rights, without hierarchy, and that they are exigible in every case before the relevant competent authorities.⁹⁵

The substantive leap forward that Article 5 of the Belém do Pará Convention represents is that it expressly provides that women's economic, social and cultural rights must be duly respected and protected – it assigns the same legal value to civil and political rights and economic, social and cultural rights and articulates the States Party's political commitment to regard those rights as obligations in law. This is of special significance in a context in which women are particularly hard hit by poverty and at a real disadvantage vis-à-vis the exercise of those rights. Indeed, the OAS Working Group created to monitor compliance with the Protocol of San Salvador singled out women as a sector of society that is labouring under a structural inequality that shapes and limits their opportunities to exercise their social rights.⁹⁶

The IACHR has reiterated the need for States to adopt, promptly and without delay, measures to address obstacles and barriers to the exercise, respect and guarantee of women's economic, social and cultural rights. The gaps in the protection of women's access to work, education and other resources, among others, have a multiplying effect on the exercise of their human rights in general, and weaken all aspects of their autonomy. Similarly, the respect and guarantee of women's economic, social and cultural rights is closely linked to the full exercise of their civil and political rights.⁹⁷

95. Corte IDH. "Caso Acevedo Buendía y otros ("Cesantes y Jubilados de la Contraloría") Vs. Perú: Sentencia de 1 de julio de 2009," párrafo 101, http://www.corteidh.or.cr/docs/casos/articulos/seriec_198_esp.pdf

96. See in this regard, IACHR. *The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights* (OEA/Ser.L/V/II.143, Doc. 59). Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011c, p. 2, <http://www.cidh.oas.org/pdf%20files/womendesc2011.pdf>

97. IACHR. *Access to justice for women victims of sexual violence: education and health* (OEA/Ser.L/V/II. Doc. 65), Inter-American Commission of Human Rights, Organization of American States, 2011d, paragraph 332, <http://www.oas.org/en/iachr/women/docs/pdf/SEXUALVIOLENCEEducHealth.pdf>

In order for women to be able to participate in political and public life on an equal footing with men, they must be able to exercise all their rights.⁹⁸ In order that women may progressively exercise all of their human rights (civil, political, economic, social and cultural), States must promote and support their empowerment through education, professional training, basic legal training, and access to productive resources, which will in turn foster their understanding, self-esteem, self-confidence and self-sufficiency.

Accordingly, States have an obligation to ensure women's exercise of their human rights, under conditions of equality and free from any form of discrimination.

To ensure and protect women's human rights, States must "organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights."⁹⁹

Where the exercise of human rights is not already guaranteed by legislative or other means, States have a duty to adopt, in accordance with their constitutional, legislative or other processes, such legislative or other measures as are necessary to give effect to those rights.¹⁰⁰

Time and again the jurisprudence of the I/A Court H.R. has held that this State obligation is twofold: on the one hand, it requires derogation of rules and practices of any kind that imply the violation of guarantees provided in the realm of human rights by, for example, eradicating the judicial and extrajudicial practice of conciliation in cases of violence against women. On the other hand, it requires the issuance of rules and the development of practices leading to effective enforcement of said guarantees,¹⁰¹ and that sexual violence be regarded as torture when perpetrated by agents of the State.

98. UNHRC. *Report of the Working Group on the Issue of Discrimination against Women in Law and in Practice* (A/HRC/23/50). New York: United Nations Human Rights Council, 2013. http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.50_EN.pdf

99. I/A Court H.R. "Case of Velásquez Rodríguez v. Honduras: Judgment No. 4 of July 29, 1988," paragraph 166, http://www.corteidh.or.cr/docs/casos/articulos/seriec_07_ing.pdf

100. American Convention on Human Rights, Article 2.

101. I/A Court H.R. "Case of Castillo Petruzzi et al. v. Peru: Judgment No. 52 of May 30, 1999," paragraph 207, http://www.corteidh.or.cr/docs/casos/articulos/seriec_52_ing.pdf; I/A Court H.R., 2003 (Case of Baena Ricardo et al.), op.cit., paragraph 180; I/A Court H.R., 2000 (Case of Cantoral Benavides), op.cit., paragraph 178; I/A Court H.R. "Case of La Cantuta v. Peru: Judgment No. 162 of November 29, 2006," paragraph 172, http://www.corteidh.or.cr/docs/casos/articulos/seriec_162_ing.pdf

The Belém do Pará Convention reinforces the States' commitments and adds the States' responsibility if measures to prevent violence and discrimination against women are not adopted. States, therefore, must have an adequate and effective legal framework of protection, with prevention policies and practices that allow them to respond effectively to threats and complaints of violence against women.¹⁰² In the words of the Inter-American Court, "[t]his general obligation of the State Party implies that the measures of domestic law must be effective (the principle of *efet utile*), and to this end the State must adapt its actions to the protection norms of the Convention."¹⁰³

Therefore, it is the duty of the legislative, executive and judicial branches of government to analyze, with strict scrutiny, all the statutes, regulations, practices and public policies that establish differential treatment based on sex, or that may have a discriminatory impact on women in practice.¹⁰⁴

Although States have made progress on some fronts to better ensure the enjoyment and protection of women's human rights, inequalities between men and women still exist, as do considerable obstacles standing in the way of women's right to a life free of violence. In addition, a pattern of impunity persists in the judicial prosecution and proceedings involved in cases of violence against women.

102. See I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraph 258.

103. See in this regard, I/A Court H.R. "Case of Yatama v. Nicaragua: Judgment No. 127 of June 23, 2005," paragraph 170, http://www.corteidh.or.cr/docs/casos/articulos/seriec_127_ing.pdf. The Court has repeatedly used the principle of *efet utile* when interpreting the American Convention on Human Rights, and has held that the State must adopt all measures in order for its domestic legal system to be in full compliance with the provisions of the Convention, as provided in Article 2 of the American Convention. Those measures are only effective when the State makes its conduct conform to the American Convention's provisions on protection. See also, I/A Court H.R. "Case of 'The Last Temptation of Christ' (Olmedo Bustos et al.) v. Chile: Judgment No. 73 of February 5, 2001," paragraph 85, http://www.corteidh.or.cr/docs/casos/articulos/seriec_73_ing.pdf.

104. See IACHR. *Legal Standards Related to Gender Equality and Women's Rights in the Inter-American Human Rights System: Development and Application* (OEA/Ser.L/V/II.143. Doc. 60). Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011e, paragraph 18 <https://www.oas.org/en/iachr/women/docs/pdf/REGIONALst.pdf>.

Article 6

The right of every woman to be free from violence includes, among others:

- a. *The right of women to be free from all forms of discrimination; and*
- b. *The right of women to be valued and educated free of stereotyped patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination.*

As observed in the discussion of Article 3, gender-based violence is founded on a preconception of women's inferiority that is fed by the prevailing culture of inequality and discrimination. This notion is at the root of the problem of impunity and cripples women's ability to deploy all of their capacities and fully exercise their rights. Article 6 provides substance to Article 3 by highlighting what a life free of violence means.

The right of women to be free from all forms of discrimination: Discrimination against women has created fertile ground for violence and is reflected in the unequal access that women have to the exercise of their rights. It is the backdrop that foments and propagates violence against women. Indeed, many crimes committed against women are perpetrated under the influence of a culture of gender-based discrimination, which is a factor in both the motives and the *modus operandi* of the crimes and influences the authorities' response to them.¹⁰⁵

The purpose of CEDAW is to promote *de facto* and *de jure* equality between men and women in the exercise of their human rights and fundamental freedoms.¹⁰⁶ Its Article 1 defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

105. I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraph 164.

106. CEDAW. "General Recommendation No. 25: "Temporary Special Measures"" (30th Session, 2004), section II, <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>

This definition encompasses those acts that inflict physical, mental or sexual harm or suffering, the threat of such acts, coercion and other deprivations of liberty.¹⁰⁷ In other words, this is a sweeping definition that encompasses all forms of violence against women;¹⁰⁸ however, States must also take into account the specific way in which some cases of discrimination driven by other factors affect women in particular.¹⁰⁹

More importantly, the definition provides the framework essential for an understanding of the link between discrimination and violence, since violence against women is a manifestation of this discrimination. The prohibition of discrimination is directly related to the right to equality (recognized in Article 4 (f) of the Belém do Pará Convention). At this stage in the evolution of international law, the basic principles of equality and non-discrimination have become *jus cogens*.¹¹⁰ The juridical framework of national and international public order rests on this principle, which permeates the entire juridical system.¹¹¹

In order for States to be in compliance with the Belém do Pará Convention, specifically their obligation to respect women's right to be free from all forms of discrimination, they must take anti-discrimination measures. States are obliged not to introduce discriminatory regulations into their laws, to eliminate regulations of a discriminatory nature, to combat practices of this nature, and to establish norms and other measures that recognize and ensure the effective equality of all persons in the eyes of the law.¹¹² This requires a review of their laws and practices and makes it incumbent upon States to take the initiative in applying all measures necessary to wipe out discrimination against women in every field, by prohibiting, for example, discrimination in every realm of a woman's life.

107. CEDAW, 1992, op.cit.

108. CEDAW, 1992, op.cit., paragraph 11.

109. UNHRC. "General Comment No. 28: "The Equality between Men and Women"" (CCPR/C/21/Rev.1/Add.10). United Nations Human Rights Committee, 2000, <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>.

110. Article 53 of the Vienna Convention on the Law of Treaties defines *jus cogens* as a body of peremptory norms of general international law accepted and recognized by the international community of States as a whole. Such a peremptory norm is one from which no derogation is permitted and which can be modified only by a subsequent norm of international law having the same character. A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law.

111. I/A Court H.R., 2005 (Case of Yatama), op.cit., paragraph 184

112. Ibid., paragraph 185. The Court has signalled the difference between "differentiation" and "discrimination," so that the former are differences that are compatible with the American Convention because they are reasonable and objective, while the latter constitute arbitrary differences that result in harm to human rights. See also: I/A Court H.R., 2012 (Case of Artavia Murillo et al.), op.cit., paragraph 285.

Further, States must eliminate or abstain from developing regulations, policies or practices that have discriminatory effects on women because of the existence of gender-based stereotypes (indirect discrimination),¹¹³ and instead craft regulations and take the measures necessary to recognize and ensure women's effective equality in the eyes of the law (positive discrimination).

Discrimination is not confined to acts committed by governments or in their name. Under international law and specific human rights covenants, including the Belém do Pará Convention, States are liable for acts committed by private parties if those States fail to act, with due diligence, to prevent the violation of women's human rights.¹¹⁴

The right of women to be valued and educated free of stereotyped patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination: Gender stereotypes are concerned with the social and cultural construction of men and women due to their different physical, biological, sexual and social functions. More broadly, gender stereotypes can be thought of as “the conventions that underwrite the social practice of gender.” “Gender stereotype” is an overarching term that refers to a “structured set of beliefs about the personal attributes of women and men.” Beliefs can cover a range of components, including personality traits, behaviours and roles, physical characteristics and appearance, occupations, and assumptions about sexual orientation. A personal stereotype reflects an individual's personal beliefs about a subject group or the subject of the stereotype, while a cultural or collective stereotype reflects a widely shared belief about a subject group or the subject of the stereotype. The components of gender stereotypes evolve and vary according to different contexts.¹¹⁵

Gender stereotyping *per se* is not necessarily problematic, except when “it operates to ignore individuals' characteristics, abilities, needs, wishes, and circumstances in ways that deny individuals their human rights and fundamental freedoms, and when it creates gender hierarchies.”¹¹⁶

In the case of women, gender stereotyping has had adverse effects, as their subordination can be associated with practices based on persistent and socially predominant gender stereotypes, a situation exacerbated when the stereotypes are reflected, either implicitly or explicitly, in policies and practices and, in particular, in the reasoning and language of the investigative police authorities. The creation and use of stereotypes thus becomes one of the causes and consequences of gender-based violence against women.¹¹⁷

In patriarchal systems, the stereotyped patterns of behaviour and social practices premised on notions of women's inferiority are present everywhere in society. Thus, for example, when women victims of violence turn to the state institutions with which complaints are to be filed –mainly the police or prosecutors they generally encounter an atmosphere of gender based discrimination. Because of the stereotypes and biases that members of law enforcement and officers of the court harbour, they give little credence to the victim's version of what happened, put the blame on her, justify what happened by pointing to the victim's attitude or behaviour or her previous relationships, question the woman's honour, or use sexist language. The discrimination is often a function of the victim's sexual preference, the colour of her skin, her ethnic origins, low level of education, nationality, and other factors.¹¹⁸

113. I/A Court H.R., 2012 (Case of Artavia Murillo et al.), op.cit., paragraph 286. In this case, the Court clearly established that discrimination is a distinction that has no objective or reasonable justification.

114. CEDAW, 1992, op.cit.

115. Cook (Rebecca) and Cusack (Simone). *Gender Stereotyping: Transnational Legal Perspectives*. Philadelphia: University of Pennsylvania Press, 2010, p. 20.

116. Ibid.

117. I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraph 401

118. IACHR, 2011a, op.cit., paragraph 181.

Gender stereotypes are incompatible with international human rights law and measures must be taken to eliminate them.¹¹⁹ This is the obligation to which Article 6 of the Belém do Pará Convention refers. However, the Committee of Experts has established that gender prejudices and the lack of gender sensitivity among public officials continue to obstruct full enforcement of laws to prevent and punish violence against women.¹²⁰

For women to be valued and educated free of these stereotypes and discriminatory practices, in keeping with the Belém do Pará Convention, a profound cultural transformation is needed in every quarter of society. All appropriate measures must be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices that are based on the idea of the inferiority of women.¹²¹

Eliminating a gender stereotype presupposes that the State is aware of the existence of that stereotype and how it works to the detriment of a woman or subgroup of women. In cases where a stereotype goes undetected (unnamed) and is reaffirmed by the *status quo*, awareness of its existence and identifying (naming) how it works to women's detriment are necessary prerequisites for its elimination. This means that an analysis of stereotypes as the underlying causes of injury is a necessary precondition to ascertaining how best to treat that injury. An examination of the law and human rights may be instrumental in coming up with a diagnosis of a stereotype, which is a condition *sine qua non* for its elimination.¹²²

Because violence against women is a multidimensional problem caused by structural discrimination based on gender stereotypes, it has to be tackled from an inter-sector perspective and the actions outlined in national plans must tie in with other sector-specific plans.¹²³ National plans of action or strategies to combat the stereotypes and prevent, punish or eradicate violence against women are therefore imperative.



For the Committee of Experts, these national action plans on violence against women must cover every setting in which this type of violence occurs, the strategies, partners, areas of intervention, conceptual framework, operational plan, and other considerations. Public policy on violence against women must reflect these national plans. The importance of these policies is that they are binding upon all public agencies and involve civil society organizations, private entities and other actors.¹²⁴

The Committee of Experts would also point out that States have an obligation to make provision to have their plans of action or strategies evaluated. Evaluation of these plans and programs is an important tool, not only for reviewing their results, but also for identifying their strengths and weaknesses and for averting potential future problems.¹²⁵

119. I/A Court H.R., 2012 (Case of Artavia Murillo et al.), op.cit., paragraph 302

120. MESECVI, 2008, op.cit., p. 15

121. Declaration on the Elimination of Discrimination against Women, Article 3

122. Cook & Cusack, 2009, op.cit., p. 39

123. MESECVI, 2012a, op.cit., p. 51

124. MESECVI, 2008, op.cit., p. 18-19

125. Ibid., p. 19



3.4 CHAPTER III

DUTIES OF THE STATES

Article 7 The States Party condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to: refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation; apply due diligence to prevent, investigate and impose penalties for violence against women; include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary; adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property; take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women; establish fair and effective legal procedures for women who have been subjected to violence, which include, among others, protective measures, a timely hearing and effective access to such procedures; establish the necessary legal and administrative mechanisms to ensure that women, subjected to violence have effective access to restitution, reparation or other just and effective remedies; and adopt such legislative or other measures as may be necessary, to give effect to this Convention

Article 8 The States Party agree to undertake progressively specific measures, including programs: to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected; to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women; to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women; to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counselling services for all family members where appropriate, and care and custody of affected children; to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies to violence against women; to provide women who are subjected to violence access to effective readjustment and training programs to enable them to fully participate in public, private and social life; to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms and to enhance respect for the dignity of women; to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes; and to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence

Article 9 With respect to the adoption of the measures in this Chapter, the States Party shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socioeconomically disadvantaged, affected by armed conflict or deprived of their freedom

3.4 CHAPTER III

DUTIES OF THE STATES

Articles 7 and 8 of the Convention refer to a system of State obligations in the context of due diligence, and are fundamental to the realization of women's right to a life free of violence. The State duties contemplated in Article 7 are immediate, and non-compliance could imply international responsibility. Article 8 refers to specific measures that States must take progressively in the area of prevention of gender-based violence and protection and care of its victims.

Article 7

The States Party condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

Observance and enforcement of a woman's right to a life free of violence requires that a determination be made of when violence against women engages the responsibility of States. This article is critical to making that determination, as it enumerates the States' duties to prevent, punish and eradicate violence against women, especially taking measures to ensure that their agents "refrain from engaging in any act or practice of violence against women" and that they "apply due diligence to prevent, investigate and impose penalties for violence against women."

This article is the Convention's benchmark for ascertaining a State's international responsibility for failure to comply with its obligations, as Article 12 provides for the possibility of filing petitions with the IACHR alleging a State's violations of Article 7.

The international responsibility of a State is engaged when it fails to comply with its obligations under the Convention and the general obligations that the I/A Court H.R. has ascribed to the State since its earliest case law. The first obligation is to "respect" the rights and freedoms recognized in the Convention, and the second is to "ensure" their free and full exercise to all persons subject to their jurisdiction.¹²⁶

The duty to respect means that the State and its agents must not violate the human rights protected under the Convention; refraining from engaging in any conduct that violates human rights. It also means that under certain circumstances, States can be held internationally responsible for human rights violations committed by third parties.

The duty to ensure means that States Party must organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights.¹²⁷ As a consequence of this obligation, the States must prevent, investigate and punish any violation of human rights and, moreover, attempt to restore the right violated and provide compensation as warranted for damages resulting from the human rights violation.¹²⁸

To be in compliance with the obligation to guarantee observance of human rights, it is not enough that States should merely refrain from engaging in conduct that violates human rights; they must also undertake positive measures. These pro-active measures are those needed to enable persons subject to their jurisdiction to exercise and enjoy their rights and freedoms.¹²⁹

126. I/A Court H.R., 1988 (Case of Velásquez Rodríguez), op.cit., paragraph 166

127. Ibid.

128. Ibid.

129. Medina Quiroga (Cecilia). *La Convención Americana: Teoría y Jurisprudencia. Vida, integridad personal, libertad personal, debido proceso y recurso judicial* [The American Convention: Theory and Jurisprudence. Life, Personal Integrity, Personal Liberty, Due Process and Judicial Recourse]. Santiago: Human Rights Centre, Law School, *Universidad de Chile*, 2005, p. 17, <http://www.corteidh.or.cr/tablas/23072.pdf>

From these general obligations to respect and ensure rights –without discrimination– follow other, more specific obligations to be determined on the basis of the specific protection that the subject of law requires, either because of his or her personal situation or because of the specific circumstances in which he or she finds herself.¹³⁰

Therefore, any violation of the human rights recognized in Article 7 of the Belém do Pará Convention that can, by the rules of international law, be attributed to the action or omission of any public authority, constitutes an act attributable to the State and compromises its international responsibility in the terms set out in the Convention. Thus, States Party must take the measures needed to observe and enforce the Convention or, in the event that the women has been the victim of violence, ensure that she has effective access to the remedies she needs to obtain protective measures, have the party responsible for the violence punished and seek compensation or reparations for the harm done to her.

a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;

Article 2(c) of the Belém do Pará Convention provides that violence against women includes that “perpetrated or condoned by the state or its agents regardless of where it occurs.” Hence the importance of Article 7(a), which states that one of the paramount and basic responsibilities of States in respect of violence against women is to refrain from engaging in any act of violence against women and ensure that their authorities, officials, personnel, agents and institutions conduct themselves in a manner that comports with this obligation. It is the more generic duty to “respect,” cited earlier.

This obligation is premised on the principle that the exercise of public power must be restricted vis-à-vis those rights of the human person that cannot be violated. As the Inter-American Court wrote, “... protection of human rights, particularly the civil and political rights set forth in the Convention, is in effect based on the affirmation of the existence of certain inviolable attributes of the individual that cannot be legitimately restricted through the exercise of governmental power. These are individual domains that are beyond the reach of the State or to which the State has but limited access. Thus, the protection of human rights must necessarily comprise the concept of the restriction of the exercise of state power.”¹³¹

130. I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraph 243.

131. I/A Court H.R. “Advisory Opinion OC-6/86: The Word “Laws” in Article 30 of the American Convention on Human Rights,” (May 9, 1986), paragraph 21, http://www.corteidh.or.cr/docs/opiniones/seriea_06_ing.pdf

This means that while the State has the right and obligation to guarantee its security and maintain public order, it must execute its actions “within limits and according to procedures that preserve both public safety and the fundamental rights of the human person.”¹³² Hence, a State’s actions cannot be arbitrary; on the contrary, they must be surrounded by a set of guarantees aimed at ensuring respect for human rights. The duty to respect therefore imposes certain limits on what a State can do.

Violation of the duty to respect has serious consequences for women’s human rights, which is why the Committee of Experts has taken special pains to determine whether the States are penalizing violence that they or their agents commit against women. Accordingly, the Committee has recommended that in the States’ comprehensive laws on violence against women, institutional violence be included as a stand-alone offense and that the aggravating circumstances for offenses involving sexual violence include the fact that the perpetrator is a public official/employee and/or the fact that the offense was committed in a state-run institution (hospitals, schools, prisons and others).¹³³

b. apply due diligence to prevent, investigate and impose penalties for violence against women;

In the framework of International human rights law, the concept of due diligence has become the most utilized parameter for measuring the level of State compliance with the obligation to prevent and respond to acts of violence against women.¹³⁴ The universal and regional human rights systems have recognized the close relationship among discrimination, violence and due diligence, and have underscored that the State’s failure to act with due diligence to protect women from violence is a form of discrimination and a denial of their right to equal protection of the law.¹³⁵

132. I/A Court H.R. “Case of Bámaca Velásquez v. Guatemala: Judgment No. 70 of November 25, 2000,” paragraph 143, http://www.corteidh.or.cr/docs/casos/articulos/seriec_70_ing.pdf

133. MESECVI, 2012a, op.cit., p. 37

134. UN, 2011, op.cit., paragraph 47

135. IACHR, 2011a, op.cit., paragraph 40

In its General Recommendation No. 19, the CEDAW Committee observed that “[u]nder general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”¹³⁶

For its part, the IACHR has more specifically observed that in the evolution of law and practice on the application of the standard of due diligence in cases of violence against women, the following four principles stand out:¹³⁷

- i. A State’s international responsibility may be engaged by its failure to act with due diligence to prevent, investigate, sanction and offer reparations for acts of violence against women, a duty which may apply to actions committed by private actors in certain circumstances.
- ii. There is a link between discrimination, violence against women and due diligence; hence, it is the States’ duty to confront and respond to violence against women, which involves taking measures to prevent the discrimination that perpetuates this problem. States must adopt the necessary measures to modify the social and cultural behavioural patterns of men and women and to eliminate prejudices, customary practices and other practices based on the idea of the inferiority or superiority of either sex, and on stereotyped roles for men and women.
- iii. The evolving law and practice emphasize the link between the duty to act with due diligence and the obligation of States to guarantee access to adequate and effective judicial remedies for victims and their family members when they suffer acts of violence.
- iv. The international and regional systems have identified certain groups of women as being at particular risk for acts of violence due to having been subjected to discrimination based on more than one factor; among these are girls and women belonging to certain ethnic, racial, and minority groups. This is a factor that States have to consider when adopting measures to prevent all forms of violence.

In keeping with these principles both the IACHR and the Inter-American Court have, in the cases brought to their attention, issued their legal pronouncements on the principle of due diligence where violence against women is concerned.

In the *Case of Jessica Lenahan*, the IACHR discussed how the international community has repeatedly made reference to the standard of due diligence as a way to explain what the State’s obligations in the area of human rights mean in practice when violence is perpetrated against women of various ages and in various contexts.¹³⁸ This standard has also been critical in establishing the circumstances under which the State may be obligated to prevent actions or omissions by private persons and answer for them. This duty includes the obligation to organize the structure of the State –including the laws, public policy, law enforcement bodies like the police and the court system – so that it is capable of adequately and effectively preventing and responding to these problems.¹³⁹

For its part, in the *Case of González et al. (“Cotton Field”)*¹⁴⁰ the I/A Court H.R. wrote that under the Belém do Pará Convention and the principle of due diligence, States are required to adopt thorough measures. The Court specifically underscored the importance of having an adequate framework of laws for women’s protection, which are effectively enforced and matched by prevention policies and practices that allow for an effective response to complaints. The prevention strategy must be comprehensive; in other words, it must prevent the risk factors and at the same strengthen the institutions so that they are able to respond effectively to specific cases of violence against women. States must also take preventive measures in specific cases where it is evident that certain women and girls are likely to become victims of violence. In cases of violence perpetrated against women, apart from their generic obligations under the American Convention, States also have a heightened obligation under the Belém do Pará Convention, the purpose of which is to ensure the effective exercise and enjoyment of women’s rights. Following this line of thought, the Court also referenced the principle of due diligence as one that courts could use to decide cases and situations in which private parties perpetrate violence against women.

136. CEDAW, 1992, op.cit.

137. IACHR, 2011a, op.cit., paragraphs 42-43

138. IACHR. “Report No. 80/11: Case 12,626, Jessica Lenahan (González) et al., United States.” Inter-American Commission of Human Rights, Organization of American States, 2011, paragraphs 125-128, <http://www.oas.org/en/iachr/decisions/2011/uspu12626en.doc>

139. IACHR, 2011a, op.cit., paragraph 41.

140. I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraphs 60-6

In this context, State efforts to fulfill their obligation of due diligence should not focus solely on legislative reform, access to justice and service provision to victims; they must also address prevention, particularly with a view to addressing the structural causes of violence against women. In this sense, States must be aware of the multiplicity of forms that violence against women takes, as well as the different types of discrimination that affect women, in order to be able to adopt multi-faceted strategies to effectively prevent and combat it.¹⁴¹

In general, acting with due diligence to prevent, investigate and punish violence against women means that the State has an obligation to organize itself and coordinate internally to guarantee women a life free of violence. In other words, action is needed to reinforce protection of women's human rights, not just to confront the various manifestations of violence but also to tackle the structural causes of the violence. Hence the relevance of national strategies to combat violence against women that consider all the settings in which such violence occurs, the strategies, partners, areas of intervention, conceptual frameworks, plans of operation, and the like,¹⁴² and the obligation of state agents to be accountable for the way in which they discharge their responsibilities.

The State must be able to evaluate whether its strategies for combating gender-based violence have generated an effect in terms of prevention and investigation of cases of violence against women and gender-based homicide; whether those responsible have been processed and punished; and whether the victims have been compensated. Accordingly, an integral policy to overcome the situation of violence against women, discrimination and impunity will take into account the structural faults that underlie these policies, the problems in their implementation and their impact on the effective enjoyment of rights by the victims of this violence. What is needed are results-based indicators of how these State policies can become reparations from a gender perspective, in that: i) they question and are able to modify the status quo that causes and maintains violence against women, through special measures; ii) they constitute clear progress in overcoming the formal and *de facto* legal, political, and social inequalities that cause, foster or reproduce gender-based discrimination; and iii) they sensitize public officials and society on the impact of discrimination against women in the public and private spheres.¹⁴³

Failings in the obligation of due diligence in cases of violence against women constitute a form of discrimination that violates the Belém do Pará Convention and other inter-American and international instruments.

c. *include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary;*

The Convention devotes particular attention to legislation, because it establishes the basis for a comprehensive and effective approach to combating violence against women and is essential to eradicate impunity. In other words, laws are needed in order to effectively combat the violence committed against women.¹⁴⁴

As part of their due diligence obligations to prevent, punish and eradicate violence against women, States are committed to developing and putting into effective practice a body of laws and policies to fully protect and advance women's human rights. As a first step, States must typify the different manifestations of violence against women as crimes in their domestic law, including sexual violence in conjugal relationships and other forms of domestic violence. In this context, the Committee of Experts has observed that it is vital that the definition of violence against women articulated in the Belém do Pará Convention be mainstreamed into the States' domestic laws and that their laws on the prevention and punishment of violence against women be modernized and harmonized with that definition in mind.¹⁴⁵

Secondly, the Committee of Experts has also stressed the point that under Article 7(iv), the legislation that a State adopts within the framework of the Belém do Pará Convention should not include gender-neutral provisions, i.e., provisions that apply equally to men and women. This would avoid the risk that the very same provision would be applied against a woman. It is impossible to ignore the fact that women, girls and teenage girls account for the majority of victims of violence, and that violence is the product of the historical inequality between men and women that is used to legitimize the violation of women's rights.¹⁴⁶

141. United Nations, 2011, op.cit., paragraph 49.

142. MESECVI, 2012a, op.cit., p. 49

143. In this sense, see I/A Court H.R., 2009 (Case of Gonzalez et al.), op.cit., paragraph 495

144. UN. General Assembly Resolution A/RES/67/220, "Intensification of efforts to eliminate all forms of violence against women" (August 2012), <http://www.un.org/womenwatch/daw/documents/ga67.htm>

145. MESECVI, 2012a, op.cit., p. 18

146. Ibid., p. 17

The laws adopted by the State must enable the authorities to respond immediately and effectively to complaints of violence and adequately prevent violence against women. Furthermore, the legislative and administrative framework must ensure that those responsible for preventing and solving cases involving violence have the capacity and sensitivity to understand the gravity of the phenomenon of violence against women and take immediate action.¹⁴⁷ The goal is a gender-sensitive interpretation.

In this sense, human rights bodies have evaluated as a good practice the establishment of women's police stations, which can contribute to greater awareness in relation to violence against women and increase the number of complaints. These specialized police stations fulfill an important function in terms of legal action in cases of violence against women and are responsible for guaranteeing the application of protection measures, offering immediate help to the victims, carrying out investigations, and accompanying the cases through the different parts of the criminal justice system.¹⁴⁸

For the Committee of Experts, police stations that are specialized in violence against women, particularly intra-family violence, are an alternative for the receipt of complaints, when they include trained female personnel and offer treatment that is sensitive to the needs of the victims.¹⁴⁹

Furthermore, the law concerning women's right to live a life free of violence should not be limited to family, intra-family or domestic violence. Instead, it must cover all manifestations of violence against women, especially those that occur in the public sphere. In this way, the law will reflect the types of violence perpetrated against women. The Committee of Experts has underscored the need for specific laws on trafficking in persons, femicide, forced prostitution, sexual harassment in various settings, including health, education, on the job and elsewhere, sexual violence in marriage or de facto unions, sexual violence in armed conflicts, and so on.¹⁵⁰

Government plans of action, regulations, and clear protocols must be established to direct the measures the State undertakes to prevent and eradicate gender-based violence. The provisions of these instruments must take into account diversity among women, or measures to prevent violence at every stage of a woman's life and establish penalties for failure to comply with those provisions.¹⁵¹

It is incumbent upon governments to take effective measures that will send society a message, i.e., that violence against women is unacceptable and impermissible. This means that governments will also have to earmark sufficient funds in the budget to combat the problem of violence against women.

d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;

The measures to which this sub-paragraph alludes are targeted at the perpetrator with a view to preventing him from continuing to practice violence against women. These are legal measures that must be issued or ordered by State authorities under legally established guidelines, the main purpose being to alter the perpetrator's behaviour so that he refrains from engaging in any conduct that might be offensive to the victim and her family. The purpose is to protect the victim from further aggression.

The measures can be criminal or civil in nature, which will determine what type of penalty the perpetrator will face in the event he commits some offense. The main obstacle to the implementation of the State's duty under this subparagraph however is that despite the education and training that they receive in the area of human rights and women's human rights in particular, many police officers, prosecutors and judges continue to believe that violence against women, and especially domestic violence, is not a crime. This is the principal reason why the actions taken against the perpetrator tend to go no further than a reprimand or warning, rather than stronger measures like arrest.

To eradicate violence against women, it is vital that the attitudes of those responsible for the administration of justice incline toward gender equality and non-discrimination. This will make it possible to undertake more effective procedures to compel a perpetrator to refrain from harassing, intimidating, threatening, harming or endangering a woman's life or safety or her property.

147. See in this regard: I/A Court H.R., 2009 (Case of González et al.), op.cit., paragraph 285.

148. United Nations, 2012, op.cit., paragraph 59.

149. MESECVI, 2012a, op.cit., p. 60. MESECVI, 2012a, op.cit., p. 50.

150. See, in general, MESECVI, 2012a, op.cit.

151. Ibid., p. 50

Here, States must promote policies to employ different mechanisms that go beyond measures of protection, such as arrest and prosecution, even in those cases where the victim does not file a complaint but the authorities have well-founded reason to believe that a crime has been committed or the woman is in serious danger or when the police have witnessed the commission of the crime.¹⁵²

The current trend favours therapeutic and social alternatives that, while treating the abused woman, seek to re-educate and re-socialize the perpetrator; thereby ostensibly eliminating the problem of violence against women some day in the future. While this is an important step in the process, it is not sufficient to guarantee that women victims of violence will be protected.

e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women;

This obligation of the State is warranted inasmuch as laws, policies and practices can often perpetuate gender stereotypes and encourage a tolerance and even acceptance of violence against women. Laws, policies and practices then become a means of maintaining the socio-cultural patterns of behaviour and stereotyped roles of men and women. Doing away with those behavioural patterns and stereotypes is a way to achieve gender equality in every realm of life, both public and private.¹⁵³

Article 2 of the American Convention on Human Rights provides for the general obligation of every State Party to adapt its domestic laws to the provisions of the Convention, in order to guarantee the rights protected therein, which means that domestic legal measures must be effective (the principle of *effet utile*). For the I/A Court H.R., a State's domestic laws can be adjusted in two ways: i) repealing rules and practices of any nature that involve violations

to the guarantees provided for in the Convention or that disregard the rights enshrined therein or hamper the exercise of such rights; and ii) issuing rules and developing practices aimed at effectively observing said guarantees.¹⁵⁴

Sub-paragraph (e) refers precisely to the State's first obligation: to amend or repeal laws and practices that sustain the persistence or tolerance of violence against women. It is a matter of amending civil, criminal or any other laws to remove any constraints on women's exercise of their rights, especially their right to a life free of violence. As previously noted, the premise is that there may well be certain laws, policies, customs and traditions that restrict women's equal access to full participation in the development processes and in public and political life; if so, they are discriminatory.¹⁵⁵

The I/A Court H.R. takes the view that this duty of the States is breached while the rule or practice running counter to the Convention remains part of the legal system and, conversely, is fulfilled when such rules or practices are modified, repealed or otherwise annulled or amended, as appropriate.¹⁵⁶ Furthermore, the Court has interpreted that laws that are incompatible with human rights have no legal effect.¹⁵⁷ Accordingly, the Court instructs national judges and courts to not enforce domestic laws violating the international duties of States in the realm of human rights. Likewise, the Court has interpreted that when a State has ratified an international treaty such as the American Convention on Human Rights, as part of the State, its judges are also bound by the Convention or treaty and are therefore obligated to make sure that the provisions of the Convention are not weakened by laws running counter to its object and aim, which have no legal effect to begin with.

152. See in this regard, UN. *Handbook for Legislation on Violence against Women* (ST/ESA/329). New York: Division for the Advancement of Women, Department of Economic and Social Affairs, 2010, pp. 35-38, <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

153. In the *Case of Vertido v. Philippines*, the CEDAW Committee highlighted that the application of stereotypes affects the right of women to a impartial and fair trial and that the justice system must exercise care in not establishing inflexible norms of what women and girls should be of should do if they find themselves in a situation of violence, that are based exclusively on pre-conceived notions of what defines a victim of rape or gender-based violence. See: Communication No. 18/2008: "Views of the CEDAW Committee (Forty-Sixth Session)" (CEDAW/C/46/D/18/2008), 2010, paragraph 8.4., http://www2.ohchr.org/english/law/docs/CEDAW.C.46.D18.2008_en.doc

154. I/A Court H.R., 2006 (Case of La Cantuta), op.cit., paragraph 172

155. UN. Human Rights Council Resolution A/HRC/RES/23/7, "Elimination of Discrimination against Women," June 2013, http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21920

156. I/A Court H.R., 2006 (Case of La Cantuta), op.cit., paragraph 172

157. I/A Court H.R. "Case of Barrios Altos: Interpretation of Judgment on the Merits. (Article 67 American Convention on Human Rights): Judgment September 3, 2001," paragraph 18 and operative item 2, http://www.corteidh.or.cr/docs/casos/articulos/seriec_75_ing.pdf

As the I/A Court H.R. has stated, the judiciary must exercise a sort of “conventionality control,” that is to say, it must be the enforcer of the domestic laws it applies in concrete cases, as well as of the American Convention on Human Rights. In order to perform this task, the Judiciary has to take into account not only the treaty, but also the I/A Court H.R.’s interpretation thereof, inasmuch as the Court is the ultimate interpreter of the American Convention.¹⁵⁸ The Court has also gone one step further however, establishing that this conventionality control corresponds to all State bodies linked to the administration of justice, within the sphere of their respective competencies and procedural regulations.¹⁵⁹

The Committee of Experts has adopted the principle of conventionality control with a view to ensuring that national regulations and procedures respect the provisions of inter-American human rights conventions, including the Belém do Pará Convention.¹⁶⁰

Notwithstanding this conventionality control, States must also take a close look at their own laws, practices and policies to make sure that they uphold the principles of equality and non-discrimination, and repeal, amend or modify any ones running counter to these principles. They must close the gap between international standards and these laws, policies and practices. But in addition to enhancing and bringing existing domestic law into line with conventions and treaties, more attention must be paid to compliance with the laws.

f. Establish fair and effective legal procedures for women who have been subjected to violence, which include, among others, protective measures, a timely hearing and effective access to such procedures;

The due diligence required of States in cases of violence against women involves establishing fair and effective legal procedures and, at the same time, providing for effective access of victims to these rights-protecting remedies. Accordingly, the Committee of Experts has taken the view that a higher number of offices to take the complaints filed by women must be opened; these offices must be better equipped and staffed by trained professionals in order to make the justice system accessible to all women, both in cities and small towns as well as in rural areas. Complaint-receiving

entities must also be sensitive to the specific needs of indigenous women.¹⁶¹

The IACHR has held that access to justice is the first line of defence for the human rights of victims of gender-based violence. Consequently, such access must be simple and effective and provide for the necessary guarantees to protect women who report acts of violence. States not only have the obligation to prosecute and convict those responsible for violent crimes, but must also prevent violence. For that reason, the IACHR has asserted that overall discriminatory judicial ineffectiveness creates a climate that is conducive to violence against women, since society sees no evidence of the willingness of the State, as the representative of society, to take effective action to punish such acts.¹⁶²

Along these same lines, the United Nations’ Special Rapporteur on Violence against Women, its Causes and Consequences has stated that measures that aim to promote the investigation and processing of cases of violence against women and to offer protection and reparation to victims will have a direct impact on the prevalence of this violence. Accordingly, the end goal of State efforts to investigate and punish acts of violence against women and offer protection and reparation to its victims should be the prevention of re-victimization and successive acts of violence, through the elimination of structural discrimination and the achievement of women’s empowerment.¹⁶³

The investigation of human rights violations is one of the positive measures that must be taken by States to guarantee the rights established in the Belém do Pará Convention. The duty to investigate is an obligation of means rather than an obligation of results, which implies that States must make their best efforts to comply, and cannot be expected to deliver a particular outcome. However, investigation must be undertaken by the State as an inherent legal obligation and not as a mere formality preordained to be ineffective, or as a step taken by private interests that is dependent upon the procedural initiative of the victims or their next-of-kin, or upon their offer of proof. The investigation must be serious, impartial and effective and carried out using all available legal means, with the aim of uncovering the truth. Victims of human rights violations, or their next-of-kin, should have wide-ranging possibilities of being heard and taking part in the respective proceedings, both in order to clarify the facts and punish those responsible, and also to seek due reparation.¹⁶⁴

158. I/A Court H.R. “Case of Almonacid Arrellano et al v. Chile: Judgment 26, 2006,” paragraphs 123 to 125, http://www.corteidh.or.cr/docs/casos/articulos/seriec_154_ing.pdf

159. I/A Court H.R. “Case of Gelman v. Uruguay: Judgment of February 24, 2011,” paragraph 193, http://www.corteidh.or.cr/docs/casos/articulos/seriec_221_ing.pdf. See also: I/A Court H.R. “Case of Cabrera García and Montiel v. Mexico: Judgment of November 26, 2010,” paragraph 225, http://www.corteidh.or.cr/docs/casos/articulos/seriec_220_ing.pdf

160. MESECVI, 2012a, op.cit., página 16.

161. MESECVI, 2012a, op.cit., pp. 59-60

162. IACHR, 2011a, op.cit., paragraphs 21 and 24

163. United Nations, 2011, op.cit., paragraph 76.

164. I/A Court H.R., 2010 (Case of Rosendo Cantú), op.cit., paragraphs 175 and 176

In cases of violence against women, the obligation to investigate is complemented and enhanced by the obligations stemming from the Belém do Pará Convention. Thus, when an act of violence against a woman occurs, it is particularly important that the authorities in charge of the investigation carry it out in a determined and effective manner, taking into account society's obligation to reject violence against women and the State's obligation to eliminate it and ensure that victims trust the State institutions there for their protection.¹⁶⁵

The positive State obligation to combat violence through effective investigation and judgment of the guilty, including when violence is perpetrated by non-State actors, has been reiterated by international human rights protection bodies. For example, the European Court of Human Rights (ECHR) in the *Case of Opuz v. Turkey*, which referenced the Belém do Pará Convention, concluded that the State of Turkey had weakened both the right to non-discrimination and the right to life as a result of lack of due diligence. The sentence clarifies that a State may be responsible if it does not take measures to prevent and compensate people who have suffered gender-based discrimination at the hands of private entities and persons.¹⁶⁶

The obligation of the State to act with due diligence requires prompt and immediate action of law enforcement, prosecutorial and judicial authorities, especially when the State is aware of a context in which women are being abused and violently assaulted.¹⁶⁷ In particular, it requires efficacious coordination between different justice sector officials (police, forensic services, prosecutors), who are fundamental to combating impunity and inspiring public confidence in the justice system.

In general, the State must remove any *de facto* and *de jure* obstacles and mechanisms that perpetuate impunity, adequately provide for the safety of women victims, witnesses, judicial authorities, prosecutors, other operators of justice and the family members of the victims, as well as use all available means to investigate the case.¹⁶⁸

Hence, in keeping with the recommendations of the Committee of Experts, States must ensure at a minimum specialized staff to serve victims' needs and deal with their cases in all phases of the legal process; private areas at police stations, courthouses and health care facilities; free legal services that specialize in cases of violence against women and are available nationwide; interpretation services in indigenous languages for victims of different ethnic groups; and the confidentiality and protection of the particulars of the victim, her next-of-kin and witnesses, among other things.¹⁶⁹

Accordingly, it is the obligation of States to ensure all domestic measures to guarantee that women are able to enjoy an effective procedure to assert their rights. Investigations in cases of violence against women must be conducted from a gender-perspective.¹⁷⁰ To not do so would be to deny women access to justice and the State's liability would be further aggravated by discrimination. In this same vein of thinking, the Committee of Experts has noted the importance of establishing specific courts to hear cases involving family, intra-family or domestic violence, sexual violence and human trafficking, which would not only help to provide specialized treatment of these cases, but also to expedite the cases.¹⁷¹

Conciliation or Mediation: There is a widespread practice both out-of-court and in-court to encourage the use of conciliation or mediation during the investigative process as one way of solving crimes of violence against women. Thus, when free legal assistance, family counselling or rehabilitation is being provided, service providers offer mediation to users, even though it may not be required to do so. Nonetheless, the Committee of Experts has spoken out against this practice, emphasizing that the mechanism of mediation or conciliation should not be used prior to the legal process, whether or not legal proceedings are actually instituted, or during any stage of the legal or assistance process for women victims.¹⁷²

The IACHR has also rejected mediation in cases of violence against women. It finds that mediation is premised on the notion that the parties at the table are operating from equal bargaining positions, which is generally not true in cases of intra-family violence. Mediation compounds the physical and emotional risks for women given the unequal power relationship between the victim and her assailant. As a rule, the assailant does not honour the agreement and the agreement does not address the causes and consequences of the violence.¹⁷³

165. *Ibid.*, paragraph 177

166. ECHR. "Case of Opuz v. Turkey, application 33401/02, sentence of 9 June 2009," <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-92945>

167. I/A Court H.R., 2009 (Case of González et al), *op.cit.*, paragraph 107

168. I/A Court H.R., "Case of Carpio Nicolle et al v. Guatemala: Judgment November 22, 2004," paragraph 134, http://www.corteidh.or.cr/docs/casos/articulos/seriec_117_ing.pdf

169. MESECVI, 2012a, *op.cit.*, p. 64

170. I/A Court H.R., 2009 (Case of González et al), *op.cit.*, paragraph 455

171. MESECVI, 2012a, *op.cit.*, p. 60

172. MESECVI, 2008, *op.cit.*, p. 25

173. IACHR, 2011a, *op.cit.*, paragraph 269

In short, given the unequal footing between men and women, conciliation, mediation and other mechanisms aimed at out-of-court settlement of cases of violence against women should be done away with because they do a disservice to women, inasmuch as women come to the table from a place of disadvantage and inequality, and these mechanisms constitute an obstacle to asserting their right of access to justice and to potential punishment of the assailant and reparation of the damage.

Measures of Protection: The Committee of Experts believes that a single timely security measure can prevent a woman from being defenceless and at the mercy of her assailant's retaliatory actions.¹⁷⁴ In the view of the IACHR, to grant a protective measure to a woman victim of violence signals State recognition of risk that the beneficiaries would suffer harm from domestic violence perpetrated by the restrained party and need State protection. This recognition is typically the product of a determination from a judicial authority that a beneficiary – a woman, her children and/or other family members – will suffer harm without police protection.¹⁷⁵ Nonetheless, women continue to face enormous challenges in securing protection because of the widespread failure of authorities to enforce laws on violence against women.

When the life and safety of a woman is at risk, the State is obliged to provide protection to the woman, which means it must ensure that the system in place provides an effective response in a coordinated fashion to enforce the terms of the restraining order, as one way of compelling the assailant to refrain from harassing, intimidating, threatening, harming or endangering the life and safety of the woman. This requires that the authorities entrusted with the enforcement of the restraining order be aware of the order and the terms thereof, understand that a protection order represents a judicial determination of risk and know what their responsibilities are in light of this determination; understand the nature of the domestic violence issue involved; and be trained to respond to reports of potential violations of the order. At the same time, a proper response also requires protocols and guidelines to be in place on how to implement restraining orders and how to respond to the victim's calls.¹⁷⁶

It is the view of the Committee of Experts that protection measures must be immediate and effective. It is important for States to realize that as a result of delays in issuing these measures, some women end up not filing a report out of fear of retaliation by their assailants. Additionally, protective measures should be proportional to the degree of urgency involved and, therefore, the nature thereof may vary widely. Such measures may include funding for transportation, means of rescuing women, changing the victim's identity, witness protection, safe-conduct to leave the country, secure referral networks, and any other ones the country may deem appropriate to provide.¹⁷⁷ Such measures must be capable of protecting the woman victim, her closest family members and witnesses. It is essential for protection measures to not be contingent upon whether or not civil or criminal proceedings are instituted. Should these security measures be granted in a timely fashion, they can help to prevent femicides. However, this requires effective coordination between the authorities involved as well as prevention, treatment and rehabilitation efforts.

The IACHR has pointed out to States that, under the concept of due diligence, it is their obligation to design and implement precautionary, simple, timely and accessible judicial resources that serve as an ideal and effective remedy to prevent situations of violence against women.¹⁷⁸ It has also recognized the advances made in recent years in terms of service provision for women and girls that fall victim to abuse. The region now has emergency phone lines, emergency assistance (including legal services), shelters, and specialized health and other orientation services. The Commission also noted however that in the majority of States, the services available are not consistent with the level of demand.¹⁷⁹

The Committee of Experts' view is that in addition to protection measures, State mechanisms must also be in place to assess how effective they are and how expeditious the procedures are to obtain these measures.¹⁸⁰ These mechanisms will remain flawed and cannot be rectified, when needed, if they are not subject to evaluation.

174. MESECVI, 2008, op.cit., p. 32

175. IACHR, 2011 (Report 80/11), op.cit., paragraph 142

176. In this regard, see *Ibid.*, paragraph 145

177. MESECVI, 2012a, op.cit., p. 65

178. See the recommendations of the IACHR in *Report on Access to Justice of Women Victims of Violence in the Americas* (OEA/Ser.L/V/II). Washington, D.C: Inter-American Commission on Human Rights, Organization of American States, 2007, <http://www.cidh.org/women/Access07/tocaccess.htm>

179. *Ibid.*, paragraph 236

180. See generally: MESECVI, 2008, op.cit.

Under the principles of due diligence, non-discrimination and equal protection of the law, States must be held accountable for the failure to protect women from acts committed by private individuals.¹⁸¹ Furthermore, the existence of a general pattern of State tolerance and judicial ineffectiveness with regard to cases of violence against women is valid grounds for State responsibility.¹⁸²

g. Establish the necessary legal and administrative mechanisms to ensure that women, subjected to violence have effective access to restitution, reparation or other just and effective remedies;

Effective access to justice leading to punishment of the assailant, as appropriate, is in and of itself a means of reparation for the victim, but compensation to the victim for the harm caused to her is essential in order to restore her rights.

In the inter-American system, reparation must involve satisfaction, rehabilitation, guarantees of non-repetition and compensation, but in instances of violence against women it must also have a “transformational purpose,” which means not only an effect of restitution, but also of rectification; “a crucial means to address the structural situation of violence and discrimination.”¹⁸³

The I/A Court H.R. has held that in a situation of **structural discrimination**, reparations must be designed to change the situation, not only by providing restitution to the victims, but also by eliminating the discrimination in order to ensure that it does not recur.¹⁸⁴ Likewise, reparation must take into account the manifold, concomitant and aggravated forms of discrimination against women that exist.¹⁸⁵ The United Nations’ Special Rapporteur on Violence against Women, its Causes and Consequences has stated that reparations should be oriented towards counteracting, instead of upholding, pre-existing patterns of structural subordination, gender-based hierarchies systematic marginalization and structural inequalities that may be the root causes of violence against women.¹⁸⁶ She adds that, as each case of violence against women is couched in pre-existing and often inter-related patterns of subordination and marginalization, reparation measures must coherently target both the individual and structural transformation.¹⁸⁷

In the Case of Gonzalez et al., the I/A Court H.R. used the following criteria to establish reparation measures for the victims and their families: i) they must refer directly to the violations established by the Court; ii) they must proportionately compensate both material and non-material harm; iii) they can signify neither financial gain nor loss; iv) to the extent possible, they must re-establish the victims in their situation prior to the violation, without interfering with the principle of non-discrimination; v) they should be oriented towards identifying and eliminating the causes of discrimination; vi) they must be adopted from a gender perspective, taking into account the differential impact of violence on women and men; and vii) they must consider all the judicial acts and actions listed by the State as aiming to repair the damage caused.¹⁸⁸

The IACHR’s concept of reparation from a gender-based perspective requires a twofold approach:¹⁸⁹

1. From the State’s standpoint, reparation is the opportunity to give the victim security and justice, so that she regains her trust in the system and in society. It must also take measures to ensure that the events do not recur.
2. From the victim’s standpoint, reparations represent the efforts that the State and society are making to remedy the harm she has suffered. There will also be a subjective element to the value and significance that a victim attaches to the measures of reparation, and it is the State’s duty to respect and appreciate that subjectivity in order to ensure reparations. This is why the victim’s participation is so important, as it is from her involvement that the State learns what the victim’s needs are and what she is expecting by way of reparations.

Given the differentiated and unequal impact of violence on women, concrete compensation measures are required in order to satisfy the specific needs and priorities of women victims.¹⁹⁰ Thus, for example, in the *Case of Opuz v. Turkey*, the ECHR awarded the plaintiff compensation for the non-material harm – anguish and affliction – caused by the murder of her mother and the lack of precautions taken by the authorities, which included the non-application of a deterrent punishment, to prevent the domestic violence perpetrated by her mother’s ex-husband.¹⁹¹ Reparation must have a causal nexus to the facts of

181. See generally: IACHR, 2001 (Report N° 54/01), op.cit.

182. IACHR, 2001 (Report 54/01), op.cit.,

183. I/A Court H.R., 2009 (Case of González et al), op.cit., paragraph 450
184. Ibid.

185. UN. Human Rights Council Resolution A/HRC/RES/23/7, “Elimination of Discrimination against Women,”

186. United Nations, 2011, op.cit., párrafo 71.

187. United Nations. *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Rashida (A/HRC/14/22)*. New York: United Nations, 2010, paragraph 24, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.22.pdf>

188. I/A Court H.R., 2009 (Case of González et al), op.cit., paragraph 451

189. IACHR, 2011a, op.cit., paragraph 107

190. United Nations, 2011, op.cit., paragraph 71

191. The ECHR recognized that domestic violence was a form of gender-based discrimination prohibited by the European Convention on Human Rights, and decided that the inadequate response of Turkish authorities violated the rights to life and to be free from torture of the plaintiff. ECHR, 2009, op.cit.

the case, the violations that have been declared, the damage proven, as well as the measures requested to redress the respective damage.¹⁹²

h. Adopt such legislative or other measures as may be necessary, to give effect to this Convention

Sub-sections (c) and (e) refer, respectively, to the enactment and repeal or amendment of laws or practices to prevent, punish and eradicate violence against women, so that States fulfill their obligation to bring their domestic laws in line with the Belém do Pará Convention. Sub-section h) is intended to bolster States' efforts to eliminate all forms of discrimination against women by implementing the Convention, enacting legal provisions or taking measures of another nature.

This Convention establishes the general obligation of States to respect, protect, honour and promote women's human rights, which entails preventing, investigating, punishing and redressing any act of violence against women. Additionally, when acts of violence against women are committed, it is particularly important for authorities to act with determination and efficiency, bearing in mind the duty of society to reject violence against women and the State's obligation to eliminate it and to ensure that victims trust the State institutions there for their protection.¹⁹³

In order to achieve this end, States must take positive measures to protect and promote women's human rights, which entails enforcing their right to lead a violence-free life. Failing to adopt adequate measures constitutes a violation of the State's obligation to address violence against women and, therefore, States need to clearly indicate the basis on which particular measures are considered the most appropriate under the circumstances.¹⁹⁴

In order for all women to be able to exercise their rights, States must provide a far-ranging legal framework to eliminate all forms of violence against women, including domestic violence, community-based gender violence and violence perpetrated or tolerated by the State. These laws must take multidisciplinary prevention and protection measures from a gender perspective, such as emergency stay-away or restraining orders; investigation, prosecution and appropriate punishment of those responsible in order to put an end to impunity; support services, which empower victims and survivors, and access to judicial remedies and adequate measures of reparation.¹⁹⁵

Legislation will not be fully effective unless or until public officials are sensitized and procedures are put into place, which are sensitive to the needs of women victims of violence. Specialized courts and specially trained staff on the causes and consequences of violence against women can help reduce re-victimization in the justice system, increase case efficiency and improve the outcomes thereof, and thus encourage victims and survivors to report the crime.¹⁹⁶

Moreover, enforcement of international norms and standards on violence against women requires the adoption of comprehensive measures of a legal and political nature as well as of other types, in the domestic arena, along with the involvement of a broad range of stakeholders. This applies to every level of the State and all government bodies, particularly those of the judicial, legislative and executive branches. In order to devise an effective approach to combating said violence collaboration and coordination between all stakeholders, including governments, non-governmental organizations and civil society organizations is absolutely essential.¹⁹⁷

192. I/A Court H.R., 2010 (Case of Rosendo Cantú), op.cit., paragraph 204

193. See I/A Court H.R., 2010 (Case of Rosendo Cantú), op.cit., paragraph 177

194. UN Committee on Economic, Social and Cultural Rights. "General Comment No. 3: "The nature of States Party ' obligations."" (5th Session, 1990), <http://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx>

195. See UN Human Rights Council, 2013, op.cit.

196. UN. Review of the implementation of the Beijing Declaration and Platform for Action, the outcomes of the 23rd special session and its contribution to shaping a gender perspective towards full realization of the Millennium Development Goals (E/2010/4*-E/CN.6/2010/2). New York: Economic and Social Council, 2010, paragraph 126, <http://www.un.org/womenwatch/daw/beijing15/documentation.html>

197. UN, 2006, op.cit., p. 91

The obligation of States however is not confined to reacting to acts of violence against women, but also entails uncovering patterns of inequality that may lead to acts of violence and adopting measures to rectify them. National action plans to protect women from violence and improve the promotion and protection of women's human rights are some examples of positive actions in this regard.¹⁹⁸ National action plans and strategies to combat violence against women provide a general framework to help improve coordination between the appropriate agencies and establish a timeframe for implementation of actions.¹⁹⁹

It is essential to evaluate the effectiveness of laws and action plans or other strategies pertaining to the prevention, punishment and elimination of violence against women in order to identify what areas require improvement and correct any unforeseen negative consequence.

Article 8

The States Party agree to undertake progressively specific measures, including programs:

The IACHR has defined "specific measures" as deliberate, concrete steps, which are targeted as clearly as possible toward fully meeting the obligations recognized in a human rights treaty. Examples of such measures are amending and enacting legislation; guaranteeing effective judicial remedies; and measures of an administrative, financial, educational and social nature, among others.²⁰⁰ The I/A Court H.R. views the concept as taking measures, especially those of an economic and technical nature – to the extent that available resources allow, either by legislative or other appropriate means – in order to progressively achieve full realization of certain rights.²⁰¹

However, the UN Committee on Economic, Social and Cultural Rights (CESCR) has held that even though it is established that available resources are inadequate, the obligation of the State Party to endeavour to ensure the broadest possible enjoyment of the pertinent rights still stands under the prevailing circumstances. Moreover, the obligations to monitor the extent of the realization, or more particularly of the non-realization, of economic, social and cultural rights, and to devise strategies and programs for their promotion, are not rendered null and void in any way as a result of resource constraints.²⁰²

With regard to progressive realization, the State's obligation is to not reverse the achievements obtained, in keeping with international standards. The CESCR has held that the concept of progressive realization constitutes recognition of the fact that full realization of all economic, social and cultural rights is unattainable in a short period of time. It is, on the one hand, a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the *raison d'être* of the Covenant, which is to establish clear obligations for States Party in respect of the full realization of the rights in question. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal. Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.²⁰³

In the same vein as above, the IACHR has established that not every regressive measure is incompatible with State obligations, since a State may impose certain restrictions on the exercise of a right,²⁰⁴ or on the adoption of specific measures. In the view of the IACHR, the obligation of non-regression (or non-retrogression) necessitates a detailed examination of a measure's effect on the right of an individual as opposed to its collective implications.²⁰⁵

In general, the obligation of progressive realization of rights encompasses two complementary senses: on the one hand, recognition that full realization of rights is, to a certain extent, gradual; and the sense of progress, involving the State's obligation to improve conditions of enjoyment and exercise of rights. This in turn entails the obligation of non-regression, that is, the prohibition against adopting policies and measures, and therefore, enacting legal provisions, which worsen the rights situation enjoyed by the people once the respective international treaty is adopted. It is obvious that because the State undertakes to improve the situation of these rights, it simultaneously accepts the prohibition against decreasing the degree of protection of rights in effect or, as the case may be, repealing existing rights. The

198. *Ibid.*, p. 95 et seq.

199. ECOSOC, 2010, *op.cit.*, paragraph 128

200. IACHR, 2011c, *op.cit.*, paragraph 51

201. I/A Court H.R., 2009 (Case of Acevedo Buendía et al), *op.cit.*, paragraph 105. The Court also held that economic, social and cultural rights are one of the duties of States and, therefore, subject to the general obligations set forth in Articles 1.1 and 2 of the Pact of San Jose.

202. United Nations./CESCR, 1990, *op.cit.*

203. *Ibid.*

204. IACHR, 2011c, *op.cit.*, paragraph 52

205. IACHR, 2011c, *op.cit.*, paragraph 52

obligation undertaken by the State is only expandable and, as such, any repeal or decrease of existing rights constitutes a clear contradiction of its commitment.²⁰⁶

Based on this conceptual framework, the interpretation of the Committee of Experts of the MESECVI is that under Article 8 of the Belém do Pará Convention, the intent is for States to take firm, permanent and sustainable steps to work at the different levels of society to bring about changes in institutions and groups and implement interventions targeted at specific key actors, as well as larger scale approaches for the broader population using mass media messaging campaigns and other initiatives, in order to increase sensitivity to violence against women and place more emphasis on prevention.

Additionally, as provided under Article 8, prevention interventions must be conducted progressively and go hand in hand with adequate and timely responses to women victims of violence by public officials; without the State being able to reverse the processes. This way, States accept as a minimum catalogue of actions the content of the aforementioned article, in order to prevent gender-based violence and to treat women victims of such violence. The strategies contemplated in the Belém do Pará Convention, among others, should respond not only to local realities and women's particular demands, but should also prioritize combating the tacit social acceptance of violence against women, which fosters its prevalence, as well as achieving equality of conditions and women's empowerment in society.²⁰⁷

The political commitment of States must be significantly enhanced in a coordinated fashion in order to address equality between genders and equity in national responses to violence against women and States must be encouraged to take concrete measures, such as implementing policies, strategies, actions plans, national budgets and other things to fully confront the gender problem. The Convention pursues a dual purpose: as public awareness increases, gender stigma and stereotyping decrease.

a. To promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;

This sub-section is specifically about empowering women in order to achieve equality and non-discrimination. Empowerment of women is a decisive factor for the eradication of violence against them; hence the importance of special measures to bolster it. Thanks to this empowerment, women can understand that subordination and violence are not an inescapable destiny, can resist the assimilation of oppression, develop their capacities as independent beings and constantly question and negotiate the conditions of their existence in the public and private spheres.²⁰⁸

Awareness improves the chances and capacity of women to participate in a meaningful way in the defence of their own rights. Therefore, women must be made aware of their rights and it must become easier for them to bring complaints when those rights are violated, which means ensuring access to justice and equal protection under the law for women and that the perpetrators of violence against women are not shielded by impunity. This must be conducted concurrently with the implementation of strategies to educate men on women's human rights as well as their responsibility to respect the rights of others.

In order for awareness campaigns to have a greater impact, it is best for them to be conducted consistently over a set period of time and undergo evaluation to make sure that the intended goals are being reached. It is also advisable to establish partnerships with the media and civil society organizations.²⁰⁹ Organizing sensitization campaigns on violence against women, women's rights and awareness campaigns on available services for those who are the victims of violence is one element of an effective prevention policy for violence against women.²¹⁰

206. See: Courtis (Christian) and Abramovich (V́ctor). "Towards the enforcement of economic, social and cultural rights: International standards and applicability criteria before local courts" [Hacia la exigibilidad de los derechos ecońmicos, sociales y culturales. Estándares internacionales y criterios de aplicaci3n ante los tribunales locales]. In Abregú, M., and Courtis, C. (eds.) *La aplicaci3n de los tratados internacionales sobre derechos humanos por los tribunales locales*. Buenos Aires: Ed. Del Puerto/CELS, 1997, pp. 43 et seq.
207. In this sense, see United Nations, 2011, op.cit., paragraph 74

208. Ibid., paragraph 77.

209. MESECVI, 2012a, op.cit., pp. 46-47

210. Ibid., p. 46

b. To modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;

Along with transforming social and cultural patterns that rank women as inferiors, of central importance is eliminating the mindset that gender violence is inevitable. Adopting legal measures is not enough to eradicate gender-based violence. States need to take effective, comprehensive measures to eliminate both discriminatory stereotypes and attitudes. This obligation means that every branch of government must adopt adequate measures to successfully challenge and change social and cultural patterns of conduct and thus put an end to said prejudices and practices in all segments of society.

An essential measure to achieve this transformation of social and cultural attitudes and beliefs is to engage in advocacy in the education system. Accordingly, the sub-section addresses the duty of the State to adopt effective measures to overcome these attitudes and practices by introducing education programs and information that help to suppress prejudices, which stand in the way of achievement of women's equality.²¹¹

Teachers and students in public and private schools should be sensitized to violence against women and women's safety should be promoted, with special training on gender equality and human rights. Moreover, curricula and educational materials should be revised to eliminate gender stereotypes and promote the elimination of violence against women.²¹²

Additionally, there must be multi-sectoral comprehensive interventions, which involve key (traditional, religious, community, political and other) leaders, who can have a bearing on harmful attitudes, opinion and practices which contribute to the perpetuation of unequal treatment between men and women and violence against women.

In referring to socio-cultural transformation, the United Nations' Special Rapporteur on Violence against Women, its Causes and Consequences has pointed out that States must adopt a "cultural negotiation" approach that allows them to take on the root causes of violence and increase awareness of the oppressive nature of specific social practices. This cultural negotiation implies identifying and questioning the legitimacy of those that monopolize the right to speak on behalf of culture and religion, which do not in and of themselves prescribe beating, mutilating or murdering women. Rather, it is those who have monopolized the right to speak on behalf of culture and religion that have prescribed these practices, and States' commitment to women's empowerment and social transformation demands that they foster change in the hegemonic patriarchal structures and practices.²¹³

c. To promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;

The sub-section refers to agents of the State who in one way or another participate in the response to violence against women, such as law enforcement officers, judicial or medical personnel, legislators and social workers, among others.

Consequently, there must be training on the subject of gender; but rather than isolated or focused courses, instruction should be required by law and integrated into national plans. For the I/A Court H.R., a gendered approach to training involves not only learning about norms, but also development of the capacity to recognize the discrimination faced by women in their daily lives. In particular, the Court has emphasized that training should result in participants' being able to recognize the factors that underlie women's acceptance of stereotyped ideas and values with regard to the content and reach of human rights.²¹⁴

Specific education and training of the relevant public employees must be provided, particularly when new legislation is enacted, in order to make sure that they are aware of the new laws and are competent at fulfilling their new obligations.²¹⁵

211. CEDAW, 1992, op.cit.,

212. In this regard, see UN, 2012, op.cit.

213. United Nations, 2011, op.cit. paragraph 78.

214. I/A Court H.R., 2009 (Case of González et al), op.cit., paragraph 540.

215. UN/DAW, 2010, op.cit., p. 18

The view of the Committee of Experts is that institutional capacity-building must be a permanent part of States' strategy to prevent, punish and eradicate violence against women and, therefore, this obligation includes making the necessary budget available and creating the appropriate enforcement mechanisms.²¹⁶ Concurrently, in order to have a true impact, States should write into their legislation specific provisions to punish public officials who do not enforce laws on violence against women.²¹⁷

In general, public officials must have the necessary skills to address violence against women using a gender perspective. Thus, training, directives and handbooks on this type of violence contribute to efforts to eradicate it.

The goal of the Belém do Pará Convention in this sense is to build the capacity of public officials to recognize gender stereotypes and to eradicate violence against women. Thus, the executive branch will refrain from gender-based stereotyping in all its ministries and departments, both nationwide and abroad. Similarly, it will ensure that, as a State agency, it plays no part in the harmful practice of assigning gender stereotypes that fuel violence against women in the design and implementation of administrative policies. Accordingly, the legislative branch will refrain from applying and perpetuating harmful stereotypes in enacting new legislation. Additionally, the legislative branch will take positive measures such as reviewing proposed or existing legislation, as well as customary law as a means of legislative reform initiatives aimed at making sure that laws do not contain harmful gender stereotypes.²¹⁸

Similar to the executive and legislative branches, the judicial branch is a body of the state and therefore subject to the obligations set forth in the Convention. Judicial decisions and practices are a very important way to either perpetuate or do away with gender stereotypes. By perpetuating harmful stereotypes about women and men, judicial rulings and proceedings deny the rights of women who appear before the court and, at the same time, degrade women who are placed in similar situations. Therefore, judicial decisions that perpetuate gender stereotypes lead to individual and collective prejudices, while those that expose, break down and eliminate the stereotypes benefit both the person appearing in the case as well as women who are in similar situations. Consequently, the judiciary will refrain from gender-based stereotyping in its reasoning and practices.²¹⁹

In order to contribute to the knowledge and awareness of the justice system, the State must implement ongoing training and education programs and courses on: i) gender and human rights; ii) the gender approach to due diligence in conducting investigations and other judicial processes related to gender-based discrimination, violence and murder of women; and iii) overcoming stereotypes on women's social role. The programs and courses should be aimed at police, prosecutors, judges, military personnel, officials charged with the care and legal assistance of victims, and any public official, at the local and federal levels, that participates directly or indirectly in prevention, investigation, processing, punishment and reparation. Within these ongoing programs, special emphasis should be placed on international human rights instruments, specifically those related to gender-based violence, including the Belém do Pará Convention and CEDAW, taking into account how specific norms and practices of domestic law, intentionally or not, may have discriminatory effects in women's daily lives.²²⁰

d. To provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counselling services for all family members where appropriate, and care and custody of affected children;

This sub-section addresses free specialized services of different types in support of women victims of violence and their families. Such services must include, at a minimum, a high number of shelters, homes and comprehensive care facilities; pre-trial legal assistance; legal counsel during criminal proceedings; health-care services that provide equal coverage for reproductive and sexual health as well as legal termination of pregnancy, and psychological counselling, therapeutic support and self-help groups.²²¹ Social and employment programs for women victims are necessary inasmuch as such specialized services can help women to cope with the consequences of violence in the social, community and economic spheres.

216. MESECVI, 2012a, op.cit., p. 54

217. MESECVI, 2008, op.cit.

218. Cook & Cusack, 2009, op.cit., p. 102 et seq.

219. Ibid.

220. I/A Court H.R., 2009 (Case of González et al), op.cit., paragraph 542

221. MESECVI, 2012a, op.cit., p. 79

The purpose of specialized services is to provide comprehensive care to meet the needs of women victims of violence. This means providing multi-disciplinary teams, which are made up of attorneys, psychologists, doctors, and/or social workers and other duly trained specialists. This ensures better-coordinated and more expeditious care for the user. Intervention to assist victims of sexual violence must be inter-disciplinary in nature, with the emphasis on ensuring the exercise of all women's rights.²²² Where victims of sexual crimes are concerned, "a proper understanding of and sensitivity to their physical and emotional condition and needs are fundamental to providing comprehensive services that do not re-victimize these women and are respectful of their rights."²²³

In order for these services to be sustainable and continually offered, States must provide sufficient resources and establish the necessary inter-institutional and institutional coordination. When necessary, partnerships with civil society organizations should be set up, particularly with women's organizations experienced in providing services to women victims. Services must also be closely monitored on an ongoing basis in order to assess their effectiveness and efficiency, since despite their adoption, the irregularity in their application and the lack of capacity to exercise due diligence may result in re-victimization of women that file complaints in cases of violence.

The existence of treatment and care protocols for these services helps to clarify the procedures that must be followed and the responsibilities of providers and, most importantly, serves to prevent re-victimization of the women. These protocols are particularly important for law enforcement or the entities that receive the complaints, prosecutor's offices and health services because women's ability to pursue the complaint process and rehabilitation is often dependent upon these offices and the manner in which they handle complaints.

Specialized services must be provided by the State. Involvement of civil society organizations does not discharge the State of its responsibility. Such services should be available nationwide and not restricted to certain geographic areas, economic strata or constrained by a particular time schedule.²²⁴

In order for specialized services to be the most effective, States must make them a part of national plans to combat violence against women and devise outreach strategies to educate the public about the services, either in the context of campaigns for the prevention and punishment of violence against women, campaigns for the promotion of women's human rights, or as part of an organized awareness-raising plan that would avoid duplication of efforts and expenditures. It is also necessary to include such a strategy in national plans in order to receive the funding for implementation and achievement of the goals therein.²²⁵

Specialized services must be periodically evaluated and the results thereof examined closely so corrective measures can be taken and thus the service provided to women can be enhanced.²²⁶

e. To promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies to violence against women;

Awareness-raising campaigns are crucial to exposing and conveying that violence against women is unacceptable. Such campaigns should convey a message of zero tolerance for violence against women, including promotion of women's human rights, place emphasis on social condemnation of the discriminatory attitudes that perpetuate violence against women and address attitudes that stigmatize women victims of violence. Those campaigns, in and of themselves, constitute an important tool for informing women about their rights.²²⁷

Campaigns must be aimed at changing discriminatory attitudes, norms and practices, which perpetuate violence against women. Campaigns can help to bring about changes at the individual, inter-personal and community level, as well as at the broader level of society. They can also be targeted toward particular audiences to reach different goals related to preventing and confronting violence against women and can draw on a variety of methods to get the intended message out.²²⁸

222. IACHR, 2011a, paragraph 236

223. Ibid.

224. See MESECVI, 2012a, op.cit., p. 77 et seq.

225. MESECVI, 2012a, op.cit. p. 80

226. Ibid., p. 81

227. UN/DAW. 2010, op.cit., p. 30

228. See UN Women. "Conducting research, data collection and analysis," in Virtual Knowledge Centre to End Violence against Women and Girls, <http://www.endvawnow.org/en/articles/322-realizar-investigaciones-recoleccion-y-analisis-de-datos.html>

The Committee of Experts of the MESECVI believes that campaigns must be implemented within a set timeframe, without any distinction as to sex, social status or ethnic group, and mechanisms must be set up to evaluate the results thereof.²²⁹

Campaigns may be targeted to the general population to raise awareness of violence against women as a manifestation of inequality and a violation of women's human rights; and campaigns may be targeted, aimed at further educating about both laws currently in force to address violence against women and the legal solutions provided by them.²³⁰

This State action must be set forth in pertinent legislation so that the necessary coordination and funding can be provided for.

f. To provide women who are subjected to violence access to effective readjustment and training programs to enable them to fully participate in public, private and social life;

Sufficient resources and effective means of rehabilitation, which take a gender-based and multicultural approach, must be made available to women victims of violence. In general, specialized services may contribute to this process, but other services can be included, based on the particular needs of women.

Rehabilitation must take into consideration the fact that women suffer physical, emotional and psychological effects from violence, and that they face economic and social consequences, which affect their lives and relationships, as well as their productivity and work and school performance. Consequently, women need timely access to health care and support services, which provide a short-term response to the injury and protect them from further offenses and meet their long-term needs.²³¹ In order for rehabilitation to be fully effective, the person responsible for the crime must be punished as well.

Rehabilitation programs will promote the physical well-being and safety, emotional and economic security of women victims and enable them to overcome the myriad of consequences of the violence and get their lives back on track. Women must therefore be able to gain access to adequate services and have a range of support options available to them that are sensitive to the particular needs of women, who are discriminated against in many ways at the same time. Also, in order to ensure the highest quality of services for the rehabilitation of women victims, it is important to consider providing training to the professionals involved using a victim-centered approach.

These programs, which are mentioned in the Belém do Pará Convention, must be geared toward empowering women to take control of their own lives.²³² In this same vein, economic empowerment of women can serve as a protection factor against gender-based violence through access to property and decent-paying jobs that enable women to avoid and extricate themselves from abusive and exploitative relationships.²³³

g. To encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms and to enhance respect for the dignity of women;

The media have a notable influence on how society perceives what are acceptable behaviours and attitudes.²³⁴ The Convention recognizes the potential of the media to exert a positive –or negative– influence on the promotion of women's equality, and to contribute to the eradication of gender-based stereotypes. Therefore, it is important to educate and sensitize journalists and other media workers on women's human rights and on the root causes of violence against women. This way, reporting on cases of violence against women will be respectful of women's rights and dignity.

229. MESECVI, 2012a. op.cit. p. 99

230. UN/DAW. 2010, op.cit., p. 30

231. UN, 2006, op.cit., p. 119

232. In this regard, see Ibid.

233. UNIFEM. "Investing in Gender Equality: Ending Violence against Women and Girls," New York: United Nations Development Fund for Women, 2010, http://www.endvawnow.org/uploads/browser/files/genderequality_vaw_leaflet_en_web.pdf

234. United Nations, Division for the Advancement of Women. Handbook for Legislation on Violence against Women. Department of Economic and Social Affairs. ST/ESA/329 New York, 2010, pg. 32

Media coverage has a bearing on how women, women's rights and violence against women are talked about and affects the attitudes of different social groups. Consequently, the CEDAW Committee established the obligation of States to adopt effective measures to ensure that the media respects and promotes respect for women.²³⁵ States must help to put into place mechanisms to monitor the content broadcast in television programs, newspapers, magazines and advertising and marketing, in order to help to prevent violent and discriminatory gender stereotyping.

The Committee of Experts takes a positive view of the growing use by States of the media as an instrument of education and sensitization on violence against women. However, because of the increase in the number of women victims of violence, the deep-rooted historical causes thereof and the pervasive attitude of permissiveness toward this type of violence, these efforts should be stepped up and conducted in the context of a State strategy, explicitly laid out under the national or sectoral plan, with budget allocated to ensure the continuity thereof and with an impact evaluation mechanism in place.²³⁶

h. To ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes;

In its hemispheric reports, the Committee of Experts of the MESECVI has asserted that in order to successfully create a quality and time-sensitive registry of incidents of violence against women, investments must be made in sensitizing and training the officials in charge and in using standardized forms and a computerized digitized system; supported by a coordinated effort that ensures that the system works and that the data contained therein are properly sorted and made public.²³⁷ An integrated centralized system of statistical data on violence against women must also be created.

Research, data gathering and analysis are fundamental to the success of advocacy as well as resource mobilization, program development, policy implementation and intervention monitoring efforts.²³⁸ For this purpose, it is important to consider indicators as a tool to be able to measure the inputs, processes, outputs, outcomes and effects of the interventions.

Data must be reliable, accurate and complete in order to support monitoring and the development of effective responses. Therefore, information must be nationwide and disaggregated particularly by sex, age, ethnic group, and rural/urban residence.²³⁹ Statistical data on the causes, consequences and frequency of all forms of violence against women, as well as on the effectiveness of measures designed to prevent, punish and eradicate it and to protect and support women should also be gathered at regular intervals.²⁴⁰

Systems for the collection and analysis of data on a regular basis can involve partnerships between the government, international organizations, civil society and academic institutions or think tanks, at both the national and sub-national level.²⁴¹ In order to achieve this, promotion of research, data collection and statistical compilation must be a topic taken into account in public policy instruments to address a woman's right to a life free of violence.

Once data is gathered and systematized, it is important to publicize the results of this analysis to all entities working on the problem of violence against women, in order to contribute to improved performance of the public officials involved.²⁴²

i. To foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence

The spirit of the Convention is to promote the exchange of experiences in order to incorporate and enhance States' efforts to ensure a violence-free life for women. This entails peer-to-peer exchanges for discussion and analysis to replicate and disseminate best practices and successful endeavours. It is a way to learn about progress made by and the obstacles faced by States in this area, about other methods and strategies to make it easier to introduce a gender-based approach, to enter into agreements and commitments that contribute to processes at the national level as part of States' responsibility to society as a whole.

235. CEDAW, 1992, op.cit.

236. MESECVI, 2012a, op.cit., p. 57

237. MESECVI, 2008, op.cit., p.

238. See UN Women, op.cit.

239. See in general MESECVI, 2008, op.cit.

240. UN/DAW, 2010, op.cit., p. 23

241. See UN Women, op.cit.

242. See in general MESECVI, 2008, op.cit.

Exchange opens up permanent lines of communication that continue during the design, implementation, follow-up and evaluation of public policies, academic research, conceptual and analytical frameworks and, in general, helps to fashion a specific approach to identifying gender-based inequities underlying women's participation in the different social spheres, such as family, health, education, employment, and politics, among others.

Strengthening international cooperation as encouraged under the Belém do Pará Convention will contribute to national and international efforts to promote equal opportunity for men and women.

Article 9

With respect to the adoption of the measures in this Chapter, the States Party shall take special account of the vulnerability of women to violence by reason of, among others, their race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socioeconomically disadvantaged, affected by armed conflict or deprived of their freedom

While violence against women is universal and is present in all societies and cultures, it takes on different forms and is experienced in different ways. The forms of violence to which women are subjected and ways in which they experience it are often shaped by the intersection of their gender with other factors such as race, ethnic background, social class, age, sexual orientation, disability, nationality, legal status, religion and culture, among others. The IACHR has held that “discrimination and violence do not always affect women in the same measure. There are women that are exposed to the violation of their human rights on the basis of more than one risk factor.”²⁴³

In other words, violence is born of a complex interaction of individual, family, community and social factors – and though all women are at risk of exposure to violence in every society throughout the world, not all women are equally vulnerable to acts of violence and the structures that support them. Discrimination affects women in different ways depending on their position in specific social, economic and cultural hierarchies that may further prohibit or restrict the ability of some women to enjoy universal human rights.²⁴⁴



Furthermore, women who belong to minority groups tend to be victims of twofold discrimination, inasmuch as they must face discrimination against minorities and within their own communities as women. In this regard, particularly in the case of indigenous women, the I/A Court H.R. has taken this position: “In general, the indigenous population is in a situation of vulnerability, and this is reflected in various forums, such as in the administration of justice and health care services. Especially, the members of this population are defenceless because they do not speak Spanish and do not have interpreters, because of the absence of financial resources to hire a lawyer, to travel to health care centers or to the organs of justice, and also because they are often victims of abusive practices or practices that violate due process. Owing to this situation, members of the indigenous communities do not use the organs of justice or the public agencies engaged in the protection of human rights, because they distrust them or because they fear reprisals, and in the case of indigenous women, the situation is even worse, because filing complaints concerning certain acts has become a challenge that requires them to overcome many obstacles, such as rejection from their community and other ‘harmful traditional practices.’”²⁴⁵

The IACHR believes that the obstacles faced by indigenous women to gain access to justice are, for the most part, linked to social exclusion and ethnic group-based discrimination. Said obstacles can be particularly crucial, inasmuch as they represent forms of “multiple discrimination,” because they are women, indigenous and poor.²⁴⁶ Afro-descendent women face a similar situation, as they have endured a history of

243. IACHR, 2011e, op.cit., paragraph 28

244. UN, 2011, op.cit., paragraphs 85 & 86

245. I/A Court H.R., 2010 (Case of Rosendo Cantú), op.cit., paragraph 70

246. See allegations of the IACHR en I/A Court H.R., 2010 (Case of Rosendo Cantú), op.cit., paragraph 169.

discrimination, exclusion, *invisibilization* and social disadvantage.²⁴⁷ The same is true for migrant women, poor rural women, and young girls, among other groups.

For its part, in referring particularly to indigenous women and the question of the intersection of gender with other factors, the Committee of Experts has pointed out that although the International Labour Organization's (ILO) Convention 169 establishes the right of indigenous peoples to conserve their own customs and institutions, these cannot be incompatible with either the fundamental rights defined by the national legal system or internationally-recognized human rights. In this framework, those States that recognize indigenous or community justice systems in the area of violence against women must ensure that community customs and practices do not work to the detriment of women's right to live a life free of violence and that these are consistent with the State's obligation of due diligence to prevent, investigate, punish and compensate violence against women.²⁴⁸

As a result, the eradication of violence against women demands diverse strategies that respond to these intersecting factors.²⁴⁹ In light of this circumstance, the IACHR has highlighted that "the heightened obligation of States to adopt protective measures toward groups of women particularly at-risk of violations of their human rights based on more than one factor combined with their sex, including young girls, afro-descendant women, indigenous women, migrant women, and women human rights defenders, among other groups."²⁵⁰

Examples of good practices that can be used by States to combat this type of multi-faceted discrimination include special measures in education, leadership training and economic assistance, targeted toward women, as well as sensitization efforts targeted toward men.²⁵¹

In this same vein of thinking, the IACHR has promoted the participation of women in the design of public interventions that affect them, and in the identification of the current challenges to and priorities for effective protection of their rights. In the view of the IACHR, "these measures should be joined by legislative, policy, and programmatic interventions with a goal of eradicating discrimination, racism and the poverty that tends to affect indigenous women..."²⁵²

Similarly, the Committee of Experts addresses the need to bring all women out from the shadows so that the Belém do Pará Convention can have a positive impact on the prevention, punishment and eradication of violence against them. Plans of action must take into account diversity among women.²⁵³ This should be a fundamental point of the agenda for strengthening current guarantees and frameworks for action. Thus, monitoring implementation of the Belém do Pará Convention must, based on this analysis, take into consideration differences between women and the factors attached to them which affect their degree of vulnerability.

The adoption of an integral model for addressing gender-based violence thus requires understanding of the various manifestations of difference, both within the same gender and between genders, as well as of the institutional and structural inequalities that exacerbate violence as a result of the convergence of multiple forms of discrimination. A single programmatic approach that treats women as a homogenous group is useless for combating gender-based violence. The integral approach to the elimination of all forms of violence against all women must attack systematic discrimination and marginalization through measures that aim to eliminate inequality and discrimination among women, and between women and men.²⁵⁴

247. IACHR, 2011a, op.cit., paragraph 314

248. MESECVI, 2012a, op.cit., p. 61

249. UN, 2006, op.cit., p. 138

250. IACHR. *Report on the Situation of Human Rights Defenders in the Americas* (OEA/SER.L/V/II.124 Doc. 5 rev. 1). Washington, D.C.: Inter-American Commission on Human Rights, Organization of American States, 2006, <http://www.cidh.org/countryrep/defenders/defenderstoc.htm>

251. UN Human Rights Council, 2013, op.cit., paragraph 59

252. IACHR, 2011a, op.cit., paragraph 306

253. MESECVI, 2012a, op.cit., p. 50

254. United Nations, 2011, op.cit., paragraphs 85 & 86.

3.5 CHAPTER IV

INTER-AMERICAN MECHANISMS OF PROTECTION

Article 10 In order to protect the rights of every woman to be free from violence, the States Party shall include in their national reports to the Inter-American Commission of Women information on measures adopted to prevent and prohibit violence against women, and to assist women affected by violence, as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women.

Article 11 The States Party to this Convention and the Inter-American Commission of Women may request of the Inter-American Court of Human Rights advisory opinions on the interpretation of this Convention.

Article 12 Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints of violations of Article 7 of this Convention by a State Party, and the Commission shall consider such claims in accordance with the norms and procedures established by the American Convention on Human Rights and the Statutes and Regulations of the Inter-American Commission on Human Rights for lodging and considering petitions.

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In our examination of this article, we shall address three aspects: i) obstacles and progress of the MESECVI as a tool for tracking the measures taken by the States to prevent and eradicate violence against women; ii) Hemispheric Reports describing the human rights situation of women throughout the hemisphere and analyzing the progress made by States in the protection of these rights; and iii) follow-up reports and the indicator system as tools to gauge results and long-term impact.

a. The MESECVI – Obstacles and Progress

The CIM seeks not only to promote and protect women's rights within the inter-American system, but also to back the efforts made by the OAS Member States to ensure full access to the civil, political, economic, social and cultural rights that enable women and men to participate on an equal footing in all spheres of social life and help both to successfully reap the benefits of development and share responsibility for the future.²⁵⁵ In this regard, the creation of the MESECVI is an institutional manifestation of the political will to have an independent and consensus-based system in place for the evaluation of progress made by the States in compliance with the Belém do Pará Convention, with a view to implementing the recommendations emerging from the mechanism.²⁵⁶ MESECVI is, therefore, an instrument to contribute to compliance with Article 10 of the Convention.

In order for the mechanism to function properly, the States Party to the Convention must facilitate participation of their Experts at the meetings of the Committee of Experts, inasmuch as the Committee is a fundamental pillar of support in the process of evaluation, because it is the technical body which, by means of its questionnaires, evaluations and recommendations, works together with the States in combating violence against women.

The objectives and results of MESECVI must also be disseminated nationwide and the reports and recommendations adopted at the Multilateral Evaluation Rounds must be made public. MESECVI and its Technical Secretariat also require the necessary resources to fully comply with the Mechanism's many mandates and its goal as the hemispheric point of reference with regard to prevention, punishment and elimination of violence against women. In this regard, one essential part of the effort to strengthen the MESECVI must be focused on mobilization of resources, both from the States Party and from other potential donors through specific funding for particular projects.²⁵⁷

Despite these obstacles, which must be overcome, the MESECVI has proven to be one of the most useful tools to measure the progress of the policies implemented to prevent, eradicate and punish violence against women. Thanks to this monitoring capacity, it has been possible to draw up an institutional map, which has been reflected in the two Hemispheric Reports. Likewise, the MESECVI has been gaining significant experience and the fact that it exists, as a product of the will of the States Party is, in and of itself, one of its biggest success stories.²⁵⁸

255. CIM. "Annual Report of the Inter-American Commission of Women to the Thirty-sixth Regular Session of the OAS General Assembly." Washington, D.C.: Inter-American Commission of Women, Organization of American States, 2006, <http://www.oas.org/en/cim/library.asp>

256. MESECVI. "Report of the Technical Secretariat on the Putting into Operation of the Mechanism to Follow-up on Implementation of the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women, "Convention of Belém do Pará" to the 33rd Assembly of Delegates of the CIM" (OEA/Ser.L/II.2.33 CIM/doc.10/06). Follow-up Mechanism to the Belém do Pará Convention, Organization of American States, 2006, <http://www.oas.org/en/mesecvi/docs/AoD33-InformeMESECVI.ENG.doc>

257. MESECVI. "Report on the Mechanism to Follow-up on the Convention of Belém do Pará, in compliance with Resolution AG/RES. 2711 (XLII-O/12)" (OEA/Ser.L CIM/doc.122/13). Follow-up Mechanism to the Belém do Pará Convention, Organization of American States, 2013, <http://www.oas.org/es/mesecvi/docs/MESECVI-AnnualReport2012.ESP.doc>

258. Ibid.

With a view to the future, it has been necessary to plan new projects as part of the process of strengthening MESECVI, which makes it possible not only to make greater strides forward in the work done thus far, but also to focus on the impact of this work. As part of this process and tapping into the vast storehouse of possibilities of this Follow-up Mechanism, a *MESECVI Strategic Plan 2013-2017* was drawn up and approved by the Committee of Experts, for the consideration of States Party. The basis of the draft Plan consolidates the main elements of regional concern with regard to tools to ensure the exercise of the human right of the women of the region to live a life free of violence. This includes the process of drafting a short, medium and long term results timetable, which not only makes it possible to track the situation of violence against women in the region, but also to ensure for the States Party on a permanent basis the necessary technical tools to effectively address the many challenges that arise in developing public policies to guarantee a region free of violence against women.²⁵⁹

A solid MESECVI will have to confront the current challenges in the effort to combat violence against women, including raising the profile of emerging scenarios of violence against women; incorporating a gender and human rights perspective into the development, recognition and guarantee of sexual and reproductive rights, which is today the area in which women's lives, dignity and freedom are under massive assault.²⁶⁰

A look at the future of MESECVI reveals a body that, with a presence throughout the region and the contribution of every participating stakeholder, will be successful, on the one hand, at identifying the major challenges of the region, and on the other hand, at supporting the political will of the States, on the basis of lessons learned, good practices and technical assistance, to engage in their own process of complying with the obligations stemming from the Belém do Pará Convention and the hemispheric and regional commitment to eradicate violence against women and young girls.²⁶¹

Based on the previous analysis, the draft MESECVI Strategic Plan 2013-2017 has laid out two goals:²⁶²

1. *Strengthen the guarantees and protection of women's human rights based on a vision of diversity and interculturalism*
2. *Make MESECVI a hemispheric benchmark in the area of human rights and violence against women.*

259. Ibid.

260. Ibid.

261. Ibid.

262. See MESECVI, 2012b, op.cit.

With regard to the first goal, the MESECVI seeks to impact public policies in three sectors identified as priorities: health, education and justice, with a vision that cuts across the three sectors while promoting the intercultural view of women in a context of democratic governance, through:

- Wider dissemination of the Inter-American standards of protection and of the obligations stemming from the Belém do Pará Convention by producing tools for the promotion and monitoring of protection standards;
- Progressively incorporating protection standards and Inter-American legal precedents into existing laws and public policies;
- Building indicators to measure, evaluate, and monitor compliance with Inter-American protection standards in existing laws and public policies.

Under the second goal, the following priorities have been established:

- Strengthening the MESECVI as a useful tool to promote and defend public policies designed to prevent, eradicate and punish the different forms of violence against women;
- Strengthening mechanisms of communication and political dialogue, as well as relations with MESECVI stakeholders through strategic agreements with stakeholders from the States Party, who are involved in the defence and the oversight of the pertinent women's rights;
- Conducting follow-up to the agreements reached;
- Forging closer ties to relevant stakeholders;
- Multiplying common guidelines for raising the profile of the Mechanism;
- Successfully raising the necessary funds for implementation of an ongoing and progressive process of strengthening and development of the Mechanism.

How effectively the MESECVI can address the new challenges and realize its task of contributing, together with the States Party, to compliance with the Belém do Pará Convention will depend on the support provided by the governments to strengthening the mechanism.

b. Hemispheric Reports

The MESECVI operates through Multilateral Evaluation Rounds, which consist of an evaluation phase and a follow-up phase to the recommendations of the Committee of Experts. During the evaluation phase, the Committee of Experts approves a questionnaire to address each provision of the Belém do Pará Convention and transmits it to the States Party. Based on the responses of the States Party to this questionnaire and the complementary information gathered, including through “shadow” reports submitted by civil society groups, the Committee of Experts issues a final report with the appropriate recommendations to strengthen implementation of the Convention. At the end of the evaluation phase, national reports are released, as well as a consolidated Hemispheric Report (2008 and 2012). During the follow-up phase, the Committee of Experts establishes a set of indicators to address implementation of the specific recommendations that were made during the evaluation phase. Based on the information provided by the States Party pertaining to each of the indicators, a Follow-up Report is drafted (2010).

The *First Hemispheric Report on the Implementation of the Belém do Pará Convention* (2008) was released three years after MESECVI was established, as a result of the Multilateral Evaluation Round that began in July 2005 and ended in July 2007. Four topics were prioritized in the evaluation: national legislation and plans; access to justice; national budgets; and information and statistics.²⁶³

In the area of **legislation**, the goal was to review existing laws, regulations and amendments that have contributed to the prevention, punishment and eradication of violence against women, with a view to gathering information both on violence against women in general, and on specific forms of violence, especially transnational modalities such as human trafficking and forced prostitution.

The Committee of Experts concluded that the States continued to use the terms “intra-family violence” and “domestic violence,” which are not those used in the Belém do Pará Convention, reflecting a conceptual clash between the States’ concept of violence and the concept of violence as defined in the Convention. Even though steps had been taken to regulate violence in a family setting, domestic partnership or interpersonal relationship under national laws, a minority of States had laws on the books pertaining to sexual violence within a marriage or other union, and in general operated under “gender neutral” laws, in other words, laws and regulations that are ostensibly applicable to both men and women alike. This poses the risk that the very same laws that are presumably on the books to protect women may end up doing further harm to them.

The Committee of Experts established that the majority of States have made human trafficking an offence in their criminal codes, but national laws have not been brought into line with international standards, specifically, with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Only a few States have enacted legal provisions pertaining to forced prostitution.

Even though many States have training programs on gender and violence against women for public officials, it is not mandated by law. In fact, most States do not provide for specific punishments for public officials who do not enforce laws on violence against women.

In the area of **access to justice**, the objective was to learn about progress and challenges faced by the States in establishing and following-up on procedures that enable women to access mechanisms of justice when they are the victims of violence. The questions focused on whether or not expeditious procedures were in place; whether or not gender training for public officials in charge of taking complaints is provided; whether or not a victim support system is in place; whether evaluation and follow-up mechanisms of victim empowerment processes are used, and on the consideration of the issue femicide.

Based on a review of the responses, the Committee of Experts concluded that the majority of States have procedures in place to file complaints of domestic violence and that police stations or prosecutor’s offices specialized in matters of violence against women are becoming increasingly common, particularly in the area of family violence. Nonetheless, sufficient information was not available to determine whether or not there were procedures in place to report cases of violence against women occurring outside a family setting or an interpersonal relationship.

263. The First Hemispheric Report was based on the responses provided by 28 States and on 5 shadow reports submitted by non-governmental organizations, in addition to the reports submitted to other international agencies and entities (such as the CEDAW Committee) and supporting documentation.

Almost all States recognize that the number of offices available to take complaints is insufficient to cope with the need throughout the nation, mainly due to a lack of available resources to set up new offices, better equip existing ones and increase training for staff. There is also a heavy concentration of these services in capitals and major cities, with very few, if any, services available in marginalized, rural and more remote areas.

Moreover, even though the majority of States provide free legal assistance to women victims of violence, the Committee of Experts identified a number of problems in the implementation of these services, including too few, if any, provided in rural areas or areas removed from cities; failure to provide services in indigenous languages; lack of awareness of the existence of these services; and the fact that some law offices provide general legal services that are not specialized in issues of violence against women or domestic violence, or do not approach cases from a gender perspective.

The great majority of States do not have a criminal policy in place to address the phenomenon of femicide.

In the area of **national budgets** allocated by the States for the prevention, punishment and eradication of violence against women, the Committee of Experts established that States that have dedicated agencies for the implementation of plans and programs supporting women, including gender equality and violence, report investments in this area, while states that do not have such offices do not report or do not allocate any specific budget for this purpose. This demonstrates the need for a government agency specialized in gender equality and women's rights, with its own budget.

In the area of **information and statistics**, the Committee of Experts focused on ascertaining whether or not a State had made progress in five areas: information-gathering on judicial proceedings and complaints of violence against women; assistance to women victims of violence; violence-based deaths of women; other data pertaining to the situation of women; and training programs. Questions were also included on dissemination of statistics, training of public officials in charge of devising and using data-gathering instruments, and whether or not citizen observatories or watchdog organizations were operating.

The general impression of the Committee is that States have failed to establish a mechanism to address under-reporting of cases of violence against women. Most countries do not produce consolidated statistical information on complaints, arrests and convictions in cases of violence against women, or on assistance to women victims of violence, nor have they conducted research and gathered statistics on femicide.

The *Second Hemispheric Report on the Implementation of the Belém do Pará Convention* (2012)²⁶⁴ covers the evaluation phase of the Second Multilateral Evaluation Round (REM), which began in April 2010. The questionnaire crafted by the Committee of Experts for this round conducted a diagnostic evaluation of the first round and was divided into six priority issues: legislation; national plans; access to justice; specialized services; national budgets; and information and statistics. The purpose of this was to monitor progress and efforts made by the governments to follow up on the recommendations that were made by the Committee during the First Round (2008). It also included questions on topics that were not addressed in the First Round, but emerged in the responses of the governments and in the shadow reports submitted by civil society organizations.

This report summarizes the results of the national reports and draws comparisons between the First and Second Multilateral Evaluation Rounds, with regard to progress in the implementation of the Convention and the results of the MESECVI process. Thus, in the area of **legislation**, during the second round the Committee of Experts reinforced to the States Party the need to bring their legislation and public policies in line with the mandates and obligations stemming from the Belém do Pará Convention, but acknowledged the progress that some States had made in recognizing forms of violence against women that go beyond those defined in the Convention, such as moral and symbolic violence.

In this report, the Committee paid close attention to the States' consideration of the protection of sexual and reproductive rights²⁶⁵ and called on States to make an effort to prevent and punish violence against women in public settings.

264. The Second Hemispheric Report was based on the responses provided by 28 States, and on 8 shadow reports submitted by non-governmental organizations from the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM). As a conclusion, the Report issues 42 recommendations to the States Party, the compliance with which is monitored by the Committee during the follow-up phase, which began in late 2012.

265. The Committee considered obstetric violence, legal termination of pregnancy for therapeutic reasons and for rape, forced sterilization, non-consensual artificial insemination, emergency contraception, emergency prophylactic care and treatment for HIV/AIDS and other sexually transmitted infections, especially in cases of sexual violence.

In the area of **national plans**, although the Committee of Experts noted that most States are in the process of implementing one, these plans do not take into account diversity among women, or actions aimed at preventing violence throughout their life cycles.

In the area of **access to justice**, the Committee noted the creation of specific courts for family violence, intra-family or domestic violence, sexual violence and/or human trafficking. Also, most States have or are in the process of implementing or validating protocols for the care of victims of different forms of violence against women, especially in the three services associated with access to justice for women: police, prosecution and health services. This makes it possible not only to provide specialized treatment of the issue, but also to do so in an expedited fashion. However, the meagre increase in the number of offices to take complaints and the few or total lack of offices for indigenous women to gain access to justice is of concern to the Committee as an obstacle to women's effective access to justice.

In the area of **national budgets**, one latent concern of the Committee in this report is that the budget allocated to gender and women's rights issues, particularly prevention and punishment of violence against women, continues to be inadequate, as is also the case of the design of strategies to ensure reliable information and statistics on the specific approach to the problem in each State of the region.

As a general conclusion, based on a comparative analysis of the information provided by States on women's exercise of their right to a life free of violence between the first and second rounds, the Committee appreciated the progress made both in the capacity to respond to violence and in the availability of substantive information on measures that have been implemented to follow-up on the obligations stemming from the Convention. After examining the responses, the Committee found that 32 States of the region have implemented some type of measure to respond to the different forms of violence against women. However, implementation of these measures is far from even in the region and further long term studies of the impacts of these measures are required in order to determine how frequently such measures are taken and how permanent they are, as well as to distinguish between structural measures and temporary measures or measures contingent upon specific funding or international cooperation.²⁶⁶

c. Follow-up Reports and the System of Indicators²⁶⁷

After almost twenty years since the entry into force of the Belém do Pará Convention and following two Multilateral Evaluation Rounds of the MESECVI, it is essential that we analyze and measure the impact that each country in the region has had on the implementation of the Convention. The challenge is to systematize the efforts, initiatives, and policies developed by the States in such a way as to be able to assess and monitor compliance with the obligations to ensure women's right to a life free of violence.

To that end, the Committee of Experts of the MESECVI has adopted decisions that aim to concentrate efforts on the establishment and utilization of indicators that enable us to follow up on the recommendations contained in the country and Hemispheric reports on the implementation of the Belém do Pará Convention, while taking into account concerns expressed by the States Party regarding the numerous reporting obligations they are under with respect to an array of international treaties and other agreements.

Among the agreements adopted by the Third Conference of States Party to the Belém do Pará Convention²⁶⁸ (March 24th and 25th 2011) was a consensus on the need to advance in the analysis of the efforts of inter-governmental bodies to establish indicators of violence against women. Specifically, the Conference adopted an evaluation conducted by the Committee of Experts of the MESECVI on the challenges and opportunities faced by the Mechanism, as well as proposals for strengthening it, which included: the difficulties stemming from the incomplete information provided by some States (which usually focuses on some manifestation of violence, to the detriment of other); the need for a more in-depth analysis of the issue of access to justice for all women through just and effective recourse, moving beyond the mere existence of these services to the effectiveness of their application; and finally the concern that States were not conducting an effective analysis of the degree of compliance with or progress in the implementation of the Convention. In the opinion of the Committee of Experts, the responses of States Party to the questionnaire that compiles the information necessary for the evaluation process were limited to declaring compliance, without citing information that supports that declaration, or citing erroneous information, or annexing complementary information that was not cited in the response.

266. MESECVI, 2013, op.cit.

267. Text adapted from MESECVI. "Review of existing efforts to measure the exercise of women's right to a life free of violence." Follow-up Mechanism to the Belém do Pará Convention, Organization of American States, 2012c.

268. MESECVI-III/doc.59/11 rev.3, available at: <http://www.oas.org/en/mese cvi/docs/CEP3-Agreements-EN.doc>

On the basis of this assessment, the Committee of Experts progressed in the preparation of a proposal of indicators to guide the follow-up to the recommendations of the Second Multilateral Evaluation Round.²⁶⁹

To a large extent, violence against women is ignored in many countries of the region, even though responsible for the design and implementation of public policies to address it are in constant need of better-quality information, for a number of reasons: to guide legislative and public policy reform, to ensure the adequate provision of the services necessary to meet the demand, and to monitor trends and progress in addressing the issue of violence against women, as well as the impact of the measures that are adopted.

The United Nations²⁷⁰ has pointed out that in spite of the progress made in recent years, there is still an urgent need to strengthen the knowledge base on all forms of violence against women, as well as different challenges to the achievement of this goal. On the one hand, “Many countries still lack reliable data and much of the existing information cannot be meaningfully compared,”²⁷¹ which is particularly worrying for international organizations that aim to contribute to the identification of good practices and experiences of cooperation between States. On the other hand, “...very few countries collect data on violence against women on a regular basis, which would allow changes over time to be measured”²⁷² This second aspect is crucial not only to the identification of international and regional trends, but also to the States’ own evaluation and monitoring of their policies.

The MESECVI assigns a primary role to the production and systematization of information linked to the follow-up to the Belém do Pará Convention, on the basis of the provisions of Article 8, paragraph (h).²⁷³ During its Evaluation Rounds, the analysis of the empirical information developed and provided by the States is one of the fundamental elements of the revision, which also includes a normative panorama, plans on violence against women, the condition of access to justice, budgetary allocations and existing specialized services.²⁷⁴

The information that feeds follow-up mechanisms comes from various sources. As a complex phenomenon, violence against women is difficult to grasp using a one-size-fits-all empirical research strategy. Instead, the idea is to combine analyses based on a variety of sources that can be underpinned by techniques for producing both qualitative and quantitative data.

Representative population surveys allow for an understanding of the dimension of the problem (incidence and prevalence) through an estimate of acts of violence in its various manifestations, in the different spheres in which it occurs (the family and inter-personal relationships, in the community), and how it is expressed (physically, sexually, psychologically). Many of these acts can only be guessed at on the basis of representative surveys applied to society as a whole, as they will never be reported by their victims.

At another level, the administrative records of service-providing institutions allow us to capture information on acts of violence that have been effectively registered, either because they were reported (and entered into police or security information systems as a type of crime or specific infraction), or because the victims sought assistance (from health or social services, leading to hospital or other records).

269. MESECVI. “Draft minutes of the Eighth Meeting of the Committee of Experts” (May 3rd and 4th 2012), paragraph (g) of the decisions and agreements. The draft proposal for these indicators can be found in MESECVI/CEVI/doc.176/12 (June 27th 2012, <http://www.oas.org/en/mesecvi/docs/CEVI10-Indicators-EN.doc>) and in annex 5.3. of this document

270. United Nations, 2006, op.cit.

271. Ibid., p. 65.

272. Ibid., p. 65.

273. States Party shall “...to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes.”

274. During the First Multilateral Evaluation Round, the four central issues that guide the information-gathering process were: Legislation; Access to justice; Budgets; and Information and statistics.

At a third level, we may refer to the cases registered with the justice system. When prevailing norms establish specific procedures for ordering measures for the protection of victims of violence or punishment of the perpetrators, the facts surrounding the case may be entered into the justice system by the report of the women involved or by the reports of third parties in cases where the existing legislation allows. Finally, information systems must also be able to identify those cases that reach a conclusion: through the measures adopted to protect the victims, through the verdicts emitted (condemning or absolving the aggressor) and through the fulfillment of sentences.²⁷⁵

On the basis of this information, systems of indicators that have been developed at the regional and international levels help to guide the follow-up to recommendations made by specialized bodies, as in the case of the MESECVI.

The Committee of Experts is currently analyzing the responses of 15 States of the region to the indicators of the Second Follow-up Round, which will feed into both country reports and the Hemispheric Follow-up Report to the Recommendations of the Committee of Experts.

Article 11

The States Party to this Convention and the Inter-American Commission of Women may request of the Inter-American Court of Human Rights advisory opinions on the interpretation of this Convention.

This sub-section pertains to Article 64 of the American Convention on Human Rights, which establishes the power of the I/A Court H.R. to interpret both that Convention and other treaties regarding human rights protection in the American States. The Court may also provide opinions on the compatibility between the domestic laws of a State and international human rights treaties.

275. For information on the data available on violence against women in Latin America and the Caribbean, see: Frías (Lorena) y Hurtado (Victoria). *Estudio de la información sobre violencia contra la mujer en América Latina y el Caribe*. Serie *Mujer y Desarrollo* (Nº 99). Santiago, Chile: Division of Gender Affairs, Economic Commission for Latin America and the Caribbean, 2009, <http://www.eclac.cl/publicaciones/xml/8/38978/Serie99.pdf>; Gherardi (Natalia). “La violencia contra las mujeres en la región” en *Si no se cuenta, no cuenta: Información sobre la violencia contra las mujeres*. Diane Alméras and Coral Calderón Magaña (Eds), *Cuadernos de la CEPAL* (Nº 99), Santiago, Chile: Economic Commission for Latin America and the Caribbean, 2012, http://www.cepal.org/publicaciones/xml/2/46612/cuaderno99_WEB.pdf.

The advisory jurisdiction of the Court can be utilized by both OAS Member States and the bodies listed under Chapter VIII of the OAS Charter, including specialized organizations such as the Inter-American Commission of Women, but only within their spheres of competence. The significance of Article 11, which is the subject of analysis in this section, is the express authority it grants the CIM to request advisory opinions from the Court on the Belém do Pará Convention.

The advisory function of the I/A Court H.R., “...enables the Court to perform a service to all the members of the inter-American system, and is designed to assist them in fulfilling their international human rights commitments.” States and organs are thereby assisted to comply with and to apply human rights treaties without subjecting them to formalism and sanctions associated with the contentious judicial process.²⁷⁶

In the words of the I/A Court H.R., “...the interpretive work that the Court must carry out in exercising its advisory jurisdiction seeks to not only throw light on the meaning, object and purpose of the international norms on human rights but, above all, to provide advice and assistance to the Member States and organs of the OAS in order to enable them to fully and effectively comply with their international obligations in that regard. Indeed, the interpretations should contribute to the strengthening of the system for the protection of human rights.”²⁷⁷

In exercising its advisory jurisdiction, the Court is not empowered to interpret or define the scope of the validity of the domestic laws of the States Party, but only to address their compatibility with the Convention or other treaties concerning the protection of human rights in the American States and, even then, it can do so only at the express request of those who are authorized to make such a request. In the event of a supposed violation of the international obligations assumed by the States Party, resulting from a possible conflict between the provisions of their domestic law and those set forth in the American Convention –or other treaties - such violations will be evaluated by the Court in contentious cases.²⁷⁸

276. I/A Court H.R., “Advisory Opinion OC-18/03: Juridical Condition and Rights of the Undocumented Migrants,” 2003, paragraph 64, http://www.corteidh.or.cr/docs/opiniones/seriea_18_ing.pdf; I/A Court H.R., “Advisory Opinion OC-17/02: Juridical Condition and Rights of the Child,” 2002, paragraph 34, http://www.corteidh.or.cr/docs/opiniones/seriea_17_ing.pdf; and I/A Court H.R., “Advisory Opinion OC-16/99: The Right to Information on Consular Assistance in the Framework of the Guarantees of Due Legal Process,” 1999, paragraph 64, http://www.corteidh.or.cr/docs/opiniones/seriea_16_ing.pdf.

277. I/A Court H.R., “Advisory Opinion OC-14/94: International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Articles 1 and 2 American Convention on Human Rights),” 1994, paragraph 23, http://www.corteidh.or.cr/docs/opiniones/seriea_14_ing.pdf

278. *Ibid.*, paragraph 22

Thus, the advisory jurisdiction of the Court is permissive in character inasmuch as it empowers the Court to decide whether the circumstances of a request for an advisory opinion justify a decision rejecting the request. Before the Court may refrain from complying with a request for an opinion, it must have compelling reasons founded in the conviction that the request exceeds the limits of its advisory jurisdiction under the Convention.²⁷⁹

Thus far, the interpretative function of the Court has been broad, although as yet, no request for an opinion has been submitted to the Court with regard to the Belém do Pará Convention or with regard to women's human rights. A number of opinions however do contribute to clarifying and going more deeply into the protection of the rights of women. The request for an Advisory Opinion submitted by Costa Rica, "Proposed Amendments to the Naturalization Provisions of the Constitution of the country,"²⁸⁰ contributes to the conceptual analysis of discrimination and the right to equality. In this opinion, the Court reminds the States of their obligation to refrain from introducing into their domestic laws discriminatory regulations with reference to legal protections.

The Court noted that the notion of equality springs directly from the oneness of the human race, is inseparably linked to the essential dignity of the individual, and cannot thus be reconciled with the privileged treatment of a particular group because of its perceived superiority. Conversely, it is equally irreconcilable with the notion of equality to characterize a group as inferior and treat it with hostility or otherwise subject it to discrimination in the enjoyment of rights. It is inadmissible to subject human beings to differences in treatment that are inconsistent with their unique and congeneric nature.

Nonetheless, precisely because equality and non-discrimination are inherent in the idea of the oneness in dignity and worth of all human beings, it follows that not all differences in legal treatment are discriminatory, as not all differences in treatment are in and of themselves offensive to human dignity. Certain factual inequalities legitimately give rise to inequalities in legal treatment that do not violate the principles of justice, and may in fact be instrumental in achieving justice or in protecting those who find themselves in a weak legal position.

279. I/A Court H.R., "Advisory Opinion OC-1/82" "Other Treaties" Subject to the Advisory Opinion of the Court (Article 64 American Convention on Human Rights)," 1982, paragraphs 28 & 30, http://www.corteidh.or.cr/docs/opiniones/seriea_01_ing1.pdf

280. For example, I/A Court H.R., "Advisory Opinion OC-4/84: Proposed Amendments to the Naturalization Provisions of the Constitution of Costa Rica," 1984, http://www.corteidh.or.cr/docs/opiniones/seriea_04_ing.pdf

In the view of the I/A Court H.R., no discrimination exists if the difference in treatment has a legitimate purpose and does not lead to situations that are contrary to justice, to reason or to the nature of things. It follows that there would be no discrimination in the differential treatment of individuals by a State when the classifications selected are based on substantial factual differences and there exists a reasonable relationship of proportionality between these differences and the aims of the legal rule under review. These aims may not be unjust or unreasonable, that is, they may not be arbitrary, capricious, despotic or in conflict with the essential oneness and dignity of humankind.²⁸¹

This Advisory Opinion lays out the legal arguments, on the one hand, for rejecting discrimination against women based on gender stereotypes that view women as inferior and, on the other hand, for accepting positive discrimination that seeks to place women on an equal footing based on the recognition of certain differences.²⁸²

Another Advisory Opinion that contributes to the defence of women's human rights refers to the Legal Status and Rights of Undocumented Migrants,²⁸³ which highlights, among other things, that there is an unbreakable link between the obligation to respect and guarantee human rights and the principle of equality and non-discrimination. States are obligated to respect and guarantee the free and full exercise of rights and freedoms without any type of discrimination. The non-fulfillment of this general obligation, as a result of any type of discriminatory treatment, creates international responsibility. The principle of equality and non-discrimination is fundamental to safeguarding human rights in both international and domestic law. As a result, States have an obligation to not introduce into their domestic legal system any discriminatory laws, to eliminate existing discriminatory laws and to combat discriminatory practices. Distinctions may be established however on the basis of *de facto* inequalities as an instrument to protect those that should be protected, taking into consideration the situation of greater or lesser weakness or helplessness in which they find themselves.

281. *Ibid.*, paragraphs 55 et. seq.

282. On this topic, see IACHR, 2001, *op.cit.*, paragraph 31. In this report the IACHR noted that differences in treatment in otherwise similar circumstances are not necessarily discriminatory. A distinction, which is based on "reasonable and objective criteria", may serve a legitimate state interest in conformity with the terms of Article 24 of the American Convention. It may, in fact, be required to achieve justice or to protect persons requiring the application of special measures. A distinction based on reasonable and objective criteria (1) pursues a legitimate aim and (2) employs means, which are proportional to the end sought.

283. I/A Court H.R., 2003, *op.cit.*

In this opinion, the I/A Court H.R. clarifies that principles of equality before the law and non-discrimination permeate all State action, however it is expressed, related to the respect and guarantee of human rights. These principles can effectively be considered as imperatives of international law, in that they are applicable to all States, independently of their ratification or no of specific international treaties, and they generate effects with respect to third parties, including individuals. This implies that the States - be it at the international or domestic level, through the direct actions of any of its branches or through third parties that act on their tolerance, acquiescence or negligence - cannot act in a way that violates the principles of equality and non-discrimination to the detriment of a specific group of people.

In fulfillment of this obligation, the States must abstain from actions that in any way create, directly or indirectly situations of *de jure* or *de facto* discrimination. This translates, for example, into a prohibition against laws or civil, administrative and other regulations, as well as actions and practices of State agents in the application or interpretation of the law, that discriminate against a particular groups on the basis of their ethnicity, gender or other factors. Moreover, States are obliged to adopt affirmative measures to reverse or change existing situations that discriminate against a particular group of people. This implies that States must exercise a special obligation to protect with respect to the actions and practices of third parties that create, maintain or favour situations of discrimination with the tolerance or acquiescence of these States.

Article 12

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints of violations of Article 7 of this Convention by a State Party, and the Commission shall consider such claims in accordance with the norms and procedures established by the American Convention on Human Rights and the Statutes and Regulations of the Inter-American Commission on Human Rights for lodging and considering petitions.

The purpose of the system of petitions enshrined in Article 12 of the Belém do Pará Convention is to enhance the right of international individual petition, based on certain clarifications concerning the scope of the gender perspective. The adoption of this Convention reflects a uniform concern throughout the hemisphere about the severity of the problem of violence against women, its relationship to the discrimination traditionally suffered by women, and the need to adopt comprehensive strategies to prevent, punish and eliminate it. Consequently, the purpose of the existence of a system of individual petitions within a convention of this type is to achieve the greatest right to judicial protection possible in those States that have accepted judicial control by the I/A Court H.R.²⁸⁴

Reports or complaints filed by individuals or non-governmental entities for violation of Article 7 of the Convention however, must meet the requirements set forth in Articles 44 and 51 of the American Convention on Human Rights, as provided in Article 41 of the same. The Belém do Pará Convention also refers to the Statute and the Rules of Procedure of the IACHR to entertain complaints or denunciations and, in so doing, empowers the Commission to submit those complaints or petitions to the I/A Court H.R.

284. I/A Court H.R., 2009 (Case of González et al), op.cit., paragraph 61

The Court has interpreted this provision as follows:

*Article 51 of the Convention and Article 44 of the Commission's Rules of Procedure refer expressly to the submission of cases to the Court when a State has failed to comply with the recommendations contained in the report on merits referred to in Article 50 of the American Convention. Furthermore, Article 19(b) of the Commission's Statute establishes that the Commission's powers include: "to appear before the Inter-American Court of Human Rights in cases provided for in the Convention." In brief, it appears clear that the literal meaning of Article 12 of the Belém do Pará Convention grants the Court jurisdiction, by not excepting from its application any of the procedural requirements for individual communications.*²⁸⁵

Additionally, based on its interpretation of the cases submitted to it, the IACHR has general competence to apply the Belém do Pará Convention, since it is an inter-American human rights instrument, and because of the competence assigned to it under the aforementioned Article 12. This competence also encompasses incidents occurring prior to ratification of the Belém do Pará Convention when ongoing violations are involved, such as State tolerance stemming from continued denial of justice. Thus, the IACHR is competent to hear a complaint when a State has tolerated a situation of impunity and defencelessness against a woman with enduring effects, even though it takes place subsequent to the date on which the State ratified the Convention.²⁸⁶

Petitions on complaints and denunciations relate exclusively to possible violations of Article 7 of the Belém do Pará Convention. Notwithstanding, the different Articles of this instrument may be used to interpret it and other pertinent inter-American instruments.²⁸⁷ Likewise, the inter-American system has held that the Belém do Pará Convention and CEDAW complement the international *corpus juris* in matters of protection of women's right to protection of their personal integrity.²⁸⁸ This means that women's rights are heightened, in terms of both their specificity and universality, and a solid legal framework has been established for judicial interpretation based on a gender perspective.

The obligation of States to protect women's human rights, which stems from several inter-American instruments, including the Belém do Pará Convention, has become consistent legal precedent of the I/A Court H.R. The standards established by the Court clear the way for a broader interpretation from a human rights and gender perspective with respect to women's right to a life free of violence.

In the *Case of Gonzalez et al.*, known as "Cotton Field," the Court posited the existence of discriminatory stereotypes against women among justice administration officials, as well as contexts of violence against women in which serious crimes are committed that are motivated by gender. In the case analysis, the Court noted the ineffectual responses and indifferent attitudes with regard to the investigation of said crimes, with homicides characterized by sexual violence showing the highest levels of impunity. The Court found the State responsible for, among other things, violation of its obligation to act with due diligence to prevent, investigate and punish violence against women and to include in its domestic legislation the necessary criminal, civil and administrative provisions to prevent, punish and eradicate violence against women (Articles 7.b and 7.c of the Belém do Pará Convention).

In the *Case of the Dos Erres Massacre*, the I/A Court H.R. found that "...the State should have initiated, *ex officio* and without delay, a serious, impartial and effective investigation of all of the facts of the massacre related to the violation of the right to life and other specific violations against personal integrity, such as the alleged torture and acts of violence against women, with a gender perspective and in conformity with ... Article 7.b of the Belém do Pará Convention."²⁸⁹

285. *Ibid.*, paragraphs 40 & 41

286. IACHR, 2001 (Report 54/01), *op.cit.*, paragraphs 27 & 28

287. I/A Court H.R., 2009 (Case of González et al), *op.cit.*, paragraph 79

288. I/A Court H.R., 2006 (Case of Miguel Castro Castro), *op.cit.*, paragraph 225

289. I/A Court H.R., 2009 (Case of Massacre of Dos Erres), *op.cit.*, paragraph 141

In the *Case of the Miguel Castro-Castro Prison*, for the first time in its legal precedents the Court focused its attention on aspects of gender and established that the women victims were differently affected by acts of violence; some acts of violence were directed specifically toward the women; and others affected them in greater proportion than the men.²⁹⁰ The Court referred to the obligation set forth in Article 7 of the Belém do Pará Convention, which expressly establishes that States must make sure that State authorities and agents refrain from any action or practice of violence against women (Article 7.a). Accordingly, the Court concluded that the State was responsible for sexual violence against the women victims and that the rape of the women committed by agents of the State could constitute torture.

In the cases of *Inés Fernández Ortega* and *Rosendo Cantú*,²⁹¹ in which the victims were indigenous women who were raped by members of the military, the Court referred back to the Preamble of the Belém do Pará Convention and asserted that violence against women not only constitutes a human rights violation, but is "... an offense against human dignity and a manifestation of the historically unequal power relations between women and men," which "... pervades every sector of society, regardless of class, race, or ethnic group, income, culture, level of education, age or religion, and strikes at its very foundation."²⁹²

The Court established that the sexual violence to which the victims were subjected constituted a violation of their private lives, a right protected under Article 11 of the American Convention, to the extent that the concept of private life is a wide-ranging term that cannot be defined exhaustively, but includes, among other protected forums, sexual life and the right to establish and develop relationships with other human beings. The Court found that the rape violated essential aspects and values of the private lives of the victims, represented an intrusion into their sexual lives and annulled their right to decide freely with whom to have intimate relations, causing them to lose total control over these most personal and intimate decisions, and over their basic bodily functions.²⁹³



In both instances, the Court also established that in cases of violence against women the general obligations enshrined in Articles 8 and 25 of the American Convention – the right to fair trial and judicial protection, respectively – complement and reinforce the obligations stemming from the Belém do Pará Convention for its States Party. In Article 7.b, said Convention specifically obliges States Party to use due diligence to prevent, punish and eradicate violence against women.

Moreover, because indigenous women were involved, the State should have taken into account their situation of vulnerability based on their language and ethnic background. Failure to observe these precepts was tantamount to a *de facto* unwarranted infringement of their right to access to justice. Based on the foregoing, the Court found that the State had breached its obligation to ensure, without any discrimination, the right of access to justice.

The aforementioned legal precedents provide us with an example of how the inter-American system is building a more just legal order, which takes into consideration the particular characteristics of women, the social context characterized by gender-based stereotypes against women and the need to move toward unrestricted respect of their rights, with the understanding that the elimination of situations of violence that affect women will contribute to the development of a society based on equality and non-discrimination.

The IACHR and the I/A Court H.R. have made it possible to bring the content of Belém do Pará to the practical realm, by helping to create the conditions necessary for enhancing the role of women within society, while at the same time contributing to eliminating obstacles that stand in the way of the active participation of women in both public and private spheres, in order to achieve full participation on an equal footing.

290. I/A Court H.R., 2006 (Case of Miguel Castro Castro), op.cit., paragraph 223

291. See in general I/A Court H.R., 2010 (Case of Fernández Ortega et al.), op.cit.

292. Ibid., paragraph 118

293. Ibid., paragraph 129

4. Conclusions

The Belém do Pará Convention was a milestone for the defence of women's human rights in the region, not only because it was the first international instrument to refer to the problem of violence against women, but also because it established the obligation of States to protect women's right to a life free of violence, and created the possibility of denouncing the State at the international level for non-compliance with this obligation. Moreover, it broadened the traditional concept of violence against women that refers exclusively to the private sphere, opening a path to recognizing and addressing violence in the community and violence that is perpetrated or tolerated by the State.

The Convention formally recognizes women's right to a life free of violence and establishes measures for the prevention, punishment and eradication of violence against women that are sufficiently broad and diverse as to address all aspects of that violence, including stereotypes and their causes, and discriminatory legal norms and administrative practices. It is important however that the interventions carried out to prevent and eliminate violence against women be broad, fully implemented and monitored and sustainable in every sector.

One of the Convention's core principles and objectives is that violence against women can be eradicated. The measures contemplated as State obligations by the Convention tend toward this goal. The Convention also proposes a multi-dimensional approach to the issue of violence against women, which means that State action must run the gamut from providing or fostering services for the victims of violence to prevention efforts oriented towards all the spheres where that violence exists, including judicial, economic, cultural and educational initiatives. In view of this objective, the role of each public body must be coherent with a national effort to respond to the problem of gender-based violence in an integral manner that articulates the capacities of different sectors of the State and including the participation of multiple social institutions and actors. For this reason, consultative processes, solid alliances and collaboration between the different stakeholders – relevant ministries, parliaments, the justice sector, civil society, the private sector and communication media – are crucial to the achievement of gender equality.

The three branches of government – executive, legislative, judicial – must participate in the implementation of the measures established in the Convention. The executive branch is responsible for administrative matters such as practices, programs, protocols, research, statistics, and other. The judicial branch must guarantee access to justice and legal protection, and the legislative branch is charged with reforming and adopting laws that bring the domestic legal framework in line with the provisions of the Convention. In general due diligence is required of the State, as are respecting and guaranteeing women's human rights. At the same time, the promotion of accountability is fundamental to the achievement of internationally-agreed goals and objectives on gender equality and the empowerment of women. It is essential to address the disparity between political will and action, and to create more effective incentives and implementation mechanisms at the level of governments, institutions and organizations. Accountability for results must be clearly incorporated into policies and programs through the use of tools such as results-based management and external evaluation.

The Convention recognizes the differences between women, and how these translate into differentiated experiences of their rights, often placing some women in situations of increased vulnerability. Thus, women that belong to minority groups often face unique problems and multiple and inter-related forms of discrimination that spring from their lives both as members of a minority and as women. On the basis of this recognition, the Convention promotes that State measures to prevent, punish and eradicate violence against women need to take these differences into account. The design, planning and monitoring of laws, policies and programs that aim to achieve gender equality should address the multiple forms of discrimination and marginalization that affect specific groups of women in an integral way.

Despite the progress made in the promotion of women's human rights in legal frameworks, many women still lack awareness of their rights or the processes to begin legal action, are not empowered to demand their rights, or continue to mistrust reparation mechanisms. The cost of reparation mechanisms and delays in the adoption of decisions continue to present obstacles. Some groups of women, such as indigenous women, migrant women or victims of trafficking, continue to be particularly marginalized from the official justice system.

The creation of the MESECEVI was the institutional expression of State political will to establish a consensus-based, independent system of evaluation of their progress in the fulfillment of the Belém do Pará Convention, with the aim of implementing the Mechanisms' recommendations. The MESECEVI has been a tool for following-up and structuring the measures derived from the Convention that broadens the goal of giving account of State fulfillment of the obligations derived from the Convention.

On the basis of the duty of States Party to the Convention to inform the CIM of the measures adopted, the progress made and the obstacles encountered in their efforts to eradicate violence against women, the MESECEVI has played a key role in the fiscalization of State action related to the implementation of the Convention, on the basis of the mechanisms created by its Statute, but also through prioritization of key issues to foster structural change in favour of a life free of violence. The hemispheric reports and country evaluation of the MESECEVI have become useful tools for encouraging States to evaluate their own systems and for fostering the exchange of good practices and experiences that promote effective actions and strategies.

For its part, the inter-American human rights system has progressively developed doctrinal and legal standards for the interpretation of the obligations derived from the Belém do Pará Convention. This process is ongoing, but is increasingly clear. Both the IACHR and the Court, through litigation, thematic reports and advisory opinions have spoken in favour of women's rights and the State obligation to protect those rights, creating jurisprudence that is consistent and coherent with the Belém do Pará Convention and other related inter-American and international instruments. They have generated an important body of doctrine that contributes to public debate on the new roles of men and women, and allows for State action on public policy and legal norms that promote women's rights and the eradication of discriminatory norms and practices.

The guidelines that have been set forth by the MESECEVI, the IACHR, and the Court, on the basis of their respective mandates, are valid and well-founded for the prevention, punishment and eradication of violence. The issue of reparations addressed by the IACHR and the Court and the recommendations of the MESECEVI generate a wealth of important pathways that States can follow in the fulfillment of their international obligations.

Although States have made important efforts to prevent, punish, and eradicate violence against women, it has been insufficient. Still lacking is greater evidence of State political will that translates into budgets, policies, integral laws, national plans, campaigns and other initiatives. It is not enough to formally address the problem of gender-based violence through the reform or creation of laws and regulation; it is essential that those responsible for ensuring the application of these laws are made aware and responsible for their actions. The Convention places special emphasis on this issue in order to move beyond formalities and ensure that its provisions translate into practice.

What are needed are the joint efforts of all State institutions and the private sector in order to generate a new culture that is free from discriminatory, gender-based stereotypes, to raise awareness of the need to guarantee women's right to a life free of violence, and to involve women in social and human development under equal conditions and opportunities in order to achieve more just and equitable societies.

5. ANNEXES

5.1 BELÉM DO PARÁ CONVENTION

INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT, AND ERADICATION OF VIOLENCE AGAINST WOMEN (CONVENTION OF BELÉM DO PARÁ)

PREAMBLE

THE STATES PARTIES TO THIS CONVENTION,

***RECOGNIZING** that full respect for human rights has been enshrined in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights, and reaffirmed in other international and regional instruments;*

***AFFIRMING** that violence against women constitutes a violation of their human rights and fundamental freedoms, and impairs or nullifies the observance, enjoyment and exercise of such rights and freedoms;*

***CONCERNED** that violence against women is an offense against human dignity and a manifestation of the historically unequal power relations between women and men;*

***RECALLING** the Declaration on the Elimination of Violence against Women, adopted by the Twenty-fifth Assembly of Delegates of the Inter-American Commission of Women, and affirming that violence against women pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age or religion and strikes at its very foundations;*

***CONVINCED** that the elimination of violence against women is essential for their individual and social development and their full and equal participation in all walks of life; and*

***CONVINCED** that the adoption of a convention on the prevention, punishment and eradication of all forms of violence against women within the framework of the Organization of American States is a positive contribution to protecting the rights of women and eliminating violence against them,*

***HAVE AGREED** to the following:*

CHAPTER I—DEFINITION AND SCOPE OF APPLICATION

Article 1

For the purposes of this Convention, violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.

Article 2

Violence against women shall be understood to include physical, sexual and psychological violence:

- a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
- b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and
- c. that is perpetrated or condoned by the state or its agents regardless of where it occurs.

CHAPTER II—RIGHTS PROTECTED

Article 3

Every woman has the right to be free from violence in both the public and private spheres.

Article 4

Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include, among others:

- a. The right to have her life respected;
- b. The right to have her physical, mental and moral integrity respected;
- c. The right to personal liberty and security;
- d. The right not to be subjected to torture;
- e. The right to have the inherent dignity of her person respected and her family protected;
- f. The right to equal protection before the law and of the law;
- g. The right to simple and prompt recourse to a competent court for protection against acts that violate her rights;
- h. The right to associate freely;
- i. The right of freedom to profess her religion and beliefs within the law; and
- j. The right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making.

Article 5

Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights, and may rely on the full protection of those rights as embodied in regional and international instruments on human rights. The States Parties recognize that violence against women prevents and nullifies the exercise of these rights.

Article 6

The right of every woman to be free from violence includes, among others:

- a. The right of women to be free from all forms of discrimination; and
- b. The right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.

CHAPTER III—DUTIES OF THE STATES

Article 7

The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to:

- a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation;
- b. apply due diligence to prevent, investigate and impose penalties for violence against women;
- c. include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary;
- d. adopt legal measures to require the perpetrator to refrain from harassing, intimidating or threatening the woman or using any method that harms or endangers her life or integrity, or damages her property;
- e. take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women;
- f. establish fair and effective legal procedures for women who have been subjected to violence which include, among others, protective measures, a timely hearing and effective access to such procedures;
- g. establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies; and
- h. adopt such legislative or other measures as may be necessary to give effect to this Convention.

Article 8

The States Parties agree to undertake progressively specific measures, including programs:

- a. to promote awareness and observance of the right of women to be free from violence, and the right of women to have their human rights respected and protected;
- b. to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women;
- c. to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;
- d. to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children;
- e. to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women;
- f. to provide women who are subjected to violence access to effective readjustment and training programs to enable them to fully participate in public, private and social life;
- g. to encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women;
- h. to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women, in order to assess the effectiveness of measures to prevent, punish and eradicate violence against women and to formulate and implement the necessary changes; and
- i. to foster international cooperation for the exchange of ideas and experiences and the execution of programs aimed at protecting women who are subjected to violence.

Article 9

With respect to the adoption of the measures in this Chapter, the States Parties shall take special account of the vulnerability of women to violence by reason of among others, their race or ethnic background or their status as migrants, refugees or displaced persons. Similar consideration shall be given to women subjected to violence while pregnant or who are disabled, of minor age, elderly, socioeconomically disadvantaged, affected by armed conflict or deprived of their freedom.

CHAPTER IV—INTER-AMERICAN MECHANISMS OF PROTECTION

Article 10

In order to protect the right of every woman to be free from violence, the States Parties shall include in their national reports to the Inter-American Commission of Women information on measures adopted to prevent and prohibit violence against women, and to assist women affected by violence, as well as on any difficulties they observe in applying those measures, and the factors that contribute to violence against women.

Article 11

The States Parties to this Convention and the Inter-American Commission of Women may request of the Inter-American Court of Human Rights advisory opinions on the interpretation of this Convention

Article 12

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Inter-American Commission on Human Rights containing denunciations or complaints of violations of Article 7 of this Convention by a State Party, and the Commission shall consider such claims in accordance with the norms and procedures established by the American Convention on Human Rights and the Statutes and Regulations of the Inter-American Commission on Human Rights for lodging and considering petitions.

CHAPTER V—GENERAL PROVISIONS

Article 13

No part of this Convention shall be understood to restrict or limit the domestic law of any State Party that affords equal or greater protection and guarantees of the rights of women and appropriate safeguards to prevent and eradicate violence against women.

Article 14

No part of this Convention shall be understood to restrict or limit the American Convention on Human Rights or any other international convention on the subject that provides for equal or greater protection in this area.

Article 15

This Convention is open to signature by all the member States of the Organization of American States.

Article 16

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 17

This Convention is open to accession by any other state. Instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

Article 18

Any State may, at the time of approval, signature, ratification, or accession, make reservations to this Convention provided that such reservations are:

- a. not incompatible with the object and purpose of the Convention, and
- b. not of a general nature and relate to one or more specific provisions.

Article 19

Any State Party may submit to the General Assembly, through the Inter-American Commission of Women, proposals for the amendment of this Convention.

Amendments shall enter into force for the states ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

Article 20

If a State Party has two or more territorial units in which the matters dealt with in this Convention are governed by different systems of law, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or to only one or more of them.

Such a declaration may be amended at any time by subsequent declarations, which shall expressly specify the territorial unit or units to which this Convention applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall enter into force thirty days after the date of their receipt.

Article 21

This Convention shall enter into force on the thirtieth day after the date of deposit of the second instrument of ratification. For each State that ratifies or accedes to the Convention after the second instrument of ratification is deposited, it shall enter into force thirty days after the date on which that State deposited its instrument of ratification or accession.

Article 22

The Secretary General shall inform all member states of the Organization of American States of the entry into force of this Convention.

Article 23

The Secretary General of the Organization of American States shall present an annual report to the member states of the Organization on the status of this Convention, including the signatures, deposits of instruments of ratification and accession, and declarations, and any reservations that may have been presented by the States Parties, accompanied by a report thereon if needed.

Article 24

This Convention shall remain in force indefinitely, but any of the States Parties may denounce it by depositing an instrument to that effect with the General Secretariat of the Organization of American States. One year after the date of deposit of the instrument of denunciation, this Convention shall cease to be in effect for the denouncing State but shall remain in force for the remaining States Parties.

Article 25

The original instrument of this Convention, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall send a certified copy to the Secretariat of the United Nations for registration and publication in accordance with the provisions of Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective governments, have signed this Convention, which shall be called the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ~Convention of Belém do Pará.”

DONE IN THE CITY OF BELÉM DO PARA, BRAZIL, the ninth of June in the year one thousand nine hundred ninety-four.

5.2 RECOMMENDATIONS OF THE COMMITTEE OF EXPERTS OF THE MESECVI

5.2.1 Recommendations from the *First Hemispheric Report on the Implementation of the Belém do Pará Convention* (MESECVI, 2008)

I. GENERAL RECOMMENDATIONS

1. Report completely and accurately to the CEVI about women's access to justice.
2. Report to the CEVI on progress made in terms respect for and promotion of sexual and reproductive rights, in accordance with international instruments and documents on the subject.
3. Present to the CEVI information about advances and setbacks in the struggle against violence against women, taking into account the three areas that were considered in the Convention of Belém do Pará: the family, domestic unit, or interpersonal relationships; the community; and the State.

II. SPECIFIC RECOMMENDATIONS

LEGISLATION

4. Punish violence against women through reforms to the penal codes or the enactment of special laws, according to the provisions of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Convention of Belém do Pará, and pursuant to international standards of international law on human rights.
5. Eliminate any regulation on violence against women that is gender neutral. In this sense, rules that refer to domestic violence need to be specific in order to prevent, punish, and eradicate aggression inflicted upon women.
6. Ensure the application of laws dealing with violence against women at the national level. In the case of federated States, guarantee, through efficient mechanisms, that all States adapt their internal legislation and ensure its application.
7. Regulate laws in effect on violence against women, wherever necessary, to ensure a better and more efficient application of the law.
8. Eliminate from legislation, policies, and national plans discriminatory language against women.
9. Reform civil and penal legislation, wherever necessary, in order to avoid limitations to women's exercise of their rights, especially their right to a life without violence.
10. Typify rape and other forms of sexual abuse within marriage as crimes, especially in States where these crimes have not yet been included in their penal codes.
11. Typify violence in the family or domestic violence against women as crimes in States where this has not yet been done. In States where these crimes already exist, review the laws regarding intra-family or domestic violence in order to adapt them to the Convention of Belém do Pará.
12. Typify sexual harassment in the workplace, in health and educational centers, as well as in any other sphere as a crime if the State has not already done so.
13. Adopt legislation in accordance with international standards that criminalizes trafficking in persons and forced prostitution for those States that have not yet done so. In the case of States that have already done so, but the typification of the crime does not adhere to international law, the CEVI recommends revising and modifying the legislation accordingly.
14. Abolish provisions that allow the use of judicial or extrajudicial methods of mediation or conciliation in cases of violence against women, taking into account the uneven power dynamic between the parties involved that could lead complainants to accept agreements they do not desire or that do not tend to end with such violence.
15. Reverse the process of de-legalizing violence against women and ensure that victims have access to a judge, particularly in those States where accusations are resolved in settings other than the legal system, or where conciliation or mediation methods are preferred so that the case does not ever enter the legal system.

16. Adopt legislation or enforce existing legislation to specifically punish officials who do not comply with laws on violence against women.
17. Adopt legislation and allocate sufficient budgetary appropriations to provide redress for women victims of intra-family or sexual violence and implement effective mechanisms to allow their access to such redress.

NATIONAL PLANS

18. Develop comprehensive and inter-sectoral national policies on violence against women, without limiting such policies to violence within the family or domestic violence.
19. Implement national intervention plans regarding violence against women that are not subsumed under other plans.
20. Assess periodically the plans and programs with respect to violence against women, taking into account the indicators and the information provided by the State, international organizations, and civil society organizations.
21. Establish a national follow-up mechanism to the Convention of Belém do Pará.
22. Create a committee on women's issues in the national congresses or parliaments where such a committee does not yet exist. If it exists, women's issues must be addressed from a gender and human rights perspective, not within the framework of family and traditional concepts that hinder and halt the progress of women's rights or imply their retrogression.
23. Establish a coordinated, permanent program for legislators that includes sensitization, training, and the delivery of pertinent documentation in order to create debate and reflection.
24. Implement training plans regarding issues of human rights and gender theory for those who work in the areas of justice, health, and education.
25. Undertake national campaigns and awareness programs for the population as a whole on the problem of violence against women.

ACCESS TO JUSTICE

26. Establish swift and efficient legal mechanisms to punish violence against women.
27. Raise awareness among justice workers in order to ensure adequate enforcement of laws and so that sentences take into consideration international laws on human rights and violence against women.
28. Develop protocols for attending to women victims of violence for use by police, prosecutors, and other legal and health-related dependencies, in the official language of the country, as well as in indigenous languages.
29. Increase the number of entities in charge of receiving complaints of violence against women in order to better serve the accusers and thus guarantee a more coordinated response by these entities to avoid delays or inefficiency in attending to and supporting victims. Among these entities are women's police departments, gender units in police delegations, tribunals, and prosecutors' offices.
30. Establish punishment within national laws and regulations for public servants who do not comply in condemning violence against women, and ensure the enforcement of such punishment.
31. Implement and maintain a permanent, comprehensive training program at the national level for judges, attorneys, and justice workers responsible for responding to violence against women. The topic of violence against women should also be included in the professional studies of such public servants.
32. Implement and assess the functioning of support services for women victims of violence, such as shelters for battered women and their children, family counseling services, self-help groups, rehabilitation programs, and toll-free telephone hotlines.
33. Develop and implement policies regarding prevention of and response to sexual violence where armed conflict exists and guarantee access to justice and reparations for women and girl victims of violence during and after the armed conflict.
34. Establish efficient protection measures for women who report sexual violence, as well as their families and witnesses. If these measures exist already, assess their efficiency and introduce any necessary corrections.
35. Carry out re-education programs for male aggressors, whether by the State or through cooperation agreements between the State and civil society organizations. If such programs already exist, evaluate their results and make the necessary corrections.

36. Implement the recommendations of the UN Special Rapporteur on Violence against Women, its causes and consequences; and of the Rapporteurship on the Rights of Women of the Inter-American Commission on Human Rights (IACHR).
37. Adopt a policy that allows the prevention, punishment, and eradication of femicide/feminicide.

NATIONAL BUDGETS

38. Approve a national budget with a gender perspective.
39. Approve budget appropriations for the execution of public policies, plans, and programs that guarantee quality in preventing, responding to, punishing, and progressively eradicating violence against women in the public and private spheres in order to establish statistical information systems, and that guarantee access to justice for all women.
40. Allocate budget appropriations for training and educating public officials, justice and health professionals, teachers, and others who work in addressing, supporting, researching, and punishing violence against women.
41. Allocate adequate budget appropriations to guarantee the collection of information and statistical data on violence against women.
42. Approve budget appropriations that correspond to the severity of the problem in each country.
43. Allow for the budget of each public entity or body, as well as the national budget, to include resources to fund policies, plans, programs, and actions aimed at dealing with violence against women.

INFORMATION AND STATISTICS

44. Improve the statistical system, gathering statistics from the primary level so as to accumulate centralized data that allows for developing information at the national level, disaggregated by sex, age, ethnicity, and geographic area.
45. Carry out studies and research on the extent and magnitude of femicide and/or feminicide, disaggregated by ethnicity, region, and local constituency in each country, and encourage the creation of a statistical registry on this topic.
46. Establish coordination among public entities that develop and collect national statistics and women's institutes in order to improve the collection of statistics related to violence and gender.
47. Coordinate with civil society organizations that have conducted studies and compiled statistics on violence against women so as to take their information into account when analyzing statistics.
48. Include modules on gender-based violence in the national census and in surveys.
49. Share the statistics gathered with all entities involved in working on violence against women so that this information can be passed on to public servants in order to improve their work.
50. Create Web sites where statistics can be freely accessed electronically by the general public.
51. Promote and support research on violence against women in coordination with organizations, foundations, and academic centers throughout each country.

5.2.2 Recommendations from the *Second Hemispheric Report on the Implementation of the Belém do Pará Convention (MESECVI, 2012)*

LEGISLATION

1. Amend and/or harmonize the legal framework concerning the prevention and punishment of violence against women to bring it into line with the definition of violence against women established in articles 1 and 2 of the Belém do Pará Convention.
2. Criminalize trafficking in persons and forced prostitution in accordance with the standards of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime" known as the Palermo Protocol, and the Elements of Crimes of the Rome Statute creating the International Criminal Court, and adopt measures to protect and provide care for victims, their relatives and witnesses.

3. Punish sexual harassment in the workplace, in health and education centers and in any other sphere, as provided in article 2 of the Belém do Pará Convention. Repeal any provision that re-victimizes victims or blocks their attempts to obtain punishment for those responsible and to seek adequate reparation.
4. Criminalize sexual violence and rape committed within a marriage or de facto union, and revise the rules of criminal procedure in order to remove obstacles that could prevent women from seeking justice in these cases.
5. Forbid the use of conciliation, mediation and other methods for out-of-court settlement, as well as the use of the “principle of opportunity” in cases of violence against women, and harmonize proceedings legislation in accordance with said prohibitions. If they are already forbidden only in cases of family or domestic violence, the ban should be expanded to other cases of violence against women.
6. Adopt measures to prevent and punish femicide, in both public and private spheres. Monitor enforcement of those measures by judges and prosecutors and remove any judicial obstacles that may prevent the victims’ relatives from obtaining justice, or reduce the penalty where the aggressor claims to have acted under the force of “violent emotion”.
7. Adopt provisions to prevent and punish sexual violence committed in armed conflicts and in natural disasters.
8. Adopt provisions to punish sexual violence committed in State institutions, either as an independent crime or an aggravating factor to the sexual crimes included in the Penal Code. In the case said violence is covered by the figure of ‘institutional violence’, ensure that measures are adequate to prevent and punish such violence.
9. Adopt provisions to criminalize obstetric violence. Define by all appropriate means the elements that constitute a natural process before, during and after childbirth, without arbitrary or excessive medication and guaranteeing the free and voluntary consent of women to procedures related to their sexual and reproductive health. Adopt an intercultural perspective for including indigenous and afro-descendant people in health services and respecting their customs and cultural norms.
10. Legalize interruption of pregnancy on therapeutic grounds, that is to say, to save the life of the mother or avoid serious or permanent injury to her physical and mental health. Implement the services in hospitals and health centers and establish care protocols or guidelines to guarantee women’s access to such procedures.
11. Legalize the interruption of pregnancy caused by rape. Implement that service in hospitals and health centers and establish care protocols or guidelines to guarantee women’s access to such procedures.
12. Adopt provisions to penalize forced sterilization as a crime and an act tantamount to genocide, war crimes, and crimes against humanity.
13. Adopt regulations on artificial insemination and punish those who perform it without the consent of the victim.
14. Adopt provisions to guarantee the free distribution of emergency contraceptives in public health services without distinctions based on social class or membership to an ethnic group, and ensure their fulfillment by removing any obstacles to their full implementation.
15. Adopt provisions to offer emergency prophylactic treatment for HIV/AIDS and other sexually transmitted diseases in public health services, especially for cases of sexual violence. Adopt protocols defining the treatment steps and the manner of providing care for users.
16. Conduct awareness and prevention campaigns on violence against women and knowledge and promotion of their rights, preferably within a stable time frame, without distinctions based on sex, social class or membership to an ethnic group, and establish mechanisms for evaluating the results.

NATIONAL PLANS

17. Adopt national inter-sectoral plans to prevent, punish and eradicate violence against women, together with mechanisms for their monitoring, evaluation and dissemination, ensuring civil society, organized communities and social movements' participation in the different stages of said plans. Establish penalties for government officials who fail to implement them.
18. Define and implement actions or strategies relating to violence against women within the national plans for other sectors, with particular reference to education, employment and income generation; poverty eradication; gender equity and equality; health; HIV/AIDS; and public security and crime prevention.
19. Develop ongoing training plans on violence against women and on women's rights under the Belém do Pará Convention for decision-makers and authorities, especially for government officials and agencies responsible for enforcing legislation or policies to prevent, punish and eradicate violence against women. These include legislators, justice and health workers, educators, the military and police forces, social and community women's organizations, and specialized centers for dealing with violence.
20. Institutionalize the participation of civil society, organized communities and social movements in the design, implementation, monitoring and evaluation of national plans on violence against women, through the mechanisms deemed most appropriate, such as participation in high-level commissions, thematic roundtables and broad-based consultative processes, among others of a binding nature.
21. Include in national plans on violence against women strategies for cooperation with the media and advertising agencies in order to publicize women's rights, in particular the Belém do Pará Convention. Ensure that they have sufficient budgetary funding for continuity as well as an impact evaluation mechanism.

ACCESS TO JUSTICE

22. Increase the number of entities receiving complaints, especially in non-urban areas with indigenous or afro-descendant populations, as well as their effectiveness and inclusive, inter-cultural nature.
23. Ensure women's access to justice by guaranteeing, as a minimum, the availability of specialized personnel to serve victims and handle their cases throughout the procedural stages; areas that offer privacy within police stations, courts and health centers; free legal services specialized in violence against women, provided by the State nationwide; interpretation services in indigenous languages for victims from ethnic communities who turn to the judicial system; and confidentiality and data protection both for victims and for their relatives and witnesses.
24. Provide information to the Committee on access to justice for indigenous women, especially regarding the organs and procedures available, the benefits and obstacles they entail, and the national and customary provisions used to administer justice.
25. Ensure that protection orders are applied in all cases of violence against women. Monitor their application as well as conduct evaluations and studies of their implementation and effectiveness in order to take corrective measures or reinforce them as necessary.
26. Implement mechanisms to ensure compliance with protection orders granted in favor of women, their relatives and witnesses. Ensure funds for transfers; rescue mechanisms; change of identity for victims; witness protection; safe conduct to leave the country; secure referral networks; and others that the country may deem appropriate.
27. Adopt and implement protocols for dealing with victims of violence against women in police stations or entities receiving complaints, prosecution offices and health services. When appropriate, said protocols shall be translated into indigenous languages.
28. Conduct studies or compilations on the use of the Belém do Pará Convention and other international standards relating to violence against women in legal judgments and opinions, for use as tools in the work of judges, prosecutors, and the judiciary and law students.
29. Conduct studies on judgments and opinions containing stereotypes, prejudices, myths and customs in cases involving women victims of violence, as well as the use of the victim's personal history or sexual experience to deny her justice.

SPECIALIZED SERVICES

30. Establish free specialized services for women victims of violence and their children, including the creation of more shelters, safe houses and comprehensive care centers; pre-trial legal assistance; legal representation during the trial; integral health services that include sexual and reproductive health care as well as legal interruption of pregnancy; and psychological counseling, therapeutic support and self-help groups.
31. Establish mechanisms of cooperation with civil society organizations, especially women's organizations that have experience in administering shelters and safe houses and in providing services to women victims of violence.
32. Design strategies, preferably on the basis of national plans on violence against women, for coordinated dissemination of specialized State services for women victims of violence, either as part of campaigns for prevention and punishment of violence against women or for promoting women's rights, or as part of an organized, inter-sectoral dissemination plan.
33. Conduct evaluations of specialized services for women victims of violence and their children, and take the corrective actions necessary to improve the care provided to women.

NATIONAL BUDGET

34. Approve sufficient budget appropriations for the execution of public policies and plans on the prevention, response, punishment and progressive eradication of violence against women in the public and private spheres.
35. Establish mechanisms that allow the provision of information on the percentage of budgets allocated to national women's mechanisms.
36. Identify national budget figures or percentages earmarked for services for women victims of violence, including: women's police stations, prosecution offices and other entities receiving complaints; training for government officials; specialized services such as shelters and safe houses, telephone hot lines, free legal advice, free legal representation and free psychological counseling; campaigns for the prevention of violence against women and health services for women affected by violence.

INFORMATION AND STATISTICS

37. Include in national plans on violence against women research and studies on this topic in order to determine the budget allocated, and the dissemination and promotion of results and publications.
38. Conduct surveys on violence against women, women's knowledge of their rights, and knowledge of services available to women affected by violence, or include modules on the topic in general surveys or censuses.
39. Keep records in entities receiving complaints, courts and prosecution offices and health centers, in order to have reliable data for understanding the scope of violence against women; protecting the privacy of the victims as well as estimating access and use of services by women affected by violence.
40. Collect and make public information disaggregated by sex, age, civil status and geographic location, on the number of women victims of violence; prosecutions for violence against women; convictions for violence against women; victims of femicide and convictions for femicide.
41. Institute registries in police stations and in the judiciary, at the national level, to keep statistics on femicides, with data disaggregated by age, civil status and geographic location.
42. Establish the rules for proper coordination between national statistics agencies and women's institutes.

5.3 SYSTEM OF PROGRESS INDICATORS FOR MEASURING THE IMPLEMENTATION OF THE BELÉM DO PARÁ CONVENTION

LEGISLATION

STRUCTURAL	PROCESS	RESULTS
RECEPTION OF THE RIGHT		
Indicator		
<p>Incorporation of Belém do Pará in domestic law (at the constitutional, supralegal, or legal level). R1</p> <p>Incorporation of the concept of gender-based violence, as defined in the Convention, in the legislation against violence. R1</p> <p>Incorporation of psychological, physical, sexual, patrimonial, economic, institutional, political and other forms of violence into anti-violence legislation, considering girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, pregnant, socio-economically disadvantaged, with different sexual preferences, by their sexual identity, migrants or affected by armed conflicts, refugees, displaced persons or deprived of their freedom. R1</p> <p>Enactment of specific legislation on different forms of violence, including:</p> <ul style="list-style-type: none"> • Trafficking in girls and adolescents, adult women and elderly women R2 • Forced prostitution (per Rome Statute) R2 • Sexual harassment in the workplace, at school, at health facilities, etc. of public or private nature, in particular for indigenous women, considering also those who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons, senior citizens or deprived of their freedom. R3 • Femicide as the “the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, in their workplace, in public space, by any person or group of persons known or unknown to the victim, or when it is perpetrated or tolerated by the state or its agents, by action or omission,” either as an autonomous offense or as an aggravating factor in homicide. R6 • Rape and sexual abuse within marriage and de-facto unions. R4 • Rape, sexual abuse, sexual violence within the nuclear family or extended. • Sexual violence in armed conflicts, as a form of torture, war crime and/or crime against humanity. R7 • Sexual violence in hospitals, places of learning, detention centers, and other state institutions, in particular for indigenous women, considering also those who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons, senior citizens or deprived of their freedom. R8, R9 • Obstetric violence in hospitals and other health institutions in the States. R9 	<p>Convention of Belém do Pará ratification processes.</p> <p>Bills or enactment of specific laws on violence in the country and at the federal, state, provincial, and local levels, according to the legislative division. R1</p> <p>Number of reports presented by the country to international oversight agencies in connection with the right to a life without violence.</p> <p>Number of parallel reports presented by civil society to international oversight agencies in connection with the right to a life without violence.</p> <p>Number of state offices, secretariats, or mechanisms specializing in violence against women. Coverage by jurisdictions (national, state, provincial, local).</p> <p>Number of public officials prosecuted and/or punished under criminal and/or administrative provisions for failing to enforce the regulations and/or national plan/action/strategy on violence against women. R17</p> <p>Existence of systematic training, staff training and awareness of the public sector officials on the legal tools of punishment, protection and promotion of women’s rights, particularly the right to a life free of violence. R19</p> <ul style="list-style-type: none"> • Type of processes (nature, timing, content) • Number and type of public sector entities that assume these processes. • Number of officials and officers who accessed the processes. • Exchange mechanisms, monitoring and evaluation of training processes. <p>Existence of systematic education school curricula in secondary education, university and the general public on the promotion and protection of women’s rights, and the penalties for violation of the right to a life free of violence. R16</p> <p>Existence of regular and commemorative activities at the school level to promote women’s rights, particularly the right to a life free of violence. R16</p> <ul style="list-style-type: none"> • Nature of activities • Frequency • Mechanisms and tools for implementation. 	<p>Violence rate based on surveys: number of girls and adolescents, adult women and elderly women by age group who report being victims of any form of violence (physical, sexual, psychological; patrimonial, economic and others) at the hands of a partner, former partner over the past twelve months, divided by the total number of women in those same age groups, multiplied by 100,000 and divided by the number of women living in the country. R1, R40</p> <p>Violence rate based on surveys: number of girls and adolescents, adult women and elderly women by age group who report being victims of any form of violence by a perpetrator other than a partner or former partner (physical, sexual, psychological, patrimonial, economic, institutional, political and others) over the past twelve months, divided by the total number of women in those same age groups, multiplied by 100,000 and divided by the number of women living in the country. R1, R40</p> <p>Violence rate based on surveys: number of girls and adolescents, adult women and elderly women by age group who report being victims of any form of violence by a perpetrator other than a partner or former partner (physical, sexual, psychological, patrimonial, economic, institutional, political and others) throughout the life, divided by the total number of women in those same age groups, multiplied by 100,000 and divided by the number of women living in the country. R1, R40</p> <p>Violence rate broken down by urban/rural areas, socioeconomic strata, ethnic groups and age groups, by different types of violence. R1, R40</p> <p>Percentage of legal cases (criminal, civil or administrative) of violence against girls and adolescents, adult women and elderly women that were prosecuted in proportion to the total number of reports of violence against women. R1, R40</p> <p>Femicide and /or Violent Deaths of Women (VDW) rate per 100,000 women: number of girls and adolescents, adult women and elderly women killed in the past twelve months through any form of femicide, multiplied by 100,000 and divided by the number of women living in the country. R6, R40</p>

LEGISLATION CONTINUED

STRUCTURAL	PROCESS	RESULTS
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RECEPTION OF THE RIGHT

Indicator

- In connection with sexual and reproductive rights, specific legislation that includes the punishment of obstetric violence, particularly in teenage pregnancies; that allows the legal interruption of pregnancy for therapeutic reasons; that allows the legal interruption of pregnancy for rape; that punishes forced sterilization; that guarantees access to contraception, including emergency oral contraceptives; that punishes non-consensual artificial insemination. **R9, R10, R11, R12, R13, R14**
- Emergency prophylaxis treatments for HIV / AIDS and other sexually transmitted diseases in the public health services, especially in cases of sexual violence. Attention protocols to determine treatment steps and the form of attention to the users especially in the cases of sexual violence. **R15**
- Psychological violence against girls and adolescents, adult women and elderly women by their gender, for their belonging to an ethnic group or their ethnic identity, their sexual preference, by their sexual identity, in any public or private, for any person/group of people. **R1**
- Alimony rights for indigenous, rural, children in case parents fail to comply with their obligations.

Enactment of legislation that explicitly bans the use of such methods as conciliation, mediation, *probation*, suspended sentences, application of the opportunity, commutation of punishment and others intended to resolve cases of violence extra-judicially. **R2**

Existence in legislation of criminal and/or administrative sanctions for public officials who fail to enforce the regulations and/or national plan/action/strategy on violence against women. **R17**

Estimated femicide²⁹⁴ of girls and adolescents, adult women and elderly women rate per 100,000 women: number of killings in the past twelve months multiplied by 100,000 and by the percentage of women's killings deemed to be femicides, then divided by the number of women living in the country. **R6, R40**

Mortality rate, by sex, through accidents, homicides, or suicides cause broken down. **R6, R40**

Number and percentage of criminal proceedings for the crime of femicide, homicide, murder versus number and percentage of criminal cases with judgment (conviction or acquittal) for the crime of femicide, homicide, murder. **R6, R40**

Number and percentage of repair processes on collateral victims of femicide by type of relationship with the victim. **R40**

294. For the purpose of these indicators we take as concept of "femicide" as follows: "the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission." According with the Declaration on Femicide adopted at the Fourth Meeting of the Committee of Experts of the Mechanism to Follow-up on the Implementation of the Convention of Belém do Pará (CEVI). Document MESECVI/CEVI/DEC. 1/08, on 15 August 2008.

For those countries that have regulated this form of violence against women in any legal instrument, it is requested to record the differences regarding the operational definition used by MESECVI.

RECEPTION OF THE RIGHT

Qualitative signs of progress

Number and characteristics of civil society organizations involved in the promotion and protection of the right to a life without violence, considering organizations particularly involved with girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. Indicate forms and type of participation. **R16**

Number of women's organizations particularly working with girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with

Monitoring of public agencies and by civil society and effective action to counteract legal action or other sectors intended to limit, prevent, or restrict the interpretation and enforcement of the provisions governing different forms of violence. **R6**

Pregnancy rate in children and adolescents (10-14 years old) **R10, R11, R14**

Indicate rate of pregnancies, pregnant women attending antenatal care, deliveries that are attended by skilled health personnel versus midwife, term deliveries, abortions and maternal mortality in children and adolescents.

Number and percentage of deliveries at term in children and adolescents. **R10, R11, R14**

Number and percentage of abortions in children and adolescents. **R10, R11, R14**

LEGISLATION CONTINUED

STRUCTURAL	PROCESS	RESULTS
RECEPTION OF THE RIGHT		
Qualitative signs of progress CONTINUED		
<p>disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom, involved in monitoring women's rights to live free from violence.</p> <p>National Mechanisms to the follow up of the Belém do Pará Convention, with participation of the State and the Civil Society. R17, R31</p> <p>Existence of spaces, mechanisms and tools with recognition and legal status for interagency coordination between the public and civil society organizations based on the promotion and protection of the right to a life free of violence for women. R16, R31</p>		<p>Maternal mortality rate in children and adolescent. R9, R10, R11, R14</p> <p>Number and percentage of children and adolescents whose births are attended by skilled health personnel versus midwife. R9</p> <p>Number and percentage of girls and young pregnant women attending antenatal. R9</p> <p>Ratio between the increased of VDW (violent death of women) and the increase of VDM (Violent death of men) in the past twelve months. R6, R40</p> <p>Rate of decline of VDW in relation to rate of decline VDM. R6, R40</p>
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS		
Indicator		
<p>Specific laws on violence that include budgetary allocations. R1, R34</p> <p>National budget law, with earmarks for the implementation of laws, programs, plans on violence. R1, R34, R35</p> <p>National budget law identifying funds allocated for women's mechanisms, specialized offices, health sector, education sector, etc. R1, R34</p>	<p>Publication of reports on budget allocations and execution. R35</p>	<p>Percentage of budget spending allocated to programs, plans, and agencies related to different forms of violence against women. R35</p>
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS		
Qualitative signs of progress		
<p>Number and characteristics of civil society organizations involved in budget oversight initiatives and budget execution.</p>	<p>Publication and dissemination of public information on the budget and its execution. R35</p>	<p>Publication of final reports on the budget and its execution. R35</p>
STATE CAPACITIES		
Indicator		
<p>Attention protocols for ensuring the enforcement of provisions enacted in connection with different forms of violence. R10, R11, R15, R27</p> <p>Action protocols for justice operators, health (service provider), teachers, and public officials in connection with different forms of violence. R10, R11, R15, R27</p> <p>Infrastructure, equipment and specialized personnel providing health services in indigenous, rural, communities. R9</p>	<p>Participatory processes for the drafting of attention protocols for ensuring the enforcement of provisions. R10, R11, R15</p> <p>Publication and dissemination of protocols. (should include advertising and distribution in the various languages spoken in the country) R10, R11, R15</p> <p>Records of actions taken to disseminate and enforce the protocols designed. R10, R11, R15, R39</p>	<p>Monitoring reports of knowledge, understanding and application of specific protocols and regulations on the rights of women, as part of regular assessments to access incentives, credits, ranks (the justice, health, education). R10, R11</p>
STATE CAPACITIES		
Qualitative signs of progress		
<p>Number and characteristics of civil society organizations involved in preparing protocols and monitoring their enforcement, considering organizations particularly involved with indigenous girls and adolescents, adult women and elderly women, who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R10</p>	<p>Existence and operation of a program using traditional knowledge, disseminating it and promoting articulation with the general health system.</p>	<p>Number of indigenous, rural, women satisfied with the health care received. R9</p> <p>Acknowledgment and respect for traditional knowledge and practices by the general health system. R9</p>

NATIONAL PLANS

STRUCTURAL	PROCESS	RESULTS
RECEPTION OF THE RIGHT		
Indicator		
<p>National plan, policy, action, strategy for the prevention, attention, and eradication of violence against girls and adolescents, adult women and elderly women in its different forms. Scope and characteristics considering girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R17</p> <p>Incorporation of actions and strategies for the prevention, punishment, and eradication of violence against women in the national plans of other sectors, considering girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R18</p> <p>Incorporation in official documents (public policy) of the concept of violence according to the Convention of Belém do Pará. R1</p> <p>Incorporation of the topic of violence against girls and adolescents, adult women and elderly women on the agenda of the mechanism for the advancement of women. Broken down by jurisdictions (national, state/provincial, local).</p> <p>Preparation and implementation of permanent training plans on the rights of girls and adolescents, adult women and elderly women, violence against women, and the Convention of Belém do Pará for the pertinent decision-makers and authorities. R19</p> <p>Design and implementation awareness and prevention campaigns about different forms of violence in the various languages spoken in the country. R16</p>	<p>Civil society participation in the design, monitoring, and evaluation of the national plan/action/strategy. R20, R31</p> <p>Training actions and plans on the rights of women, violence against women, and the Convention of Belém do Pará for pertinent decision-makers and authorities (including technical staff at ministries, lawmakers, justice operators, health practitioners, security and police forces, and personnel at centers providing specialized attention for violence against women, among others). R19</p> <p>Existence of social programs for women victims of violence or with a priority for attending to such women.</p> <p>Number of legal or forensic physicians, forensic psychologists, criminologists trained per 100,000 girls and adolescents, adult women and elderly women. R19, R23</p> <p>Number of users attended to by the various services for girls and adolescents, adult women and elderly women who are victims of violence, considering those who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons, pregnant, socio-economically disadvantaged or affected by armed conflict or deprived of their freedom. R23, R40</p> <p>Percentage of women victims of violence who seek attention in proportion to the total number of women who suffer violence, taking shortcomings in records and other statistical defects into account. R23, R40</p> <p>Average time that passes between the first manifestation of violence and the victim's first contact with an agency or establishment that provides attention and services.</p>	<p>Monitoring and impact assessment of policies, national plans, actions, strategies, in terms of their different components, at the national, provincial, state, and local levels. R17, R33</p> <p>Number of public institutions with specific dependencies on women, created, operating with budget and budget execution. R36</p> <p>Percentage of girls and adolescents, adult women and elderly women who are aware of their rights R16, R38</p> <p>Percentage of girls and adolescents, adult women and elderly women who are aware of the existence of specialized services for different manifestations of violence, considering girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R16, R33, R38</p> <p>Number and type of programs from the government (college level or above) for the systematic training of specialists in different disciplines on the problem of violence against women (legal medical, forensic psychologists, criminologists, etc.) R19</p> <p>Annual percentage of people graduated from these special programs. R19</p> <p>Percentage of specialists working in public sector institutions linked to the issue of violence against women. R23</p> <p>Number and types of scholarships and exchange programs to meet the absences of expertise in different disciplines on the problem of violence against women. R19</p> <p>Annual percentage of people graduated from these special programs and placed on public sector bodies linked to the issue of violence against women. R19</p> <p>Number of comprehensive care services for women survivors of violence created and operating nationwide, with budget and running. R23</p>

RECEPTION OF THE RIGHT

Qualitative signs of progress

<p>Number and characteristics of civil society organizations involved in the promotion and protection of the right to a life without violence, considering organizations particularly involved with indigenous girls and adolescents, adult women and elderly women, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. Indicate forms and type of participation. R20</p>	<p>Existence of support networks in the local level (community, national, regional) for emergency care and follow-up to the problem of violence against women. R26, R30</p> <ul style="list-style-type: none"> • Number and type of institution (public, private, nature of institutional activities) that make up the support network. • Established mechanisms for interagency communication and coordination. • Distinct mechanisms for emergency and for monitoring the problem of VAW. 	<p>Annual percentage on the progress of the national coverage of comprehensive care services for women survivors of violence. R26, R33</p>
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NATIONAL PLANS CONTINUED

STRUCTURAL	PROCESS	RESULTS
RECEPTION OF THE RIGHT		
Qualitative signs of progress CONTINUED		
	Existence and operation of a public institution (mechanism for the advancement of women) involved in monitoring compliance with legislation regarding violence against women, also considering girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R1, R17	
	Existence and operation of a public institution involved in monitoring compliance with legislation regarding indigenous, rural, children's and indigenous, rural, women's rights.	

BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS

Indicator

Percentage of public spending allocated to the different plans, strategies, and programs on violence against women in the last fiscal period. R36	Percentage of social public spending allocated to ensuring a life without violence R36	Percentage of public spending allocated in the last fiscal period for the implementation of programs of violence against women by implementing institution (public and/or private) or the expenditure items. R36
<p>Budgets assigned in the last fiscal period to: R36</p> <ul style="list-style-type: none"> • Police stations for women or other agencies where complaints can be lodged • Specialized offices attached to the judiciary or prosecution service (attorneys' offices, defence offices) • Training for officials from different branches of government • Programs for attending to women affected by violence • Prevention campaigns • Studies to monitor and assess the different components of strategies, plans, programs, actions 	<p>Percentage of public spending allocated to: R36</p> <ul style="list-style-type: none"> • actions, plans, strategies, and programs to address violence • Infrastructure investments for cases of violence (shelters, preventive measures, availability of mechanisms, etc.) • training in violence for personnel from the three branches of government • sexual and reproductive health services • health services • in the education sector • in the employment sector <p>Spending on ensuring life without violence and spending on health, both broken down by jurisdictions (state, provincial, local). R36</p>	

BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS

Qualitative signs of progress

Ratio between national economic growth and coverage of the guarantee of a life without violence.	Per capita public spending on health care. R36	Establishment and institutionalization of accountability mechanisms by state institutions and social audit on the management of budgets for the implementation of plans and programs for the treatment and eradication of violence against women. R17
Number and characteristics of civil society organizations involved in budget oversight initiatives and budget execution, considering organizations working in particular with girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R17, R20	Regular reports (semi-annual or annual) public access to management accountability in the budget for the implementation of plans and programs for the treatment and eradication of violence against women. R17	
	Social audit reports to account for the management of the budget for the implementation of plans and programs for the treatment and eradication of VAW . R17	

NATIONAL PLANS CONTINUED

STRUCTURAL	PROCESS	RESULTS
STATE CAPACITIES		
Indicator		
Number of shelters and homes for victims of violence against women and their children. R26, R30	Accessibility and availability of care services for victims of different forms of violence, by jurisdiction and geographical region. R23, R33	Rate of demand for attention (number of women served over the past twelve months, divided by the total female population, multiplied by 1000): R33
Number of public or state-supported legal services specializing in women affected by violence. R23, R30	Existence of care protocols for the implementation of various public care and support to girls and adolescents, adult women and elderly women victims of violence: R27, R30	<ul style="list-style-type: none"> For physical / psychological / sexual / patrimonial or economic violence at the hands of the partner, former partner or acquaintance of the woman.
Number of services that provide care and psychological support before, during and after the legal process. R23, R30	<ul style="list-style-type: none"> Shelters Legal advice Psychological support (individual, group, family) Phone support Health care Orientation, job training Training on women's rights 	Service usage rate: R33
Number of toll-free telephone lines, with national, state, and/or local coverage, for women. R30		<ul style="list-style-type: none"> By victims of different forms of violence Telephone assistance Legal assistance Health care services Supply availability of antibiotics, anti-retrovirals and emergency contraception in cases of rape.
Number of public health programs for women victims of violence in the different forms it can take, considering girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R30		Coverage, scope, jurisdiction, and funding: R33
Number of psychological counselling services R30		<ul style="list-style-type: none"> of attention programs for victims of violence of assistance programs for elderly women of assistance programs for girls and adolescents of health insurance plans, by sex, age, and geographical region, as subscribers or beneficiaries

STATE CAPACITIES

Qualitative signs of progress

Civil society organizations involved in monitoring and evaluation, considering in particular organizations working with girls and adolescents, adult women and elderly women who are ethnically diverse, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. **R31**

Characteristics, coverage, and schedule of outreach campaigns dealing with the right to a life without violence. **R32**

Characteristics, coverage, and schedule of outreach campaigns against the sexual harassment. **R32**

User satisfaction studies on the accessibility, availability, and quality of the different attention services for victims of violence. **R33**

Perception studies on the identification of violence against women. **R33**

Characteristics and coverage of the means used to provide girls and adolescents, adult women and elderly women with information on their violence attention rights. **R32**

Existence of permanent mechanisms for participation in offering recommendations on the design and implementation of violence prevention and attention policies. **R20**

ACCESS TO JUSTICE

STRUCTURAL	PROCESS	RESULTS
RECEPTION OF THE RIGHT		
Indicator		
<p>Legislation that explicitly bans the use of such methods as conciliation, mediation, suspended sentences, probation, application of the opportunity, commutation of sentences and others intended to resolve cases of violence against women extra-judicially. R5</p> <p>Existence of legislation on protective measures, at the request of the victim or third parties or on an ex officio basis, before and during administrative and/or judicial proceedings. R26</p> <p>Judicial proceedings provide mechanisms for enforcing protective measures and guarantee the safety of women victims of violence, their children, and their witnesses. These mechanisms include: R26</p> <ul style="list-style-type: none"> • Relocation funds • Mechanisms for rescuing women • Changes of identity • Witness protection • Safe-conducts to leave the country • Safe reference networks • Panic buttons <p>Competence of ministries or supervisory offices to receive complaints from health system users. R23</p> <p>Specific mechanism to receive complaints from users regarding the justice system R23</p> <p>Existence of constitutional relief (amparos, protective actions, custody). R23</p> <p>Availability of procedural guarantees in judicial proceedings involving violence: (i) independence and impartiality of the court; (ii) reasonable time; (iii) equality of arms; (iv) res judicata; (v) appeals to higher courts against judgments. R23</p> <p>Existence of criminal investigation protocols on crimes of violence against women, femicide and violent deaths of women, with a gender perspective. R6</p> <p>Legislation and rapidly available mechanisms for protection of indigenous, rural, girls and adolescents, adult women and elderly women victims of violence, with particular attention of intercultural backgrounds. R24</p>	<p>Percentage of protective orders issued in cases of violence against women, in proportion to the number of protective orders requested, broken down by the type of crime and/or type of violence reported. R25, R40</p> <p>Judgments and rulings that make use of and include the Convention of Belém do Pará R28, R40</p> <p>Number of judicial sentences or rulings on domestic violence or any other form of violence (physical, sexual, psychological, patrimonial, economic, institutional, political, workplace violence, sexual harassment, political harassment, obstetric violence, etc.) broken down by sex, age, race, ethnic origin, and socio-economic status. R40</p> <p>Number of judgments or resolutions related to reparation of victims, type of reparation. R40</p> <p>Existence of an office, rapporteurship, or other kinds of specific agency within the trials and appeals courts and at the supreme court.</p> <p>Policies to train judges, prosecutors, defence attorneys, lawyers, and justice operators, as well as in the law schools programs, on the topic of violence. Thematic coverage and scope R19</p> <p>Database records with relevant precedents from higher federal and state courts on violence against women, including documentation of emblematic cases. R28, R40</p>	<p>Unreported violence rate: number of girls and adolescents, adult women and elderly women who were victims of different forms of violence over the past twelve months and who did not report those acts of violence, divided by the total number of women in their age groups. R40</p> <p>Number and percentage of girls and adolescents, adult women and elderly women who access the emergency kit in institutions. R39</p> <p>Number and percentage of Cases reported to the investigating agency, for violence against women in its various manifestations and violent deaths of women, according to the process status: R40</p> <ul style="list-style-type: none"> • Research • Accusation • Judicial decisions • Dismissed • Archived <p>Number and percentage of cases heard by the Criminal Courts (routine and specialized) for different crimes: violence against women, femicide, attempted femicide, in relation to the number and percentage of judgments (convictions and / or acquittals) issued by the courts (ordinary and specialized) R40</p> <p>Average time between the initial phase of a criminal trial for violence against women in its various manifestations and/or femicide and judgment (conviction or acquittal). R6, R40</p> <p>Number and percentage of cases known by the jurisdictional entities of the justice system for reparation of women affected by violence or collateral victims in case of violent death of women. R6</p>

RECEPTION OF THE RIGHT

Qualitative signs of progress

Number and characteristics of civil society organizations that are involved as advisors or as complainants in criminal proceedings for violence against women and femicide.

Publication of and access to information on judgments and rulings enacted. **R40**

ACCESS TO JUSTICE CONTINUED

STRUCTURAL	PROCESS	RESULTS
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS		
Indicator		
Funding of assistance services, free legal representation, and other services intended for girls and adolescents, adult women and elderly women who have suffered different forms of violence, either publicly managed or with state subsidies. R23, R30	<p>Periodic reports of accountability for the financial management of resources for access to justice for women victims of violence. R23, R33</p> <p>Financial resources destined to fund free legal representation and judicial services, intended for indigenous girls and adolescents, adult women and elderly women, afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R24, R40</p>	Average investment funds involving each of the stages of criminal proceedings according to the institution involved. R40
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS		
Qualitative signs of progress		
	Publication of and access to information on budget allocations and spending. R40	
STATE CAPACITIES		
Indicator		
Existence of agencies for receiving complaints. If they exist, their number and locations. R22, R39	Number of women lodging complaints for violence with the police. R40	The number of convictions for violence against women in proportion to the total number of reports. R40
Existence of administrative agencies for filing complaints regarding failing to abide by obligations related to the right to a life without violence. R22, R39	Number of women victims of sex crimes, by age, racial or ethnic origin, and socio-economic status. R40	The number of victims of femicide in the past twelve months, by age, marital status, cause of death, and geographic location. R40
Existence of legal representation services, either public or state-supported, specializing in women affected by violence. R23, R30	Number of users served by the telephone lines. R40	Number of femicide prosecutions with sentences in the past twelve months in proportion to the total number of recorded cases. R40
Existence of nationwide toll-free telephone lines for women victims of violence. R30	Number of complaints involving violence received, investigation, and resolved by competent national human rights institutions in the country. R23, R40	Number of trained personnel in the justice system with a gender perspective and taking care of inter-culturality. R19
Existence of free and comprehensive legal services to protect the right to a life without violence. R23, R30	Number of users of free legal representation services, be they public or private, with or without state subsidies. R23, R40	Number of cases solved involving indigenous, rural, girls and adolescents, adult women and elderly women as victims of violence. R24, R40
Existence of free and comprehensive legal services intended for indigenous, rural, girls and adolescents, adult women and elderly women, taking care of inter-culturality, according to legislation in force. R24, R30	Training programs for justice operators from a gender perspective and inter-culturality.	Number of indigenous, rural, women holding decision-making positions for conflict resolution in indigenous, rural, communities.
		Number of women in positions of decision on prosecution, courts and other administrative bodies of justice.
		Number of civil servants and public officials who have accessed training processes, awareness and training on the issue of violence against women. R19
		Number of public servants who work in positions that have direct interaction with women affected by violence against women in all its manifestations: <ul style="list-style-type: none"> Number and percentage of female officers in relation to the number of cases reported to the institution. Number and percentage of women psychologists and psychiatrists in relation to the number of cases reported to the institutions responsible for dispensing justice.

ACCESS TO JUSTICE CONTINUED

STRUCTURAL	PROCESS	RESULTS
STATE CAPACITIES		
Indicator CONTINUED		
		<ul style="list-style-type: none"> • Number and percentage of social workers in relation to the number of cases reported to the institutions responsible for dispensing justice. • Number and percentage of women lawyers in relation to the number of cases reported to institutions responsible for counseling women in criminal proceedings (as aggrieved or accused of crimes) • Number of interpreters with knowledge of the rights of women.

STATE CAPACITIES		
Qualitative signs of progress		
<p>Number and characteristics of civil society organizations involved in monitoring and control initiatives, considering organizations particularly working with girls and adolescents, adult women and elderly women of diverse ethnic origin, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom. R20</p>	<p>Publication of and access to information of girls and adolescents, adult women and elderly women victims of violence served, in the different languages that are spoken in the country. R24, R40</p>	

INFORMATION AND STATISTICS

STRUCTURAL	PROCESS	RESULTS
RECEPTION OF THE RIGHT		
Indicator		
<p>Regulations covering the State's obligation to conduct regular surveys on different manifestations of violence against girls and adolescents, adult women and elderly women. Consider both the private and the public as a scenario where violence happens. R1, R38</p> <p>Regulations covering the State's obligation to keep administrative records (police, judicial, prosecution service, defence offices, social services, health, etc.) on the different cases of violence against girls and adolescents, adult women and elderly women in its various manifestations. R1, R39</p> <p>Regulations appointing the competent authority for coordinating efforts to ensure complete administrative records. R1, R39</p> <p>Regulations covering the State's obligation to conduct regular research and studies to monitor and assess policies, plans, programs, strategies, and actions. R1, R37</p> <p>Regulations that provides free access to information of statistical nature generated by public sector institutions. R1, R37</p>	<p>Number of reports presented by the country to international oversight agencies in connection with the right to a life without violence, using official information, studies, and statistics. R24</p> <p>Number of reports presented by the country to international oversight agencies in connection with the access to justice for all women, especially on organs and procedures available, the advantages and obstacles that present and the both national and customary standards used to administer justice.</p>	<p>Legislation covering public access to the information gathered (through surveys and administrative records). R38</p> <p>Regular publication of statistics prepared and studies carried out. R37</p> <p>Number of surveys on violence against women. R38</p>

INFORMATION AND STATISTICS CONTINUED

STRUCTURAL	PROCESS	RESULTS
RECEPTION OF THE RIGHT		
Qualitative signs of progress		
Number and characteristics of public sector institutions producing or generating statistical information on violence against women.	Periodic statistical reports on violence against women. R40	
Number and characteristics of civil society organizations requesting access to public information considering organizations particularly working with girls and adolescents, adult women and elderly women of diverse ethnic origin, Afro-descendants, rural, with disabilities, with different sexual preferences, by their sexual identity, migrants, refugees, displaced persons or deprived of their freedom.	Qualitative reports that interpret and contextualize the statistics of violence against women. R40	
	Number of parallel reports presented by civil society to international oversight agencies in connection with the right to a life without violence, using official information, studies, and statistics. R40	
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS		
Indicator		
Specific laws including budgetary allocations for meeting information production obligations. R1, R34	Publication of reports on budget allocations and execution. R35, R36, R37	Percentage of the execution of the budget allocated for programs, plans, and institutions related to different forms of violence against women. R35, R36, R37
National budget law with earmarks for meeting information production obligations. R1, R34	Percentage of public spending assigned to the development of databases with information on different forms of violence. R36	
BASIC FINANCIAL CONTEXT AND BUDGETARY COMMITMENTS		
Qualitative signs of progress		
Number and characteristics of civil society organizations involved in budget oversight initiatives and budget execution.	Transparency and public information on the budget and its execution. R35, R37	Publication of final reports on the budget and its execution. R37
STATE CAPACITIES		
Indicator		
Agreements and/or cooperative ties between the national women's mechanism / the competent authorities in the area of violence (at different public agencies) and the national agency responsible for the official statistics used to produce quality information on different forms of violence against girls and adolescents, adult women and elderly women. R18, R42	Processes for negotiating agreements and/or cooperative technical ties between the national women's mechanism / the competent authorities for violence (at different public agencies). R42	Existence and availability of regular databases or other sources of information on different forms of violence. R40
Existence of offices, secretariats, or specialized state mechanisms for producing information, studies, and statistics. Coverage by jurisdictions (national, state, provincial, local). R39, R41		Number of the public sector institutions that have specific units on generation of statistical information. R40
Existence of studies on sentences and opinions that contains stereotypes, prejudices, myths and customs in the cases of women victims of violence, and the use of the personal history of the victim and / or her sexual experience to deny justice to her. R29		
STATE CAPACITIES		
Qualitative signs of progress		
Production reports, specialized studies from various disciplines on violence against women and femicide with statistical bases. R40	Existence of mechanisms for access to updated statistical information (accessible and timely) R40	Periodic reports of social perception on the issue of violence against women. R38
Periodic reports about studies on sentences and opinions that contains stereotypes, prejudices, myths and customs in the cases of women victims of violence, and the use of the personal history of the victim and / or her sexual experience to deny justice to her. R29	Existence of mechanisms for mass dissemination of national statistics on violence against women. R40	

6. Bibliography

CIM

- “Report on the Mechanism to Follow-up on the Convention of Belém do Pará, in compliance with Resolution AG/RES. 2711 (XLII-O/12)” (OEA/Ser.L CIM/doc.122/13). Follow-up Mechanism to the Belém do Pará Convention, Organization of American States, 2013, <http://www.oas.org/es/mesecvi/docs/MESECVI-AnnualReport2012.ESP.doc>
- “Annual Report of the Inter-American Commission of Women to the Thirty-sixth Regular Session of the OAS General Assembly.” Washington, D.C.: Inter-American Commission of Women, Organization of American States, 2006, <http://www.oas.org/en/cim/library.asp>
- CIM. *Violence in the Americas: A Regional Analysis* (including a Review of the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará)). Washington, D.C.: Inter-American Commission of Women, Organization of American States, 2001, <http://www.oas.org/en/mesecvi/library.asp>
- “Resumen del proceso de preparación del Proyecto de Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer,” (OEA/Ser.L.II.3.6, CIM/doc.5/94), document prepared for the VI Special Assembly of Delegates of the CIM, April 1994, http://www.corteidh.or.cr/tablas/22205_2.doc

Cook (Rebecca) and Cusack (Simone). *Gender Stereotyping: Transnational Legal Perspectives*. Philadelphia: University of Pennsylvania Press, 2009. <http://www.upenn.edu/pennpress/book/14658.html>

Courtis (Christian) and Abramovich (Víctor). “Towards the enforcement of economic, social and cultural rights: International standards and applicability criteria before local courts” [Hacia la exigibilidad de los derechos económicos, sociales y culturales. Estándares internacionales y criterios de aplicación ante los tribunales locales]. In Abregú, M., and Courtis, C. (eds.) *La aplicación de los tratados internacionales sobre derechos humanos por los tribunales locales*. Buenos Aires: Ed. Del Puerto/CELS, 1997

EHCR

- “Case of Opuz v. Turkey, application 33401/02, sentence of 9 June 2009,” <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-92945>
- “Case of X, Y and Z v. the United Kingdom, (No. 21830/93): Judgment of 22 April 1997,” <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58032>

ECLAC. *No More! The Right of Women to Live a Life Free of Violence in Latin America and the Caribbean*. Santiago: Economic Commission for Latin America and the Caribbean, 2007, <http://www.eclac.cl/publicaciones/xml/4/32194/Nomore.pdf>

IACHR

- IACHR *Access to Justice for Women Victims of Sexual Violence in Mesoamerica* (OEA/Ser.L/V/II. Doc. 63), Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011a, <https://www.oas.org/en/iachr/women/docs/pdf/WOMEN%20MESOAMERICA%20ENG.pdf>
- *The Road to Substantive Democracy: Women’s Political Participation in the Americas* (OEA/Ser.L/V/II. Doc. 79). Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011b, <http://www.oas.org/en/iachr/women/docs/pdf/POLITICALpart.pdf>
- *The Work, Education and Resources of Women: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights* (OEA/Ser.L/V/II.143, Doc. 59). Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011c, <http://www.cidh.oas.org/pdf%20files/womendesc2011.pdf>
- *Report on Access to Justice for Women Victims of Sexual Violence: Education and Health* (OEA/Ser.L/V/II. Doc. 65). Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011d, <http://www.oas.org/en/iachr/women/docs/pdf/SEXUALVIOLENCEEducHealth.pdf>

- *Legal Standards Related to Gender Equality and Women's Rights in the Inter-American Human Rights System: Development and Application* (OEA/Ser.L/V/II.143. Doc. 60). Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2011e, <https://www.oas.org/en/iachr/women/docs/pdf/REGIONALst.pdf>
- *Access to Maternal Health Services from a Human Rights Perspective* (OEA/Ser.L/V/II). Inter-American Commission of Human Rights, Organization of American States, 2010, <http://www.oas.org/en/iachr/women/docs/pdf/MaternalHealth2010.pdf>
- *Report on Access to Justice of Women Victims of Violence in the Americas* (OEA/Ser.L/V/II). Washington, D.C.: Inter-American Commission on Human Rights, Organization of American States, 2007, <http://www.cidh.org/women/Access07/tocaccess.htm>
- *Report on the Situation of Human Rights Defenders in the Americas* (OEA/SER.L/V/II.124 Doc. 5 rev. 1). Washington, D.C.: Inter-American Commission on Human Rights, Organization of American States, 2006, <http://www.cidh.org/countryrep/defenders/defenderstoc.htm>

IACHR

- "Report 170/11. Case 12,578: María Isabel Véliz Franco et al. v. Guatemala." Inter-American Commission of Human Rights, Organization of American States, 2011, <http://www.oas.org/en/iachr/decisions/court/12.578FondoENG.pdf>
- "Report No. 80/11: Case 12,626, Jessica Lenahan (González) et al., United States." Inter-American Commission of Human Rights, Organization of American States, 2011, <http://www.oas.org/en/iachr/decisions/2011/usp12626en.doc>
- "Report 54/01. Case 12,051: María da Penha Maia Fernandes." Washington, D.C.: Inter-American Commission of Human Rights, Organization of American States, 2001, <http://www.cidh.oas.org/annualrep/2008eng/Chap3.g.eng.htm>
- "Report 4/01: Case 11,625, María Eugenia Morales v. Guatemala." Inter-American Commission of Human Rights, Organization of American States, 2001, <http://www.cidh.oas.org/women/guatemala11.625eng.htm>

I/A Court H.R.

- "Case of Artavia Murillo et al. ("In Vitro Fertilization") v. Costa Rica: Judgment No. 257 of November 28," 2012, http://www.corteidh.or.cr/docs/casos/articulos/seriec_257_ing.pdf
- "Case of Fernández Ortega et al. v. Mexico: Judgment No. 224 of August 30, 2010," http://www.corteidh.or.cr/docs/casos/articulos/seriec_215_esp.pdf
- "Case of Gelman v. Uruguay: Judgment of February 24, 2011," http://www.corteidh.or.cr/docs/casos/articulos/seriec_221_ing.pdf
- "Case of Cabrera García and Montiel v. Mexico: Judgment of November 26, 2010," http://www.corteidh.or.cr/docs/casos/articulos/seriec_220_ing.pdf
- "Case of Vélez Loo v. Panama: Judgment No. 218 of November 23, 2010," http://www.corteidh.or.cr/docs/casos/articulos/seriec_218_ing.pdf
- "Case of Rosendo Cantú et al. v. México: Judgment of 31 August 2010." http://www.corteidh.or.cr/docs/casos/articulos/seriec_216_ing.pdf
- "Case of González et al. ("Cotton Field") v. Mexico: Judgment No. 205 of November 16, 2009," paragraph 231, http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf
- "Case of the Dos Erres Massacre v. Guatemala," 2009, http://www.corteidh.or.cr/docs/casos/articulos/seriec_211_ing.pdf
- "Case of Acevedo Buendía et al. ("Discharged and Retired Employees of the Comptroller") v. Perú: Judgment No. 1 of 1 July 2009," http://www.corteidh.or.cr/docs/casos/articulos/seriec_198_ing.pdf
- "Case of Perozo et al. v. Venezuela: Judgment No. 195 of January 28, 2009," paragraph 295, http://www.corteidh.or.cr/docs/casos/articulos/seriec_195_ing.pdf
- "Case of La Cantuta v. Peru: Judgment No. 162 of November 29, 2006," http://www.corteidh.or.cr/docs/casos/articulos/seriec_162_ing.pdf
- "Case of Miguel Castro Castro Prison v. Peru: Judgment of November 25, 2006," http://www.corteidh.or.cr/docs/casos/articulos/seriec_160_ing.pdf
- "Case of Almonacid Arrellano et al v. Chile: Judgment 26, 2006," http://www.corteidh.or.cr/docs/casos/articulos/seriec_154_ing.pdf
- "Case of Yatama v. Nicaragua: Judgment No. 127 of June 23, 2005," http://www.corteidh.or.cr/docs/casos/articulos/seriec_127_ing.pdf

- “Case of Caesar v. Trinidad and Tobago: Judgment No. 123 of March 11, 2005,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_123_ing.pdf
- “Case of Carpio Nicolle et al v. Guatemala: Judgment November 22, 2004,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_117_ing.pdf
- “Case of the Plan de Sánchez Massacre v. Guatemala: Reparations and Costs,” 2005, http://www.corteidh.or.cr/docs/casos/articulos/seriec_116_ing.pdf
- “Case of Maritza Urrutia v. Guatemala: Judgment of November 27, 2003,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_103_ing.pdf
- “Case of Baena Ricardo et al. v. Panama: Judgment No. 72 of November 28, 2003,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_72_ing.pdf
- “Case of Barrios Altos: Interpretation of Judgment on the Merits. (Article 67 American Convention on Human Rights): Judgment September 3, 2001,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_75_ing.pdf
- “Case of “The Last Temptation of Christ” (Olmedo Bustos et al.) v. Chile: Judgment No. 73 of February 5, 2001,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_73_ing.pdf
- “Case of Bámaca Velásquez v. Guatemala: Judgment No. 70 of November 25, 2000,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_70_ing.pdf
- “Case of Cantoral Benavides v. Peru: Judgment No. 69 of August 18, 2000,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_69_ing.pdf
- “Case of the “Street Children” (Villagrán Morales et al) v. Guatemala: Judgment No. 63 of November 19, 1999,” paragraph 144, http://www.corteidh.or.cr/docs/casos/articulos/seriec_63_ing.pdf
- “Case of Castillo Petruzzi et al. v. Peru: Judgment No. 52 of May 30, 1999,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_52_ing.pdf
- “Case of Velásquez Rodríguez v. Honduras: Judgment No. 4 of July 29, 1988,” http://www.corteidh.or.cr/docs/casos/articulos/seriec_07_ing.pdf

I/A Court H.R.

- “Advisory Opinion OC-18/03: Juridical Condition and Rights of the Undocumented Migrants,” 2003, http://www.corteidh.or.cr/docs/opiniones/seriea_18_ing.pdf
- “Advisory Opinion OC-17/02: Juridical Condition and Rights of the Child,” 2002, http://www.corteidh.or.cr/docs/opiniones/seriea_17_ing.pdf
- “Advisory Opinion OC-16/99: The Right to Information on Consular Assistance in the Framework of the Guarantees of Due Legal Process,” 1999, http://www.corteidh.or.cr/docs/opiniones/seriea_16_ing.pdf
- “Advisory Opinion OC-14/94: International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Articles 1 and 2 American Convention on Human Rights),” 1994, http://www.corteidh.or.cr/docs/opiniones/seriea_14_ing.pdf
- “Advisory Opinion OC-6/86: The Word “Laws” in Article 30 of the American Convention on Human Rights,” (May 9, 1986), http://www.corteidh.or.cr/docs/opiniones/seriea_06_ing.pdf
- “Advisory Opinion OC-4/84: Proposed Amendments to the Naturalization Provisions of the Constitution of Costa Rica,” 1984, http://www.corteidh.or.cr/docs/opiniones/seriea_04_ing.pdf
- “Advisory Opinion OC-1/82” “Other Treaties” Subject to the Advisory Opinion of the Court (Article 64 American Convention on Human Rights),” 1982, http://www.corteidh.or.cr/docs/opiniones/seriea_01_ing1.pdf

Medina Quiroga (Cecilia). *La Convención Americana: Teoría y Jurisprudencia. Vida, integridad personal, libertad personal, debido proceso y recurso judicial* [The American Convention: Theory and Jurisprudence. Life, Personal Integrity, Personal Liberty, Due Process and Judicial Recourse]. Santiago: Human Rights Centre, Law School, *Universidad de Chile*, 2005, <http://www.corteidh.or.cr/tablas/23072.pdf>

Mejía (Luz Patricia). “La Comisión Interamericana de Mujeres y la Convención de Belém do Pará. Impacto en el Sistema Interamericano de Derechos Humanos” [The Inter-American Commission of Women and the Belém do Pará Convention: Impact on the Inter-American Systems of Human Rights] *Revista IIDH: Edición especial sobre el XXX Curso Interdisciplinario en Derechos Humanos* (56). San José: Inter-American Institute of Human Rights (IIDH), 2012, p. 194-195, http://iidh-webserver.iidh.ed.cr/multic/UserFiles/Biblioteca/IIDH/3_2013/766d57df-258c-45f8-a242-ecc65d785cc3.pdf

MESECVI

- “Declaration of the Committee of Experts of the MESECVI on the Celebration of the Twentieth Anniversary of the Adoption of the Belém do Pará Convention” (MESECVI/CEVI/doc.193/13 Rev.1), adopted by the Tenth Meeting of the Committee of Experts, September 12th 2013, <http://www.oas.org/es/mesecvi/reunionesdeexpertas.asp>
- “Draft minutes of the Eighth Meeting of the Committee of Experts” (May 3rd and 4th 2012), paragraph (g) of the decisions and agreements. The draft proposal for these indicators can be found in MESECVI/CEVI/doc.176/12 (June 27th 2012, <http://www.oas.org/en/mesecvi/docs/CEVI10-Indicators-EN.doc>)
- *Second Hemispheric Report on the Implementation of the Belém do Pará Convention*. Washington, D.C.: Follow-Up Mechanism to the Belém do Pará Convention, 2012a, <http://www.oas.org/en/mesecvi/hemisphericreports.asp>
- MESECVI. “Draft Strategic Plan of the MESECVI 2013-2017, January 2013-December 2017.” (OEA/Ser.L/II.7.10, MESECVI/CEVI/doc.179/12 rev.1), considered by the Ninth Meeting of the Committee of Experts (November 12th to 14th), 2012b, <http://www.oas.org/en/mesecvi/meetingofexperts.asp>
- *Follow-up Report on the Recommendations made by the CEVI in the evaluation stage of the First Multilateral Evaluation Round* (MESECVI-III/doc.57/11). Washington, D.C.: Follow-up Mechanism to the Belém do Pará Convention (MESECVI), Organization of American States (OAS), 2011, <http://www.oas.org/es/mesecvi/docs/MESECVI-IFollow-upReport-ENG.doc>
- MESECVI. “Technical Note: Violence against Women in Latin America.” Washington, D.C.: Follow-up Mechanism to the Belém do Pará Convention, Organization of American States, 2011, <http://www.oas.org/en/mesecvi/library.asp>
- MESECVI. *First Hemispheric Report on the Implementation of the Belém do Pará Convention*. Washington, D.C.: Follow-Up Mechanism to the Belém do Pará Convention, 2008, p. 46, <http://www.oas.org/en/mesecvi/hemisphericreports.asp>
- “Report of the Technical Secretariat on the Putting into Operation of the Mechanism to Follow-up on Implementation of the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women, “Convention of Belém do Pará” to the 33rd Assembly of Delegates of the CIM” (OEA/Ser.L/II.2.33 CIM/doc.10/06). Follow-up Mechanism to the Belém do Pará Convention, Organization of American States, 2006, <http://www.oas.org/en/mesecvi/docs/AoD33-InformeMESECVI.ENG.doc>
- “Estatuto del Mecanismo de Seguimiento de la Convención de Belém do Pará,” adoptado por la Primera Conferencia de Estados Parte (Washington, D.C., 26 de octubre de 2004). <http://www.oas.org/es/mesecvi/docs/MESECVI-BasicDocuments-SP.pdf>

Poole (Linda). “Génesis de la Convención de Belém do Pará: Educar y promover el rechazo a la violencia.” [Genesis of the Belém do Pará Convention: Educating and promoting the rejection of violence against women] *Suplemento Todas* (Suplemento Especial, Lunes 28 de octubre de 2013). National Institute of Women of Mexico (INMUJERES), http://www.inmujeres.gob.mx/images/stories/todas/todasmilenio_especial.pdf

United Nations

- General Assembly Resolution A/RES/65/187 “Intensification of efforts to eliminate all forms of violence against women” (February 23, 2011), <http://www.un.org/en/ga/65/resolutions.shtml>
- ECOSOC. “Review of the implementation of the Beijing Declaration and Platform for Action, the outcomes of the 23rd special session and its contribution to shaping a gender perspective towards full realization of the Millennium Development Goals” (E/2010/4*-E/CN.6/2010/2). New York: Economic and Social Council, 2010, <http://www.un.org/womenwatch/daw/beijing15/documentation.html>
- *Ending violence against women: From words to action. Study of the Secretary-General*. New York: United Nations, 2006, <http://www.un.org/womenwatch/daw/vaw/v-sg-study.htm>
- *Report of the World Summit on Social Development* (A/CONF.166/9). Copenhagen: United Nations, 1995, <http://undesadspd.org/Home/WorldSummitforSocialDevelopment1995.aspx>
- *Declaration on the Elimination of Violence against Women* (A/RES/48/104), 1993, <http://www.un.org/documents/ga/res/48/a48r104.htm>
- United Nations. Vienna Declaration and Programme of Action, adopted by the World Conference of Human Rights, 1993, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

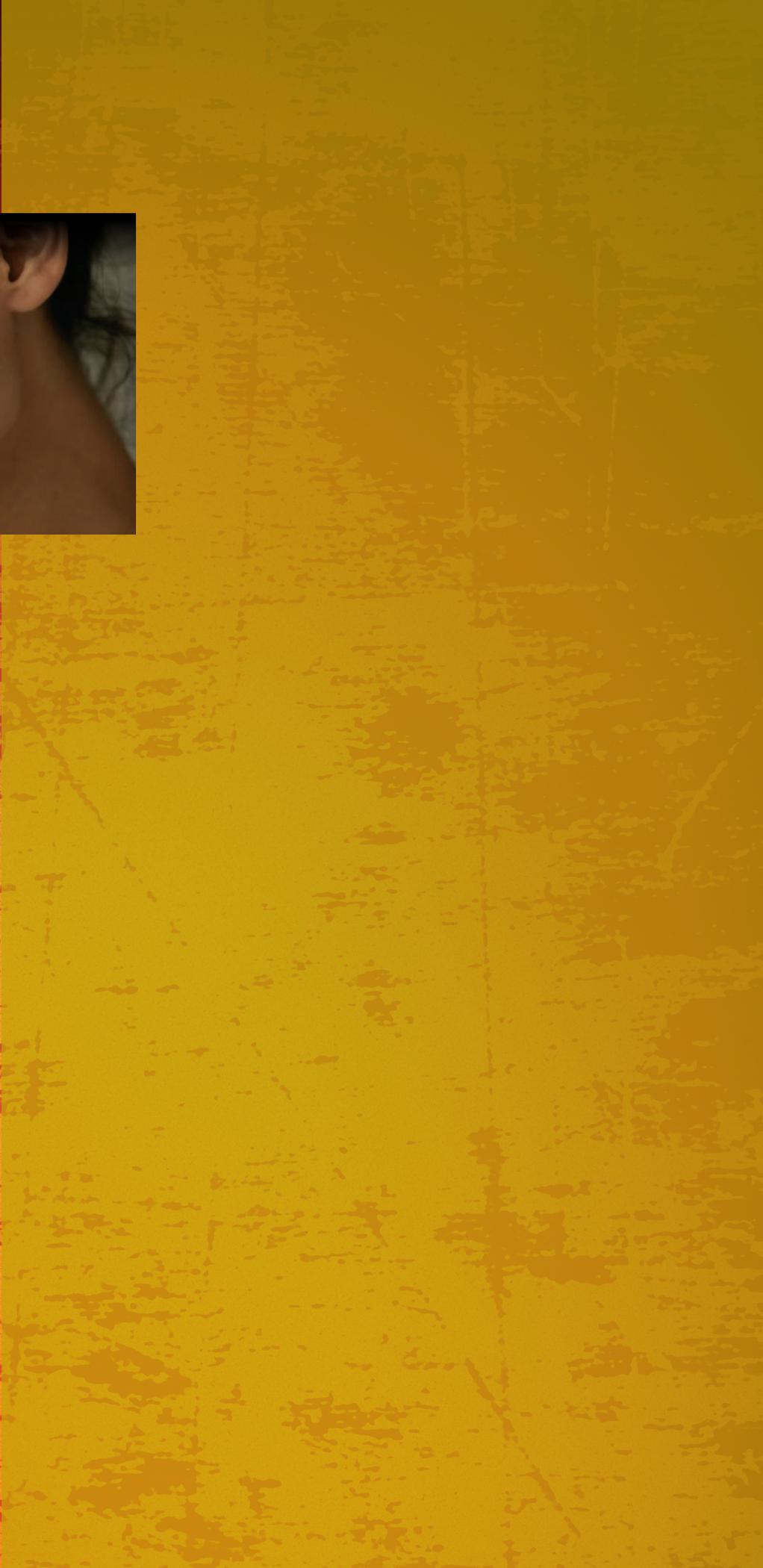
United Nations (Office of the High Commissioner for Human Rights/OHCHR)

- Resolution A/HRC/RES/23/7 “Elimination of Discrimination against Women,” 2013, http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21920
- Consejo de Derechos Humanos/OHCHR. Resolución A/HRC/RES/23/7: “Eliminación de la Discriminación contra la Mujer,” 2013, http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21920
- Human Rights Council. *Report of the Working Group on the Issue of Discrimination against Women in Law and in Practice* (A/HRC/23/50). New York: United Nations Human Rights Council, 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.50_EN.pdf
- *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences* (A/66/215), 2011, <http://www.un.org/Docs/journal/asp/ws.asp?m=A/66/215>
- *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Rashida* (A/HRC/14/22). New York: United Nations, 2010, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.22.pdf>
- Communication No. 18/2008: “Views of the CEDAW Committee (Forty-Sixth Session)” (CEDAW/C/46/D/18/2008), 2010, http://www2.ohchr.org/english/law/docs/CEDAW.C.46.D18.2008_en.doc
- CEDAW. “General Recommendation 25: on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures,” [http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(Spanish\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(Spanish).pdf)
- Human Rights Council. “General Comment No. 28: “The Equality between Men and Women”” (CCPR/C/21/Rev.1/Add.10). United Nations Human Rights Committee, 2000, <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>
- CEDAW. “General Recommendation No. 19: “Violence against Women.”” (11th session, 1992), <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>

- CESCR. “General Comment No. 3: “The nature of State Party obligations.”” (5th Session, 1990), Committee on Economic, Social and Cultural Rights, <http://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx>

United Nations (Entity for Gender Equality and Women’s Empowerment/UN Women)

- “Conducting research, data collection and analysis,” in Virtual Knowledge Centre to End Violence against Women and Girls, <http://www.endvawnow.org/en/articles/322-realizar-investigaciones-recoleccion-y-analisis-de-datos.html>
- UNIFEM. “Investing in Gender Equality: Ending Violence against Women and Girls,” New York: United Nations Development Fund for Women, 2010, http://www.endvawnow.org/uploads/browser/files/genderequality_vaw_leaflet_en_web.pdf
- UN. *Handbook for Legislation on Violence against Women* (ST/ESA/329). New York: Division for the Advancement of Women, Department of Economic and Social Affairs, 2010, <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>





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