



Organization of
American States



FOLLOW-UP MECHANISM TO THE
CONVENTION OF BELÉM DO PARÁ (MESECVI)
COMMITTEE OF EXPERTS ON VIOLENCE (CEVI)
August 23-25, 2010
Santo Domingo de Heredia, Costa Rica

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SIXTH MEETING OF THE COMMITTEE OF EXPERTS (CEVI) OF THE MECHANISM
TO FOLLOW UP ON IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION FOR
THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN,
CONVENTION OF BELÉM DO PARÁ (MESECVI)

FINAL MINUTES

1. Opening session

The opening session of the Sixth Meeting of the Committee of Experts (CEVI) of the Mechanism to Follow up on Implementation of the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women – Convention of Belém do Pará (MESECVI) took place on Monday, August 23, at 9:00 a.m., in the Salón Dalías of the Hotel Bougainvillea, in Santo Domingo de Heredia, Costa Rica.

Laura Chinchilla, President of the Republic of Costa Rica; José Miguel Insulza, Secretary General of the OAS; and Maureen Clarke, Executive President of the National Women's Institute [Instituto Nacional de las Mujeres (INAMU)] of Costa Rica opened the meeting. Their remarks have been published as documents MESECVI/CEVI/INF.26/10; MESECVI/CEVI/INF.25/10; and MESECVI/CEVI/INF.24/10 respectively.

2. Dialogue on Citizen Security

Carmen Moreno, Executive Secretary of the Inter-American Commission of Women (CIM) facilitated the Dialogue on Citizen Security. Olga Segovia, an expert on gender equity, offered a presentation on “Citizen Security: Building Cities as Common Spaces for all People that Ensure an Atmosphere Free of Violence against Women.” CEVI coordinator Hilda Morales gave a presentation on “MESECVI: Achievements and Contributions to the Elimination of Violence against Women.” Both of these presentations have been published as documents MESECVI/CEVI/INF.27/10 and MESECVI/CEVI/INF.28/10, respectively.

The Experts and the audience then shared their ideas on the issues under discussion, including conquering public space as a women's right and the way in which violence in the public realm is intended to send women back to the private realm where the patriarchy put them. Other issues raised included the fact that the authorities are still reluctant to intervene in the private sphere to ensure the personal security of women, the lack of budget for security activities with a gender focus, and the need for a rights-based security policy, rather than one focused solely on suppression.

3. Dialogue on Violence against Women: Security and Access to Justice

The Dialogue on Violence against Women, Security and Access to Justice was moderated by Ibelís Velasco, Expert on Violence against Women of the INAMU, Costa Rica.

The first participant was Folade Mutota from the Women's Institute for Alternative Development (WINAD). Her presentation was titled "Gender-based Violence and Security in the Caribbean." She underscored that armed violence in this region has repercussions for development and service provision (e.g. hospitals prioritize wounded men over women who are about to give birth), as well as in the economic sphere (priorities are realigned in function of security); the political sphere (the focus is on controlling crime and violence); and the environmental sphere (infrastructure is damaged or not maintained). A WINAD project on the impact of light weapons on women and the community underscored the need to ensure that women's voices are heard and to document their experiences as a tool to increase gender awareness in the discourse about security, peace, and good governance. The presentation was published as document MESECVI/CEVI/INF.29/10.

The second speaker was Julissa Mantilla from the Women, Peace and Security Program of UNIFEM Colombia. Her presentation on "Reflections on Incorporating the Gender Perspective into the Inter-American Human Rights System" described how the inter-American system had established a benchmark by finding that sexual violence amounted to torture in the case of Raquel Martín de Mejía (IACHR Report, 1996). The system subsequently took a step backward in the *Loayza Tamayo v. Peru* Judgment (1998) where it established a higher burden of proof for sexual violence than for other offenses. She also stressed the importance of the *Castro Castro v. Peru* Judgment (2006), in which the Inter-American Court of Human Rights included an analysis of the way in which human rights abuses affect men and women differently. To conclude, she mentioned the *González et al (Cotton Field) v. México* (2009) Judgment which consolidates the advances in the system and opens the door for developing judicial investigation measures and reparations with a differential focus. The presentation was published as document MESECVI/CEVI/INF.30/10.

The third speaker was María Elena Gómez Cortés, a member of the Supreme Court of Justice of Costa Rica. Her presentation was on "Access to Justice for Women Victims of Violence: the Case of Costa Rica." She discussed the legislative progress that has been made in Costa Rica in the prevention and punishment of violence against women, such as the Law to Promote the Social Equality of Women (1990), the Law against Sexual Harassment in the Workforce and the Teaching Profession (1995), the Law against Domestic Violence (1996), and the Law Criminalizing Violence against Women (2007). She also noted the establishment of the National System for the Treatment and Prevention of Violence against Women and Domestic Violence (2008). She expressed concern over the problems detected in enforcing the Law Criminalizing Violence against Women and the declaration of unconstitutionality of the articles pertaining to the crime of emotional abuse and violence set out in that law. Her presentation was published as document MESECVI/CEVI/INF.31/10.

The fourth speaker was Doris Montenegro, a representative of the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM). Her presentation was on "State Actions to Ensure the Security of Women and their Access to Justice: Achievements and the Tasks Ahead." She explained how past conflicts, social upheaval and structural violence in the region shaped a vision of security conceived of by and for the State. In this way, notions such as "public order" and "public safety" were used as the basis for policies focused mainly on suppression that did not take into account the needs of men and women. This changed with the Declaration on Security in the Americas (2003) which refers to human security focused on the protection of the human person and reaffirms the importance of women's participation in efforts to promote peace and security. In her view, the challenges were to broaden the use of this perspective and to approach violence against women as a security issue, in order to spotlight it as a human rights problem, thereby overcoming the traditional view of violence against women as something natural, a private matter, or a trivial offense in the judicial system. This presentation was published as document MESECVI/CEVI/INF.32/10.

These presentations were followed by a discussion between the participants and the speakers. The experts expressed their concern over the declaration of unconstitutionality of the articles pertaining to the offenses of emotional abuse and violence in Costa Rica's Law Criminalizing Violence against Women, which contravenes the broad conception of violence set out in the Convention of Belém do Pará. They therefore agreed to send a statement to the Constitutional Chamber of the Supreme Court of Justice of Costa Rica and to the Legislative Assembly of that country expressing their extreme concern over this ruling. The statement, signed by all of the experts present at the meeting, will be sent through INAMU.

Additionally, and in light of the presentations, the experts requested the Technical Secretariat to prepare a compendium of the judgments of the Inter-American Court of Human Rights that apply a gender perspective for use as reference materials.

4. First Plenary Session

The Coordinator submitted the agenda and the working structure for the consideration of the experts and these were approved without modifications and published as MESECVI/CEVI/doc.98 rev. 1 and MESECVI/CEVI/doc.99 rev. 5, respectively. The experts also expressed their interest in issuing a statement about the situation of women in Haiti.

Report of the Technical Secretariat of MESECVI

The Coordinator notified the participants that due to time constraints, the report of the Coordinator and the Technical Secretariat of MESECVI, document MESECVI/CEVI/doc.128/10, would not be presented, but that she was available to clarify any aspect or provide further information.

She also read the composition of the working subgroups that would be meeting the following day, Tuesday, August 24, to review preliminary draft reports.

5. Review of preliminary draft reports by country – Working subgroups

The three working subgroups examined a total of 25 government responses to the CEVI questionnaire and 17 preliminary reports with their recommendations.

6. Second Plenary Session

a. Reports

The reports of the three working subgroups, which were presented at the start of the plenary session of August 25, were published as documents MESECVI/CEVI/doc.149/10, MESECVI/CEVI/doc.150/10 and MESECVI/CEVI/doc.151/10.

The Experts agreed to incorporate the comments made to their preliminary reports and to send the latter to the Technical Secretariat no later than September 4, so that they could be forwarded to the Competent National Authorities (hereinafter CNA). It was noted that the CNAs should provide the additional information requested, add their own comments or observations concerning the reports, and return them to the Secretariat by September 30, 2010.

The procedure to be followed with respect to States that were yet to respond to the questionnaire was taken up. These states were: Brazil, Grenada, Guyana, Nicaragua, Haiti and St. Vincent and the Grenadines. The Secretariat was charged with sending them a note urging them to remit their response as soon as possible. The reports for Trinidad and Tobago, Panama and Ecuador were reassigned to other experts.

b. Review and adoption of the Report on Implementation of the Recommendations from CEVI corresponding to the First Multilateral Evaluation Round

The Coordinator submitted for the consideration of the CEVI the draft Report on Implementation of the Recommendations made by the CEVI during the First Multilateral Evaluation Round. The submission of this report to the Conference of States Parties will mark the end of the First Multilateral Evaluation Round.

The experts expressed their concern over the outcomes of this project, noting that some of the government responses in the framework of the Second Round contradicted what was reported in the responses to the indicators document from the First Multilateral Evaluation Round. They also noted the low level of participation by States Parties in the follow up phase of CEVI's recommendations, given that only 17 governments responded to the indicators document. Because of this, they felt that they will be unable to create a complete and reliable baseline concerning progress in the prevention and punishment of violence against women.

One group of experts proposed sending the indicators document to the States Parties again. Those States that had already responded to the indicators document would then have the opportunity to update the information provided, while those who did not respond will have an opportunity to do so this time.

Another group suggested preparing an explanation for the draft report in which CEVI outlines the problems encountered in developing the project and in the responses provided by the governments. This second group felt that since this was a draft report from the First Round, it was not a matter of updating it but rather of assimilating the lessons learned into the follow-up of the recommendations in the Second Round. The Secretariat prepared a proposal that ultimately was not adopted by the plenary.

It was also proposed that the Secretariat, rather than CEVI, present the document to the Conference of States Parties, but this was not accepted inasmuch as it contravened the provisions of Article 25 of CEVI's Rules of Procedure. It was further proposed that during the current Round, the experts examine and compare the discrepancies between the responses to the CEVI questionnaire in the Second Round and the indicators from the first round. There was no consensus on this point either.

Finally, it was agreed that specific observations concerning the document would be forwarded to the Secretariat by October 15, 2010. The Secretariat would then consolidate the information and the issue would be taken up again at the meeting scheduled to be held in Mexico in November 2010. The expert from Belize, Diane Haylock, requested that the Secretariat make official note of her disagreement with the decision adopted, because CEVI does not have competence to revise what was done in the previous Round. Ms Haylock also voiced for the record her support for the proposal read by the Secretariat.

c. Biennial Work Plan of the CEVI

The Coordinator then read the Biennial Plan of the CEVI, which includes the Committee's activities up until April 2013, and it was approved without modifications during the plenary. The document was published as MESECVI/CEVI/doc.124/10.

7. Third Plenary Session

a) Review and adoption of the CEVI Report to the Third Conference of States Parties

The Coordinator presented for the consideration of the experts the project titled "Evaluation of the CEVI of Progress and Challenges of the MESECVI and Proposals to Strengthen It," which was published as document MESECVI/CEVI/doc.128/10. She explained that it was prepared taking into account the *Report on the History and Development of the MESECVI (2004-2010) and Assessment of Performance*, presented by the MESECVI Secretariat to the Executive Committee of the CIM on February 25, 2010. It also took into account the report titled *Performance and Impact of the First Multilateral Evaluation Round of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (MESECVI): An Examination Based On The Opinions Of Key Players*, prepared by the *Equipo Latinoamericano de Justicia y Género (ELA)* [Latin American Team on Justice and Gender].

The Experts referred to the ELA report, and they expressed their desire to be informed by the Permanent Secretariat of the CIM whenever any of its organs adopt decisions relevant to the CEVI's work. It was agreed that the Coordinator would send a letter to the Executive Secretary of the CIM

conveying these comments. The expert from Mexico offered to draft the letter that would be sent to the Permanent Secretariat of the CIM.

The Executive Secretary of the CIM noted that the purpose of both reports was to identify strategies to strengthen the MESECVI and requested that the Experts offer their suggestions concerning this joint effort. In light of this, the Experts agreed to submit their proposals for strengthening the MESECVI, or suggestions to enrich the document under discussion, by October 15, 2010. If there are no comments or additions received by that date, the document MESECVI/CEVI/doc.128/10 shall be considered approved.

8. Other matters

The expert from Mexico, Patricia Olamendi, said that the government of her country, through its Ministry of Public Education, is organizing an event on November 17-19, 2010, as part of its violence against women program. The Ministry is interested in inviting all members of the CEVI to participate in order to share successful experiences on this issue from their countries as well as recommendations for good practices in the area of prevention of violence against women. The organizers will cover the expenses of all of the experts and she herself would seek funding for an additional day in order to hold a meeting of the CEVI and inform the Committee of the outcomes.

The experts remarked on the quality of the presentations made in the dialogues on violence against women and security and access to justice. They asked that they be informed about such activities with enough advance notice to be able to propose issues and/or speakers. They also asked that there be more time for discussion and sharing ideas, and for determining the objective of these activities so that the CEVI can take full advantage of the final product.

Finally, the issue of a declaration on the situation of women in Haiti was taken up once more. Some of the experts suggested taking some time to prepare and circulate a proposal. The expert from Venezuela, Floráγγελ Parodi, offered to prepare a draft for circulation and approval. The expert from the Dominican Republic, Sergia Galván, proposed the adoption of a resolution requesting the Haiti Reconstruction Committee to earmark funds for the prevention and punishment of violence against women, and to make this issue an integral part of its agenda. She also proposed requesting a greater degree of women's participation in decision-making relating to reconstruction. She noted that these issues are critical since the reconstruction strategy has already been designed and the issue of gender and violence against women has not been considered core issues.

The Coordinator adjourned the session at 7:00 pm on Wednesday, August 25, thanking the Government of Costa Rica once again for offering to serve as the host country for the Sixth Meeting of the CEVI.

7. Decisions and Agreements

They are presented below:

- a. Send a statement to the Constitutional Chamber of the Supreme Court of Costa Rica and to the Legislative Assembly of that country, expressing the CEVI's concern over the declaration of unconstitutionality of the articles pertaining to emotional abuse and emotional violence in the Law Criminalizing Violence against Women.

- b. Request the Technical Secretariat to prepare a compendium of judgments handed down by the Inter-American Court of Human Rights that apply a gender perspective and to distribute it to the CEVI.
- c. Request the Secretariat to send a note to the National Competent Authorities of Brazil, Grenada, Guyana, Nicaragua, Haiti, and St. Vincent and the Grenadines reiterating the request that they send in their responses to the CEVI questionnaire.
- d. Forward the preliminary reports to the Technical Secretariat by September 4, 2010—including the comments developed in the working subgroups—and the questions that should be put to the CNAs.
- e. Request that the Secretariat forward the revised preliminary reports to the CNAs so that they can remit their observations and comments by September 30, 2010.
- f. Set October 15, 2010, as the deadline for submitting recommendations and proposals for strengthening the MESECVI to the Secretariat, and/or comments on document MESECVI/CEVI/127/10, “Evaluation of the CEVI of Progress and Challenges of the MESECVI and Proposals to Strengthen It.” If no contributions are received by that date, the document shall be considered approved.
- g. Submit observations on document MESECVI/CEVI/97/10, “Follow-up Report on the Recommendations made by the CEVI in the Evaluation Stage of the First Multilateral Evaluation Round” by October 15, 2010, so that they can be consolidated by the Secretariat.
- h. Send a note to the Permanent Secretariat of the CIM by October 15, 2010, containing comments on the report CIM/CD/INF.15/10: “Performance and Impact of the First Multilateral Evaluation Round of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (MESECVI): An Examination Based On The Opinions Of Key Players”
- i. It is agreed that, based on a draft prepared by the expert from Mexico, the Coordinator of the CEVI shall prepare and send a letter to the Permanent Secretariat of the CIM. In it, the Coordinator will express the Committee’s desire to be informed whenever its organs adopt decisions relevant to the work of the MESECVI or the CEVI, and to propose issues and speakers for seminars held in the context of the Committee.
- j. Based on the proposal to be drafted by the expert from Venezuela, the CEVI will discuss a resolution directed at the Haiti Reconstruction Committee requesting, among other issues, a higher degree of women’s participation in decision-making processes concerning reconstruction and budget allocations specifically earmarked for the prevention and punishment of violence against women.