

FINAL REPORT

MEETING OF EXPERTS OF THE
MERCOSUR SUBREGION, BOLIVIA AND CHILE
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*

(Montevideo, Uruguay, December 7-8, 2001)

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I. BACKGROUND

The world women's movement, in conjunction with certain states committed to eradicating violence against women, has made great efforts to prevent, punish, deal with, and eradicate the various manifestations of violence in the different spaces that contribute, in one way or another, to the perpetuation of social inequality between men and women.

At the three World Conferences on Women—Mexico (1975), Copenhagen (1980), and Nairobi (1985)—and in parallel forums organized by nongovernmental organizations, the women's movement proposed that the issue of violence against women be discussed, with particular attention to the deterrent effect of violence on women's full participation in society. The Nairobi Forward-Looking Strategies for the advancement of women established the international community's concern and recognized state responsibility for eradicating violence.

In 1986, the Inter-American Commission of Women (CIM) began an analysis of violence affecting women and, among other measures, adopted the Plan of Action "Full and Equal Participation of Women by the Year 2000," in which violence against women was considered, along with other topics, in the chapter on areas of special concern.

In 1990, the CIM Assembly of Delegates approved the conclusions and recommendations of the Inter-American Consultation on Women and Violence, as well as the Declaration on the Elimination of Violence against Women which, in one of its operative paragraphs, reiterates the need for the Commission immediately to take up the task of preparing a draft inter-American convention on violence against women, to be presented for consideration in accordance with the customary OAS procedures.

The CIM prepared the draft Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. After a consultation process conducted by the CIM with the region's governments, the Convention was adopted in June 1994 by the OAS General Assembly at its twenty-fourth regular session, held in Belém do Pará, Brazil. The Convention was immediately ratified by the member states and entered into force on March 5, 1995. Pursuant to the mandates assigned by the OAS General Assembly and its own Assembly of Delegates, the CIM has made violence against women one of its priority areas of action.

The entry into force of the Convention of Belém do Pará was a highly significant event for women, marking the beginning of a long and difficult process of change. Five years after implementation of the various measures envisaged in the Convention, the CIM considered that it should examine in detail the achievements of that period, and what remained to be done.

To that end, the CIM, with USAID funding, undertook an important project to examine national programs to prevent, punish, and eradicate violence against women in the Americas. Another of the project's aims is to obtain a better understanding of progress made to date in implementing the *Convention*, obstacles encountered, and areas for further work.

The project is based on analysis of replies from the member states to a questionnaire sent by the CIM and on-site studies conducted in certain countries of the Americas through consultations and interviews of representatives of national bodies, government agencies and nongovernmental organizations, and universities.

Analysis focused on: (1) the nature and perceived efficiency of mechanisms for implementation and programs adopted by various countries of the Americas; (2) specific measures adopted in those countries, and their perceived or known impact; and (3) difficulties and obstacles encountered to implementation of such measures. Measurement indicators were derived from Articles 7, 8, and 9 of the Convention.

The International Centre for Criminal Law Reform and Criminal Justice Policy of Canada (ICCLR) and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) collaborated in preparing the project. These two international organizations are members of the United Nations Crime Prevention and Criminal Justice Programme's Network of Institutes involved in this area.

The project is now complete and, before its initial launch, the CIM proposed to hold four subregional meetings of experts, with the participation of its Principal Delegates and civil society organizations with experience in this area, in order to obtain their comments and contributions to the development of regional strategies that may contribute to accelerating implementation the Convention's objectives. An additional aim is to improve the indicators with a view to continuing the review process.

II. PROCEEDINGS

The first subregional meeting was held in Montevideo, Uruguay, on December 7 and 8, 2000. The CIM invited its Principal Delegates and two experts on nongovernmental organizations from each MERCOSUR country, Bolivia, and Chile. The meeting was sponsored by the Inter-American Commission of Women (CIM) and the United Nations Development Fund for Women (UNIFEM), Latin America and the Caribbean Section and Southern Cone Regional Office.

The opening session was held in the Ministry of Foreign Affairs of the Republic of Uruguay, and the following spoke: Dr. Didier Opertti, Uruguayan Minister of Foreign Affairs; Mrs. Branca Moreira Alves, UNIFEM Regional Programme Director for the Southern Cone; Ms. Carmen Lomellin, Executive Secretary of the CIM (Appendix I); Prof. Gloria Robaina, Principal Delegate of Uruguay to the CIM; and Mr. Roberto Luis Casañas, Director of the OAS National Office in Uruguay. Representatives of the diplomatic corps and international organizations, Uruguayan government senior officials, and representatives of the legislature and judiciary also participated in the session.

The meeting was held in a hotel in central Montevideo. Ms. Carmen Lomellín, Mr. Roberto Luis Casañas, and Mercedes Kremenetzky, CIM Principal Specialist directed the meeting's technical secretariat.

Three working sessions were held: a morning and an afternoon session on Thursday, December 7, and a session on December 8. Sessions were coordinated by Prof. Gloria Robaina, Principal Delegate of Uruguay to the CIM; CIM delegates and/or their representatives, and two nongovernmental organization representatives per country participated in the sessions. Over 40 experts representing various public sector agencies, and nongovernmental and civil society organizations of Uruguay also made valuable contributions. Appendix IV contains the list of participants.

At the first session, it was agreed that the meeting would proceed in accordance with the work program given to all participants, contained in Appendix II of this report.

In accordance with that document, Dr. Roxana Arroyo Vargas, Consultant of the Women, Justice and Gender Program of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), gave a presentation on the project *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*, and on its deficiencies and impact. The transparencies used in that presentation are attached hereto as Appendix III.

Next, summary presentations were given by all government representatives on the main programs developed and progress made in their countries in the area of violence against women, particularly as regards implementation of the Convention of Belém do Pará. In addition, the NGO representatives discussed successful programs and main obstacles to progress to be overcome in their countries in this area.

At the second, afternoon, session, on the basis of the valuable contributions made, agreement was reached on persistent obstacles to progress in the implementation of the Convention. That achieved, at the third and final session, held on December 8, an exchange of views took place for purposes of reaching consensus on regional priorities for the next biennium. The obstacles identified and recommendations are given below.

After a brief closing session, in which Prof. Gloria Robaina; the CIM Executive Secretary; and Mrs. Branca Moreira Alves, UNIFEM delegate spoke, the meeting was adjourned at 3 p.m.

III. MAIN OBSTACLES IDENTIFIED WITH RESPECT TO IMPLEMENTATION OF THE CONVENTION OF BELÉM DO PARÁ

The main obstacle is a lack of true commitment on the part of most governments to implementation of the Convention. It was underscored that there had been progress in the region in recognizing violence against women, and that the topic had been included on state agendas. However, the following obstacles to continuing effective protection women's human rights in the Americas were discussed.

1. LACK OF STATISTICS PERTAINING TO INDICATORS

Difficulty in obtaining statistics, broken down by age and sex, on violence against women. It is indispensable to obtain regular statistical data that enable a comprehensive view to be developed of all authorities involved in dealing with violence against women (the police, the judiciary and legislature, and health).

2. LACK OF INDICATORS TO MEASURE IMPACT

Need for a system of indicators to measure the impact of the various policies designed to prevent, punish, and eradicate violence for purposes of formulating and amending state policy, and promoting its efficiency.

3. LACK OF MEDIA SENSITIVITY TO GENDER VIOLENCE

Lack of systematic state policy to provide incentives to the media to produce programs that promote the prevention and eradication of violence and social equity for women.

Mechanisms to follow-up on or regulate programs that disseminate messages encouraging sexist stereotypes and violence through their content and messages.

4. LACK OF STATE COMMITMENT TO THE ISSUE; SUSTAINABILITY OF GOVERNMENT PLANS

Inadequate interagency and intersectoral coordination among all state authorities.

Lack of sustainability and continuity of cross-cutting gender policies.

Lack of education and health programs aimed at youth.

Lack of state, international organization, and cooperation agency funding for the prevention and eradication of violence.

5. INADEQUATE TRAINING IN DEALING WITH VIOLENCE

Prevalence of an approach to the issue that does not sufficiently relate violence against women to their roles as citizens of the participatory democracies to be encouraged in our region.

Need for further training with a gender perspective for the various operators involved in the area of violence (all levels of the judiciary, police, magistrates, and health and education officials).

Inadequate implementation of the principles of the Convention of Belém do Pará and observance of such principles in the region.

6. INADEQUATE ACCESS TO CARE AND COMPREHENSIVE PROTECTION OF WOMEN VICTIMS OF VIOLENCE IN TERMS OF QUANTITY, QUALITY, AND ETHNIC AND RACIAL DIVERSITY

Difficulty encountered by women in the effective exercise of their rights.

Inadequate protective measures and safeguards for the rights of women victims of violence.

Difficulty in making effective use of mechanisms for restitution or equitable means of compensation.

7. INADEQUATE ADJUSTMENT OF LEGISLATION TO THE PROVISIONS OF THE CONVENTION

Persistence of discriminatory concepts in all areas of law, particularly in provisions governing morality, good practice, and the family, which perpetuate all types of violence, especially "sexual crimes."

Inadequate definition and/or adjustment of definitions as offenses of acts such as marital rape, incest, harassment and sexual harassment, and violence.

8. LACK OF PROTECTION OF WOMEN AT RISK

Inadequate legislation and/or state policy on trafficking in women and children, forced prostitution, pornography, exploitation of minors, and sexual tourism.

Inadequate public policy relating to women migrants and indigenous women from rural or remote areas and other women suffering from severe social isolation.

9. INADEQUATE STATE RECOGNITION OF ITS OBLIGATION TO ENFORCE WOMEN'S RIGHTS

Lack of policy designed to ensure that civil society assumes greater responsibility for the commitments made in ratifying the Convention of Belém do Pará.

10. INADEQUATE STATE DISSEMINATION OF WOMEN'S RIGHTS

Lack of sustainability of programs to disseminate women's rights.

11. INADEQUATE STATE BUDGETARY ALLOCATION

Lack of allocation of budgetary resources to ensure sustainability in the development of systematic, planned, cross-cutting state policy against violence.

12. INADEQUATE COORDINATION WITH CIVIL SOCIETY

Need to strengthen state activities by seeking greater private sector participation in co-funding policies, programs, and activities involving gender issues.

Inadequate coordination of joint NGO-state activities involving decision-making and planning of policies and programs.

IV. CONSENSUS RECOMMENDATIONS ON REGIONAL PRIORITIES FOR THE NEXT BIENNIUM

1. STATISTICAL RECORDS

Present a joint regional project, sponsored by UNIFEM, to collect and systematize information received by the various sectors that deal with situations of violence against women, thereby facilitating the compilation of accurate, comparable, and timely statistics.

An attempt will be made to include indicators, in the competent areas, to measure the cost of domestic violence.

2. TRAINING OF OPERATORS

Establish public policies designed to train specialists in interdisciplinary treatment of women victims of violence.

Continue/begin training men and women operators to incorporate the gender perspective in the administration of justice. Request technical assistance from the Women, Justice and Gender Program of ILANUD.

Follow-up on and evaluate activities.

In the long-term, implement strategies to measure impact.

Urge the CIM Delegates to implement this agreement.

3. ACCESS TO CARE AND COMPREHENSIVE PROTECTION FOR WOMEN VICTIMS OF VIOLENCE

Develop programs and intervention models for the integral care of women victims of violence throughout their life cycles.

4. COORDINATION BETWEEN THE STATE AND CIVIL SOCIETY

Establish civil society participation in authorities that assess, design, implement, and evaluate public policy in this area, and ensure it through legal and institutional mechanisms.

Establish effective channels and mechanisms to facilitate civil society monitoring and evaluation of state programs.

5. BUDGETARY ALLOCATIONS

Incorporate violence prevention and eradication components as criteria for approval of budgetary items in the various state sectors.