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**REPORT ON THE IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION ON THE
PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN
“BELÉM DO PARÁ CONVENTION”
PURSUANT TO RESOLUTION AG/RES. 2832 (XLIV-O/14)**

Contents

Executive Summary	
I. Background, Legal Foundations, Structure, and Objectives	
II. Mandates Conferred by the OAS General Assembly	
III. Strengthening the MESECVI.....	
a. Designation of competent national authorities and CEVI experts	
b. Publications.....	
c. Workshops on the system of progress indicators for measuring the implementation of the Belém do Pará Convention	
d. Promoting the participation of civil society organizations	
e. Inter-institutional cooperation meetings	
f. Technical assistance.....	
III. Promotion of the Convention and the MESECVI's Recommendations	
a. International meetings for discussion, awareness-raising, and exchange	
b. Continuing education	
c. Promotion of the Belém do Pará Convention	
d. Belém do Pará Convention portal	
e. Promotional videos	
f. Distribution of materials	
IV. Third Multilateral Evaluation Round (2015-2017).....	
a. Twelfth meeting of the MESECVI Committee of Experts	
b. Sixth Conference of the States Parties to the MESECVI.....	
V. Financing the MESECVI.....	
VI. Challenges and Better Practices: The MESECVI's Final Reports and General Recommendations	
a. Mandate to follow up on the implementation of the recommendations.....	
b. Methodology and indicator matrix for following up on the recommendations	
c. Implementation of the recommendations.....	
1. Legislation: Articles 1, 2, 3, 4 and 7c, e and g of the Belém do Pará Convention.....	
2. National plans: Articles 1, 2, 7 and 8c and d of the Belém do Pará Convention	
3. Access to justice and specialized services: Articles 7d and f and 8c and d of the Belém do Pará Convention	
4. Budget	
5. Information and statistics	

EXECUTIVE SUMMARY

As the Technical Secretariat of the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI), the Executive Secretariat of the Inter-American Commission of Women (CIM) hereby submits this report on efforts to implement the MESECVI between March 2015 and February 2016 to the General Assembly of the Organization of American States, pursuant resolution AG/RES. 2832 (XLIV-O/14).¹

The year 2015 was marked by the end of the Second Follow-Up Round² and by approval for the launch of the Third Multilateral Evaluation Round. The process of strengthening the MESECVI continued, with efforts to consolidate its foundations, its overall functioning, and the interaction among participants. This process generated intense and rewarding dialogue among the states parties regarding the functioning of the MESECVI, its legal documents, and the Strategic Plan for 2014-2017.

I. BACKGROUND, LEGAL FOUNDATIONS, STRUCTURE, AND OBJECTIVES

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

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

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

The MESECVI consists of two bodies: the Conference of States Parties (CSF), a political body comprised of the representatives of the states parties; and the Committee of Experts (CEVI), a technical body comprised of specialists in the areas addressed by the Convention. Even though the experts are appointed by the governments, they exercise their functions independently in their personal capacities. The CIM Executive Secretariat provides secretariat services for both the Conference and the Committee of Experts and houses the headquarters of the MESECVI.

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

2 See MESECVI/I-CE/doc.10/14.rev1, presented at the First Special Conference of States Parties on October el 24, 2014. Available at <http://www.oas.org/es/mesecvi/docs/CEEP1-Doc10-EN.pdf>

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

II. MANDATES CONFERRED BY THE OAS GENERAL ASSEMBLY

The forty-fifth regular session of the General Assembly of the Organization of American States (OAS) was held from June 15 to 16, 2015, in Washington, DC. The General Assembly did not consider any resolutions at this session, thereby leaving in effect the resolutions adopted during the forty-fourth regular session (June 3 to 5, 2014, Asunción, Paraguay), including resolution AG/RES. 2832 (XLIV-O/14) “Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, ‘Belém do Pará Convention,’”³ which aims to strengthen the MESECVI’s efforts to promote women’s effective exercise of their right to live free from violence under the Belém do Pará Convention.

The annual report of the MESECVI⁴ was prepared and submitted to the General Committee of the OAS Permanent Council on April 16, 2015 at a Washington, DC, meeting held in preparation for the General Assembly.

III. STRENGTHENING THE MESECVI

a. Designation of competent national authorities and CEVI experts

In the third agreement of the Fifth Conference of States Parties and the first agreement of the First Special Conference of States Parties, the states parties that had not yet done so were encouraged to designate principal and/or alternate experts, according to the Statute of the Mechanism, in order to strengthen the functioning of the Committee of Experts. The agreements of the Sixth CSP confirmed the previous ones.

In 2014 and 2015, seven competent national authorities and a total of 11 experts were designated, for a total of 26 competent national authorities and 30 experts. Note that this represents the greatest number of appointments in the history of the MESECVI.

b. Publications

In accordance with the sixth agreement of the Fifth Conference of States Parties and the second agreement of the First Special Conference of States Parties, steps were taken to reaffirm the states parties’ commitment to strengthening the MESECVI and the importance of disseminating information on progress, good practices, and challenges on the 20th anniversary of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Belém do Pará Convention” and

³ See Declarations and resolutions adopted by the General Assembly, document AG/doc.5480/14rev.1. Available at <http://www.oas.org/council/GENERAL%20ASSEMBLY/AG44regular.asp>

⁴ Annual reports: <http://www.oas.org/en/cim/reports.asp>

the tenth anniversary of its Follow-Up Mechanism. The following documents were published for that purpose: *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)⁵; *Second Follow-Up Report on the Recommendations of the Committee of Experts of the MESECVI* (MESECVI, 2014)⁶; *national reports* for each of the 19 states parties participating in the Second Follow-Up Round⁷; *Declaration on Violence against Women, Girls, and Adolescents and their Sexual and Reproductive Rights* (MESECVI, 2014)⁸; and *Practical Guide to the System of Progress Indicators for Measuring the Implementation of the Belém do Pará Convention* (MESECVI, 2015).⁹

The agreements of the Sixth CSP go further, incorporating support for “dissemination of the Belém do Pará Convention and the MESECVI publications, promoting a diversity approach through the translation of the texts into the many languages, as appropriate, that are used throughout the Americas¹⁰ and through the appropriate media for facilitating dissemination to persons with disabilities.” In this connection, we are pleased to report the publication of the Belém do Pará Convention in Braille in 2016.

c. Workshops on the system of progress indicators for measuring the implementation of the Belém do Pará Convention

Under the agreements of the First Special Conference of States Parties and the Fifth and Sixth Conferences of the States Parties, for states that so request, the MESECVI Technical Secretariat is required to develop tools for exchanges, training, and technical assistance¹¹ on effective implementation of the progress indicators for measuring the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Belém do Pará Convention” (MESECVI/CEVI/doc.188 /13 rev.1), as well as the *Second Follow-up Report on the Recommendations of the Committee of Experts of the MESECVI* (MESECVI/I-CE/doc.10/14), in order to give the Mechanism a comprehensive view of the states’ efforts.

In the context of the project “Strengthening the Capacity of States Parties to Implement the Belém do Pará Convention,” the CIM developed and adopted the system of progress indicators for measuring the implementation of the Belém do Pará Convention, with support from the Government of Canada. The purpose of this initiative was to help the states parties monitor and evaluate the Convention’s implementation and its actual impact on women’s exercise of their right to a life free from violence.

Working with the corresponding national authorities, the Technical Secretariat conducted a series of workshops on using the newly adopted system of indicators. These workshops were designed to encourage dialogue between the competent national authorities and the Mechanism experts by bringing together the people who had primary responsibility for using the system and for incorporating it in the procedures used to develop national plans, programs, and reports on human rights and violence against women. Participants included national mechanisms for the advancement of women, relevant ministries, (e.g., justice, health, and education ministries), national statistics offices, forensic medicine departments, public prosecutors’ offices, the judiciary, national offices of planning and budget, and other public

5 Available at <http://www.oas.org/es/mesecvi/docs/BdP-GuiaAplicacion-Web-EN.pdf>

6 Available at <http://www.oas.org/en/mesecvi/docs/MESECVI-SegundoInformeSeguimiento-EN.pdf>

7 Available at <http://www.oas.org/en/mesecvi/NationalReports.asp>

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

9 Available at http://www.oas.org/en/mesecvi/docs/Manual_Indicadores_ENG.pdf

10 The Belém do Pará Convention has been translated into [Spanish](#), [French](#), [English](#), [Portuguese](#), [Aymara](#), [Guaraní](#), [Dutch](#), [Haitian Creole](#), [Greek](#), [Italian](#), [Mam del Soconusco](#), [Maya](#), [Eastern Mazahua](#), [Mexicano from Guerrero](#), [Western Mixteca Alta Mixtec](#), [Huasteca Nahuatl](#), [Sierra Noroeste de Puebla Nahuatl](#), [Mezquital Valley Otomi](#), [Purépecha](#), [Northern Tarahumara](#), [Tzeltal](#), [Tzotzil](#), [Coastal Plain Zapotec](#), and Quechua, and adapted for use with the JAWS screen reader for the visually impaired.

11 In accordance with Art. 25 of the Rules of Procedure of the MESECVI Committee of Experts and 2.1 of the MESECVI Strategic Plan 2014-2017

entities, as well as women's and feminist movements and organizations, experts and other relevant members of civil society, and other key partners in the international arena.

In this initial phase, workshops were held in Argentina, Chile, Colombia, Ecuador, El Salvador, Grenada, Guatemala, Paraguay, and Peru. The Grenada workshop included participants from Antigua and Barbuda, Bahamas, Barbados, Dominica, Grenada, Guyana, Jamaica, Saint Vincent and the Grenadines, Saint Lucia, Saint Kitts and Nevis, Suriname, and Trinidad and Tobago.

The report on the results of these workshops¹² describes the methodology used and the participants. It also indicates that, thanks to exchanges during the workshop, the Technical Secretariat received in additional indicator data for measuring the implementation of the Belém do Pará Convention: Trinidad and Tobago submitted its responses to the CEVI questionnaire on June 5, 2015, even though they could not be included in the second follow-up report, which had been approved for publication by the Conference of States Parties in 2014. The report further indicates that, with 404 participants—369 women and 35 men—the workshops were highly likely to produce a ripple effect.

d. Promoting the participation of civil society organizations

In the 11th agreement of the First Special Conference, the 10th agreement of the Fifth Conference of States Parties, and the 21st agreement of the Sixth Conference of States Parties, the Committee was urged to continue fostering and encouraging the participation of civil society and other players in the activities of the MESECVI, in the context of Article 10.2 of its Statute, bearing in mind the Guidelines for the Participation of Civil Society Organizations in OAS Activities, contained in document CP/RES. 759 (1217/99).

In coordination with the competent national authorities, the MESECVI Technical Secretariat held three meetings with civil society organizations: in Colombia (January 28, 2015), Chile (April 16, 2015), and Peru (April 22, 2015). The objectives were (i) to present the Mechanism and its functioning; (ii) to discuss, analyze, and exchange views on the status of women's human rights, focusing on violence-related topics; (iii) to provide information on possible ways of participating in and communicating with the Mechanism; and (iv) to present the *Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*.

e. Inter-institutional cooperation meetings

The fifth agreement of the Fifth Conference of States Parties called for fostering international cooperation for the exchange of ideas and experiences and the execution of programs to protect women victims of violence. The 15th agreement of the Sixth Conference of States Parties confirms the previous agreement.

In 2015 representatives of the Technical Secretariat met with representatives of various organizations for three primary purposes: (a) to present the MESECVI, its functioning, and its objectives; (b) to exchange information on the results of the MESECVI's work in recent years; and (c) to establish inter-institutional mechanisms of cooperation on upcoming and ongoing projects.

Participating organizations included:

- Council of Europe

12 Available in Spanish at http://www.oas.org/es/mesecvi/docs/InformefinalTalleres_EL.A.pdf

- International Juvenile Justice Observatory (OIJJ);
- International Planned Parenthood Federation/Western Hemisphere Region (IPPF/WHR)
- European Women’s Lobby (EWL) Observatory on Violence against Women
- Emakunde
- Center for Reproductive Rights
- European Parliament
- European Commission
- European External Action Service
- European Union Programme for Social Cohesion in Latin America (EUROsociAL)
- Heinrich Böll and Friedrich Ebert Foundations (Germany)

f. Technical assistance

A number of seminars were held in accordance with the ninth agreement of the Fifth Conference of States Parties and the 10th agreement of the Sixth CSP, which encouraged cooperation and exchange among judicial institutions on the administration of justice and asked the MESECVI Technical Secretariat to develop information exchange, training, and technical assistance tools for states that so requested.¹³

1. **Gender and Justice Seminar, Puebla, Mexico**, June 22 to July 3, 2015. To jump-start technical cooperation among states parties to the Belém do Pará Convention, the MESECVI and the Women’s Office of the Supreme Court of Argentina co-led the Gender and Justice Seminar for members of the Superior Court of Puebla, Mexico. During the seminar, 55 judges and 30 court clerks received training on judging with a gender perspective in accordance with the Belém do Pará Convention.
2. **International Seminar on Good Practices of Justice Centers for Women, Oaxaca de Juárez, Mexico**, September 2 and 3, 2015. This seminar was sponsored by the National Commission to Prevent and Eradicate Violence against Women (CONAVIM) and the United States Agency for International Development, through the ProJusticia program. It focused on the topic of gender equality and the development of public policies for providing access to tools for obtaining justice.
3. **Second Hemispheric Seminar on Good Practices in Gender Justice: Justice and Gender Violence, a Differentiated View; Envigado (Medellín), Colombia**, November 4-7, 2015. The purpose of this seminar was to share the recent gender equality jurisprudence of national and regional high courts, promote the implementation of a gender focus in the work of the courts, and analyze the role of the courts in promoting and defending women’s rights, judging violations, and providing reparations. It was attended by high court judges from Colombia and Central and South America; judicial officers; national, departmental, and municipal authorities; victims, women’s NGOs, and special guests.

IV. PROMOTION OF THE CONVENTION AND THE MESECVI’S RECOMMENDATIONS

In accordance with the second agreement of the Fifth Conference of States Parties and the third agreement of the Sixth Conference of States Parties, activities commemorating the 20th anniversary of the Belém do Pará Convention were organized at the national, regional and sub-regional levels in order to contribute to the Reflection Process for Strengthening the MESECVI.

¹³ Under Art. 25 of the Rules of Procedure of the MESECVI Committee of Experts (MESECVI/CEVI/doc.228/15)

a. International meetings for discussion, awareness-raising, and exchange

Roundtable: Political Violence against Women: A Hemispheric Challenge; Washington, DC. In the context of International Women’s Day on February 25, 2015, the Inter-American Commission of Women (CIM) held a roundtable entitled “Political Violence against Woman: A Hemispheric Challenge,” in order to highlight this item on the hemispheric agenda and explore effective measures for ensuring women’s full exercise of their political rights in the region.

The event brought together representatives of the OAS permanent missions and observer offices, members of the diplomatic community, experts on gender and human rights, representatives of women’s organizations and government agencies, and members of the academic and international communities. It began with presentations by the then-OAS Secretary General, José Miguel Insulza; the President of the CIM and Minister for Women of Costa Rica, Alejandra Mora; the OAS Secretary for Multidimensional Security, Adam Blackwell; the Interim Representative of Canada to the OAS, Jennifer Loten; and the MESECVI experts of Uruguay and Argentina, Diana González and Susana Chiarotti, among others.

During the discussion panel portion of the roundtable, well-known women leaders from Peru, Bolivia, Mexico, Colombia, El Salvador, Guatemala, and Ecuador shared experiences on political violence.

Fifty-ninth session of the United Nations Commission on the Status of Women, New York, March 9-20, 2015. Representatives of the MESECVI Technical Secretariat, led by MESECVI legal advisor Eva Villarreal, attended the 59th session of the Commission on the Status of Women (CSW), which focused on progress and challenges in women’s rights on the 20th anniversary of the adoption of the Beijing Declaration and Platform for Action.

Conference on Femicide/Femicide: Two Years of EU-CELAC Bi-Regional Dialogue on Gender Issues; Brussels, Belgium, June 1 and 2, 2015. The MESECVI Technical Secretariat was a panelist at the Eighth Conference on Femicide/Femicide: Two Years of EU-CELAC Bi-Regional Dialogue on Gender Issues, where it presented the system of progress indicators for measuring the implementation of the Belém do Pará Convention. It also invited states to present qualitative and quantitative indicators for measuring the impact of public policies to prevent, sanction, and eradicate violence against women, including femicide, in accordance with their international commitments.

The Conference looked at aspects of the state’s obligation of due diligence in addressing violence against women under the relevant national conventions, the Belém do Pará Convention, and the Istanbul Convention. It also discussed strategies and initiatives being developed by the states to combat violence against women and eradicate femicide. Lastly, it adopted the Statement of the Eighth Conference on Femicide/Femicide.¹⁴

Dialogue on Violence, Health, and Sexual and Reproductive Rights; Washington, DC. On June 19, 2015, the CIM and the MESECVI joined with other international organizations to discuss the interrelationship of violence against women, health, and sexual and reproductive rights, with the goal of improving guarantees and protections for women’s rights. Taking as a starting point the Declaration on Violence against Women, Girls, and Adolescents and their Sexual and Reproductive Rights of the MESECVI Commission of Experts, the event stimulated hemispheric dialogue on the importance of making this issue a priority on the states’ political agendas.

¹⁴ Available at http://wave-network.org/sites/default/files/Declaration%20Conf%20femicide%20ENG_0.pdf

The event began with presentations by the OAS Secretary General, Luis Almagro; the Chief Program Officer of the Center for Reproductive Rights (CRR), Karen Hanrahan; the Assistant Director of the Pan American Health Organization (PAHO), Francisco Becerra Posada; and the Ambassador and Permanent Observer of France to the OAS, Jean-Claude Nolla, among others.

The first panel, on gender violence and reproductive rights, was composed of Caroline Bettinger-López, White House Advisor on Violence against Women; Gilda Rivera, Executive Coordinator of the Women's Rights Center of Honduras; Diana González Perrett, Principal Expert of Uruguay to the MESECVI; and Alessandra Guedes, Regional Advisor on Family Violence, PAHO/WHO. It was moderated by Luz Patricia Mejía Guerrero, Technical Secretary of the MESECVI.

The second panel was on public health and reproductive rights. It was composed of Leonel Briozzo, Regional Expert in women's health and sexual and reproductive rights and Professor, University of the Republic (Uruguay); Javier Vasquez, Advisor on Human Rights and Law, PAHO/WHO; and Ana Cristina González, Regional Expert on Health and Human Rights and Lead Doctor, Global Doctors for Choice Colombia. The moderator was Mónica Arango, Regional Director for Latin America and the Caribbean, Center for Reproductive Rights.

Sixteenth International Meeting on Gender Statistics: Statistical challenges for implementing the post-2015 agenda; Aguascalientes, Mexico, September 9-11, 2015. The participants, including Luz Patricia Mejía Guerrero, Technical Secretary of the MESECVI, discussed how to adopt the Sustainable Development Goals and adapt them to the needs, priorities, and possibilities of the countries in the region, as well as to available data and levels of data disaggregation. They also addressed the need to build capacities and strengthen methodologies for producing and using data and to develop gender indicators for human rights and the advancement of women and girls in areas such as poverty, access to productive, financial, and technical assets, unpaid care work, statistics on violence against women and girls, and women's participation in decision-making.

International Congress on Vulnerabilities, Victims and Survival; San José, Costa Rica, September 23-25, 2015. The Supreme Court and the judiciary's Office of International Cooperation and Relations organized this congress to discuss the problems of victims, their status, and their vulnerability. It was co-sponsored by the Law School of the University of Costa Rica, the Bar Association of Costa Rica, the National Women's Institute (INAMU), and the Konrad Adenauer Foundation.

Participants included Alejandra Mora Mora, Minister for the Status of Women and current President of the MESECVI; Cecilia Sánchez Romero, Minister for Justice and Peace in Costa Rica; Ana Helena Chacón, Second Vice President of the Republic of Costa Rica; Zarela Villanueva Monge, President of the Supreme Court; Marcela Lagarde, a leading figure in Latin American feminism; and Luz Patricia Mejía Guerrero, Technical Secretary of the MESECVI, among other experts and academics.

b. Continuing education

On September 8, 2014, through the MESECVI, the CIM launched the Graduate Diploma (*Diplomado Superior*) in Justice, Gender, and Violence in collaboration with the Supreme Court of Mexico, the Supreme Court of Argentina, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Latin American Social Sciences Council (CLACSO). The program continued through 2015 and is expected to graduate its first class in the second quarter of 2016. It is geared toward legal practitioners in Latin America, including legal staff, public defenders, forensic examiners, human rights defenders, and other professionals interested in training in gender justice. The program provides the basic knowledge and the practical and analytical tools necessary to protect the human rights of women effectively in compliance with the constitutional, regional, and international obligations of the states.

c. Promotion of the Belém do Pará Convention

In accordance with the 11th agreement of the Fifth Conference of States Parties and the third agreement of the Sixth Conference of the States Parties, actions were taken to improve coordination with the relevant authorities on promoting the work of the Mechanism at the national and regional levels and strengthening its promotion through the MESECVI webpage and other means of communication.

In the context of the MESECVI Strategic Plan, whose objectives include raising general social awareness of violence against women and promoting the Belém do Pará Convention, the MESECVI held two virtual seminars using webinar technology:

- a) **Webinar on Using the Belém do Pará Convention to Improve Access to Justice**, March 6, 2015. This webinar presented the MESECVI resources available to organizations and institutions working on access to justice, with special emphasis on the *Guide to the Application of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*. It went on to discuss exemplary court decisions and standards for trying cases in accordance with the Convention. The webinar had more than 300 registrants.

This webinar was designed primarily to raise awareness among hemispheric justice system players, including judges, as well as in organizations working to eradicate violence against women.

- b) **Webinar on Violence and Sexual and Reproductive Rights**, April 23, 2015. This webinar addressed the relationship between violence against women and their sexual and reproductive rights. A map of the laws of the countries of Latin America and the Caribbean was presented, as well as the recommendations of the Committee of Experts of the Belém do Pará Convention on the decriminalization of abortion and the Committee's statement on this issue. This webinar drew more than 600 registrants.

d. Belém do Pará Convention portal

As a result of the Hemispheric Seminar on the Human Rights of Women: Good Practices in Gender Justice, held in Buenos Aires, Argentina, from September 25 to 27, 2013, and co-organized by the Inter-American Commission of Women (CIM) and the Argentine Supreme Court's Women's Office, Domestic Violence Office and Access to Justice Office, the Belém do Pará Convention portal¹⁵ was developed for the purpose of sharing and publicizing information on all matters relating to the Convention, including the Follow-Up Mechanism (MESECVI), best practices for eradicating violence against women, reports, publications, news, and events.

The platform went live in 2015. In addition to centralizing information on the Convention, it provides two spaces for sharing information among the different actors. One offers government organizations, civil society, and other public partners a way to share information on initiatives and good practices for preventing, punishing, and eradicating violence against women. To publicize information obtained by the MESECVI from the evaluation and follow-up rounds, the platform also has a space for reporting progress and challenges for implementing the Belém do Pará Convention in the states parties.

¹⁵ At <http://belemdopara.org/en/>

e. Promotional videos

To raise social awareness of violence against women and increase the visibility of the Belém do Pará Convention, two videos were produced and distributed via the various CIM, MESECVI, and OAS communications channels.

- **Video on the Belém do Pará Convention.**¹⁶ This video provides information on the Belém do Pará Convention, its Follow-Up Mechanism, and the situation of women victims of violence in the region.
- **Video on sexual and reproductive rights.**¹⁷ In the context of the publication of the Declaration on Violence against Women, Girls, and Adolescents and their Sexual and Reproductive Rights (MESECVI, 2014),¹⁸ the Technical Secretariat had a video produced to raise awareness of the sexual and reproductive rights of women in the region.

f. Distribution of materials

The MESECVI Strategic Plan for 2014-2017 seeks to build the capacity of education systems to develop programmatic and curricular content about the Belém do Pará Convention, in order to provide a cross-sectoral response to the problems of violence against women. It also encourages the dissemination of information on violence against women in the region, bearing in mind—among other things—the situations of vulnerability mentioned in Article 9 of the Convention.

Along similar lines, the Strategic Plan also seeks to promote agreements with universities and film and other art schools to include the topic of violence against women in their workshops, productions, competitions, and other activities, where it could provide a focus for creative efforts and make these institutions centers of awareness-raising and publicity, with multiplier effects for spreading awareness of violence against women and promoting the Belém do Pará Convention.

To achieve these objectives, the MESECVI Technical Secretariat sent materials to 54 different United States universities, including the *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)¹⁹ and the *Second Follow-Up Report on the Recommendations of the Committee of Experts of the MESECVI* (MESECVI, 2014).²⁰

V. THIRD MULTILATERAL EVALUATION ROUND (2015-2017)

A. Twelfth meeting of the MESECVI Committee of Experts

The twelfth meeting of the MESECVI Committee of Experts (CEVI) was held on October 13 and 14, 2015, in Lima, Peru. It was attended by the designated experts of 22 states parties.²¹ In addition, Marcela Patricia María Huaita Alegre, Peruvian Minister for Women and Vulnerable Populations; Ana María Sánchez, Chancellor of the Republic of Peru; Pablo Zúñiga, OAS representative, Peru; Flor de

16 Available at <https://www.youtube.com/watch?v=2u98O3ao0w&nohtml5=False>

17 Available at <https://www.youtube.com/watch?v=0sps0xKSGhM&nohtml5=False>

18 Available at: <https://www.oas.org/en/mesecvi/docs/CEVI11-Declaration-EN.pdf>

19 Available at <http://www.oas.org/en/mesecvi/docs/BdP-GuiaAplicacion-Web-EN.pdf>

20 Available at <http://www.oas.org/en/mesecvi/docs/MESECVI-SegundoInformeSeguimiento-EN.pdf>

21 Argentina, Bahamas, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Ecuador, Grenada, Guatemala, Jamaica, Mexico, Panama, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Uruguay

María Díaz, President of the MESECVI Committee of Experts, Colombia, and Luz Patricia Mejía, MESECVI Technical Secretary, participated in the opening session.

In accordance with Article 27c of the Rules of Procedure of the CEVI, the experts engaged in a dialogue with civil society organizations, focusing on subjects including sexual violence, teenage pregnancy, and symbolic violence. The session included presentations by the civil society organizations Flora Tristán, Demus, Casa de la Mujer, and Promsex. In the course of their own presentations, the experts exchanged questions and comments with the representatives of these and other organizations.

In the panel discussions that followed, the experts exchanged information on social and institutional tolerance of gender-based violence; education on gender stereotypes; new types of masculinity, and challenges for the implementation of the Committee's recommendations in Latin America and the Caribbean.

On the second day of the meeting, reports were presented on the activities of the CEVI President, the activities of the MESECVI Technical Secretariat, and the annual program of work for 2016. Following the general discussion, the CEVI adopted the agreements of its twelfth meeting (MESECVI/CEVI/doc.225/15.rev1). In doing so, it approved the CEVI work plan for 2015-2017 (MESECVI/CEVI/doc.224/15) and the table of contents of the thematic report on teenage pregnancy and sexual and reproductive rights (MESECVI/CEVI/doc.222/15); introduced indicators on education on stereotypes; adjusted the legal framework of the Committee by revising its Rules of Procedure; and agreed to promote the application of the Belém do Pará Convention in the following areas: (a) prevention and treatment of sexual violence, teenage pregnancy, and forced pregnancy; (b) stereotype-free education; (c) access to justice; (e) social and institutional tolerance of gender violence; and (f) political violence.

The CEVI also elected new officers: President, Diana González Perrett, Expert of Uruguay; First Vice President, Miselle O'Brien, Expert of Saint Kitts and Nevis; and Second Vice President, Sylvia Mesa, Expert of Costa Rica.

All of the documents of the meeting have been published by the Secretariat and are available at <http://www.oas.org/en/mesecevi/meetingofexperts.asp>.

B. Sixth Conference of States Parties to the MESECVI

The Sixth Conference of the States Parties to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women met on October 15 and 16, 2015, at the Sheraton Hotel in Lima, Peru, to analyze the Mechanism's progress and challenges in the region, adopt the Declaration on Political Harassment and Violence against Women, and engage in a dialogue with the CEVI experts.

Twenty competent national authorities,²² two observer states²³; 21 CEVI experts,²⁴ and the representatives of several international organizations²⁵ participated in the Sixth Conference, which elected the following officers: President, Marcela Patricia Maria, Peruvian Minister for Women; First Vice President, Liriola Leoteau, Director of the National Institute for Women (INAMU) of Panama; and

22 Argentina, Bahamas, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela

23 Canada and the Holy See

24 Argentina, Bahamas, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Ecuador, Grenada, Guatemala, México, Panamá, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Uruguay

25 IDB, ECLAC, UN-Women, UNFPA

Second Vice President, Ana Maria Baiardi, Paraguayan Minister for Women. Sonia Margarita Díaz, Vice Minister for Women of the Dominican Republic, acted as rapporteur.

The first day was devoted to a dialogue between the competent national authorities and the CEVI experts. CEVI President Diana González Perrett reported on the items discussed at the CEVI's twelfth meeting on October 13 and 14 in Peru and on the launch of the Third Multilateral Evaluation Round, which would lead to the publication of a third hemispheric report. The dialogue was followed by three panel discussions on international responses to violence against women, the need for ongoing dialogue between Latin America and the Caribbean to strengthen the implementation of the Belém do Pará Convention, and structural violence against women in the region, during which the experts shared experiences and recommendations on the panel topics. Ending the day, the competent national authorities adopted the Declaration on Political Harassment and Violence against Women by acclamation.

On October 16, during the session on progress and challenges with regard to the implementation of the agreements of the Fifth Conference of States Parties and the First Special Conference of the States Parties, MESECVI Secretary Luz Patricia Mejía Guerrero presented a report on the activities of the Technical Secretariat of the MESECVI and the MESECVI funding plan. Martha Ordóñez, Colombian Presidential Advisor on Women's Equality, presented the report of the outgoing president in her capacity as outgoing vice president.

The competent national authorities ended the working sessions by adopting the agreements of the Sixth Conference of the States Parties (MESECVI-VI/doc.118/15.rev1), which reaffirmed their commitment to continuing to encourage the exchange of good practices and challenges for the implementation of the Belém do Pará Convention among all states parties, encouraging synergies for the exchange of experiences between Latin America and the Caribbean, and to promote the following issues: (a) prevention and treatment of sexual violence and teenage pregnancy, as well as the link between them; (b) STDs and HIV/AIDS (c) political harassment and violence against women; (d) stereotype-free education; (e) access to justice; and (f) social and institutional tolerance of gender-based violence. They also requested the MESECVI Technical Secretariat to make headway on a document to promote legislation on political harassment and violence against women and asked it to draft a comprehensive model law to prevent, punish, and eradicate gender-related killings of women (femicide/feminicide). Furthermore, in view of the challenges presented, the authorities agreed to give priority to allocating the human, technical, and financial resources needed for the Inter-American Commission of Women (CIM) to optimize its work as the Technical Secretariat of the MESECVI.

All of the documents of the meeting have been published by the Secretariat and are available at <http://www.oas.org/en/mese cvi/conferenceofstatesparty.asp>.

VI. FINANCING THE MESECVI

Sources of MESECVI funding

The Mechanism is funded from various sources, with various entities participating in accordance with their specific purposes and objectives.

According to Article 11 of the Statute of the MESECVI, "the activities of the follow-up mechanism shall be financed by a specific fund established for this purpose, consisting of contributions from states parties to the Convention, states that are not parties to the Convention, permanent observer states, and international financial agencies, other external resources, and any other contribution it may receive in accordance with the General Standards to Govern the Operations of the General Secretariat of the Organization of American States. These contributions may include offers from states parties to

organize and host meetings of the Mechanism's organs." It further provides that "the Conference of States Parties may establish criteria for determining regular contributions."

In the agreements of the Sixth Conference of States Parties, the competent national authorities affirmed their conviction that strengthening the MESECVI requires the support of the states parties in the form of human and/or technical resources and, therefore, that to strengthen the MESECVI, alternative funding must be found to enable its proper functioning.

For this reason, they urged states parties that had not done so to make regular voluntary contributions insofar as they were able, so that the Technical Secretariat of the Mechanism could carry out its work and, exceptionally, the experts could participate in CEVI meetings; they reiterated the Secretary General's request to give priority, in the context of available resources, to allocating adequate human, technical and financial resources for the Inter-American Commission of Women (CIM) to optimize its work as the Technical Secretariat of the MESECVI; and they invited both states that were not parties to the Convention and permanent observers to the OAS to consider contributing financial and human resources to strengthen the work of the Mechanism. They also agreed to ask the MESECVI Technical Secretariat to help states parties that so requested obtain funding from cooperating partners for joint national projects and invited states parties requesting technical assistance to cover the associated costs insofar as they were able.

Note that the MESECVI currently has very limited resources for it to be able to discharge fully its multiple mandates under the MESECVI Statute, the Rules of Procedure of the Conference of the States Parties²⁶ and the Rules of Procedure of the Committee of Experts,²⁷ not to mention the periodic mandates

26 CSP Rules of Procedure, Article 7 *Secretariat*: "The Permanent Secretariat of the Inter-American Commission of Women (CIM) is the Technical Secretariat of the Conference and shall have the following functions: (a) to prepare the documents for each Meeting of the Conference and present them to the Presidency for approval; (b) to ensure the safe-keeping of all Conference documents and files; (c) to disseminate by any adequate means of communication, including the CIM website, information and public documents relating to the Mechanism, as well as the final report of the CEVI issued at the end of each multilateral evaluation round, once they have been made public in accordance with the provisions of the Statute, and the Final Report of the Conference; (d) to act as the nexus for coordination and contacts for sending and exchanging documents and communication for the Conference, the CEVI, the OAS organs, and other organizations or institutions; (e) to present the Final Report of the Meeting of the Conference and the Hemispheric Report to the Assembly of CIM Delegates and the OAS General Assembly; (f) to prepare summary minutes of the Meetings of the Conference; (g) to submit financial reports to donors as required; (h) to perform functions for the effective fulfillment of its functions; and (i) to perform other functions as may be entrusted to it by the Conference."

27 CEVI Rules of Procedure, Article 7 *Responsibilities of the Secretariat of the Committee*: "The Secretariat shall have the following responsibilities: (a) prepare an annual draft work plan of the Committee and submit it to the Committee for consideration; (b) prepare the methodology and questionnaire proposals for the evaluation of the implementation of the provisions of the Convention to be considered in each round, and submit them to the Committee for consideration, in accordance with Article 17 and following articles, especially Article 27, of these Rules; (c) send simultaneous convocation notices for Committee meetings to the experts and, through the permanent missions, to the competent national authorities and/or principal delegates to the CIM; (d) prepare the draft agenda for each Committee meeting and submit it to the Coordinators for approval; (e) serve as Secretariat to the Committee and the subgroups of experts throughout the evaluation process, including preparation of the hemispheric report at the end of each round; (f) prepare, together with the Coordinator of the Committee and the Coordinators of the subgroups, the draft final report to be submitted to the Committee, pursuant to Article 24; (g) prepare the draft Annual Report on the activities of the Committee and, once said Report is adopted by the Committee, forward it to the Conference; (h) serve as a custodian for all the documents and files of the Committee; (i) disseminate, by electronic mail, the Internet, or any other means of communication, information and public documents related to the MESECVI, as well as the country and hemispheric reports at the end of each round, once they are made public in accordance with these Rules and the Statute. (j) serve as the central coordinating and contact point for the delivery and exchange of documents and communications among the experts, as individuals or as a Committee, with the Conference, OAS organs, and other organizations or institutions; (k) notify the Committee members of communications received for their consideration; (l) prepare the minutes of Committee meetings and maintain its files (m) provide advice to the Committee members on the performance of their responsibilities, when requested; (n) promote and organize technical cooperation programs in conjunction with other international organizations and cooperation agencies to support the States Parties in their efforts to implement recommendations of the Committee; prepare the draft form to be used for follow-up on implementation of the recommendations to countries and present it to the Committee for approval; any

arising from General Assembly resolutions²⁸ and the agreements of CEVI and CSP meetings²⁹ This represents a fundamental challenge in this initial phase of the Third Multilateral Evaluation Round.

The situation is historic. As shown in the table below, contributions to the Mechanism have declined. Thus, as part of the strengthening process, we must consider both the objectives set and the resources required to reach them.

MESECVI Contributions		
Year	Donor	Total
2013	Argentina	15,000.00
	France	2,091.89
	Mexico	29,453.11
	Nicaragua	5,000.00
	Suriname	2,000.00
	Trinidad and Tobago	15,000.00
	2013 Total	68,545.00
2014	Argentina	15,000.00
	Mexico	34,529.59
	Nicaragua	6,000.00
	2014 Total	55,529.59
2015	Mexico	29,717.87
	Nicaragua	6,000.00
	2015 Total	35,717.87
2016		0.00
	2016 Total	0.00
	Grand Total	159,792.46

VII. CHALLENGES AND BETTER PRACTICES: THE MESECVI'S FINAL REPORTS AND GENERAL RECOMMENDATIONS

The Conference of States Parties, in collaboration with the Secretariat, is required to report to the OAS General Assembly every two years regarding progress on its work during the reporting period, the challenges and better practices that have emerged from the final reports, and the associated general recommendations.³⁰

This chapter of the report summarizes the *Second Follow-Up Report on the Recommendations of the Committee of Experts*, prepared by the Committee of Experts and approved for publication at the Fifth Conference of States Parties, held in Mexico in November 2014.

other responsibilities that the Committee may assign to it or that pertain to the Secretariat for the effective fulfillment of its responsibilities.”

28 Resolution AG/RES. 2832 (XLIV-O/14) “Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, ‘Convention of Belém do Pará”

29 Agreements of the First Special Conference of the States Parties to the MESECVI: “CONVINCED that the strengthening of the MESECVI requires both the support of the States Party in terms of human and financial resources, and that the importance of the Mechanism is included in the regular budget of the OAS, AGREE TO. . . urge Member States and Permanent Observers to the OAS to consider, as a matter of priority, increasing their contribution of the financial and human resources necessary to strengthen the work of the Mechanism in order to effectively address the situation of violence against women.”

30 MESECVI Statute, Article 13.1

The follow-up report is part of the Mechanism's efforts as a multilateral organization to build on achievements and narrow gaps between the formal recognition of rights and their effective exercise by women and girls in the region, and it is indispensable for disentangling the complex factors and persistent legal, political, and social frameworks in our cultures that allow violence and discrimination to be a part of the daily lives of women in the region.

a. Mandate to follow up on the implementation of the recommendations

In June 2013, the MESECVI launched the second phase of the Second Follow-Up Round, in accordance with Article 25 of the Rules of Procedure of the Committee of Experts.³¹ Of the 32 States Parties to the Belém do Pará Convention, 19 responded to the indicator questionnaire.

The report also incorporates contributions from seven civil society organizations registered with the OAS,³² as well as data from various sources consulted by the experts. It does not report data or status of implementation for states that did not respond to the indicator questionnaire, since it is part of a mechanism of multilateral exchange requiring the active participation of the states. Nevertheless, for the purposes of evaluating legislative progress in the region, it does analyze the legislation of all 32 states parties to the Convention.

31 CEVI, Rules of Procedure (2005) (CEVI, 2005). Article 25 *Follow-Up*: "The MESECVI Secretariat shall send each State Party the form approved by the Committee for follow-up on implementation of recommendations to countries in order for them to describe progress in implementation of such recommendations on the date set by the Committee, in accordance with the provisions of Article 7 of these Rules."

32 Latin American and Caribbean Committee for the Defense of Women's Rights/CLADEM, regional report and country-specific reports (Brazil, Colombia, Dominican Republic, El Salvador, Nicaragua, Paraguay, Peru, and Uruguay); Southern Common Market/MERCOSUR Women's Forum (Argentina); Organization of Salvadoran Women for Peace/ORMUSA and Center for Justice and International Law/CEJIL (El Salvador); Mexican Commission for the Defense and Promotion of Human Rights/CMDPDH (Mexico); Coalition against Trafficking in Women and Girls in Latin American and the Caribbean/CATW-LAC (Mexico); Women's Global Network for Reproductive Rights/WGNRR *et al.* (Dominican Republic); and Fundación Construir (Bolivia).

Table 1. Countries that reported during the follow-up phase of the Second Multilateral Evaluation Round

Reporting countries	Non-reporting countries
Argentina	Antigua y Barbuda
Barbados	Bahamas
Bolivia	Belize
Brazil	Dominica
Chile	Guyana
Colombia	Haiti
Costa Rica	Honduras
Dominican Republic	Jamaica
Ecuador	Nicaragua
El Salvador	San Kitts y Nevis
Grenada	Saint Vincent and the Grenadines
Guatemala	Saint Lucia
Mexico	Trinidad and Tobago
Panama	
Paraguay	
Peru	
Suriname	
Uruguay	
Venezuela	
Total: 19	Total: 13

b. Methodology and indicator matrix used for recommendation follow-up

The Committee prepared a document entitled *Progress Indicators for Measuring the Implementation of the Belém do Pará Convention*, which includes outcome indicators in addition to the structural and process indicators used during the first round.

The indicator document fulfills two purposes. First, it provides a basis for collecting data from the states to measure implementation of the recommendations and the Belém do Pará Convention, and, second, it establishes a technical road map for states to improve their data collection and systematically generate relevant statistics on violence against women, measures taken to eradicate it, and the outcomes of these measures.

c. Implementation of the recommendations

During this follow-up phase, the Committee used the following methodology to evaluate the level of implementation of the 42 general recommendations issued in 2012: (a) legislative analysis of the 32 states parties;³³ (b) analysis of the responses to the indicator questionnaire provided by 19 states as of June 2014; (c) analysis of seven shadow reports submitted by civil society organizations accredited to the OAS; and (d) analysis of information in the country reports prepared in the context of the Second Multilateral Evaluation Round.

1. Legislation: Articles 1, 2, 3, 4 and 7c, e and g of the Belém do Pará Convention

1.1. Harmonization of the legal framework

Since its inception, the Committee has placed special emphasis on progress towards regional harmonization in measuring the implementation of the Belém do Pará Convention at the national level.

Belém do Pará Convention, Article 1.

Violence against women: “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.”

- In its first recommendation, the Committee urged the states parties **to amend their legal framework to bring it into line with the definition of violence against women established in the Belém do Pará Convention.**³⁴

In measuring this progress, the Committee recognizes that the states parties are highly committed to the formal recognition of acts of violence against women as punishable offenses in criminal and other legislation. All of the states parties to the Convention penalize physical, psychological, and sexual violence against women in their laws, although some do so only in the private sphere. The vast majority (25 states) have penalties for property-related or economic violence.³⁵ Only seven do not.³⁶

33 Because the information on legislation is publically available and accessible, the Technical Secretariat was able to sharpen its analysis with respect to a number of the recommendations and compare progress and challenges in the 32 states parties more thoroughly.

34 MESECVI, *Second Hemispheric Report on the Implementation of the Belém do Pará Convention* (2012). Recommendation 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.”

35 NB: Although Haiti and Jamaica do not have specific legislation on women, both countries set penalties for this type of violence in their criminal codes.

36 Antigua and Barbuda, Chile, Ecuador, Haiti, Jamaica, Paraguay, and Saint Lucia

Table 2. Forms of violence against women penalized by law

Forms of violence against women (either public or private)	Countries with legislation penalizing this form of violence (out of 32)	Percent
Sexual	32	100%
Physical	32	100%
Psychological or emotional	32	100%
Property-related, financial, or economic	25	78%

*In-house table based on a July 2014 legislative review by the MESECVI Technical Secretariat

As for the spheres in which the different types of violence occur, since 2008, the Committee has recommended that the states parties legislate on violence against women in the three spheres where it occurs: the family, the community, and the state.³⁷

The Committee of Experts recognizes that the definition contained in Article 1 of the Convention³⁸ has gradually been wholly or partially incorporated into national laws, for the most part in countries that have adopted comprehensive laws on violence against women or have updated their legislation in the last eight years.³⁹

Little by little, the region's countries have legislated penalties for psychological, physical, and sexual violence. However, 75 percent still lack comprehensive laws on violence against women covering all types and spheres of violence.

37 MESECVI, *First Hemispheric Report on the Implementation of the Belém do Pará Convention* (MESECVI, 2008), <http://www.oas.org/en/mesecvi/docs/InformeHemisferico2008-EN.pdf>

38 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women “Belém do Pará Convention”, 1994. Article 1: “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.”

39 MESECVI, 2012, *op. cit.*, p. 17

Table 3. Countries with a comprehensive law on violence against women/gender-based violence

Country	Comprehensive law
Argentina	Law No. 26.485 (2009). Comprehensive Protection Law to Prevent, Punish, and Eradicate Violence against Women in the Spheres of their Interpersonal Relationships
Bolivia	Law No. 348 (2013). Comprehensive Law to Guarantee Women a Life Free from Violence
Colombia	Law No.1257 (2008), establishing norms for raising awareness, preventing, and punishing forms of violence and discrimination against women, revising the Criminal and Criminal Procedure Codes and Law No. 294 of 1996, and establishing other provisions
El Salvador	Decree No. 520 (2010). Special Comprehensive Law for a Life Free from Violence for Women
Guatemala	Decree No. 22 (2008). Law on Femicide and Other Forms of Violence against Women
México	Decree No. 218 (2007). General Law on Women's Access to a Life Free from Violence
Nicaragua	Law No.779 (2012). Comprehensive Law on Violence against Women, amending Law 641 of the Criminal Code
Venezuela	Law No. 38668 (2007). Organic Law on Women's Right to a Life Free from Violence

*In-house table based on a July 2014 legislative review by the MESECVI Technical Secretariat.

1.2. Mediation, conciliation, and other forms of out-of-court settlement

- In its fifth recommendation, **the Committee urged the states to ban mediation in criminal cases of violence against women and to avoid out-of-court settlement in cases of domestic violence**, recalling the importance of extending these prohibitions to other cases of violence against women.⁴⁰

The CEVI recognizes that, generally speaking, most of the states that responded to the indicator questionnaire are at least favorably disposed to prohibiting or limiting by law the use of these methods in cases of domestic violence or violence against women. Thus, although the recommendation has not been fully implemented, the CEVI recognizes that significant progress has been made towards eradicating the practice, insofar as there is a growing recognition of the importance and impact of violence in the lives of women and the serious implications of mediation between unequal parties.

40 MESECVI, 2012, *op. cit.*, recommendation 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."

The Committee stresses that not only mediation and conciliation, but also the discretionary prosecution principle (*principio de oportunidad*) should be absolutely prohibited in these cases, given that violence against women is a human rights violation and not the type of minor offense for which these procedures were developed.

1.3. Private violence

The most common form of violence experienced by women globally is intimate partner violence.⁴¹ Nonetheless, pending recognition of intimate partner violence as a serious crime and a violation of human rights, as well as a more widespread understanding of the private sphere as a place of danger for women, most of the region's laws protect the physical and sexual integrity of persons regardless of the context in which the act of violence occurs.

a. Rape in marriage and de facto union

- In its fourth recommendation, **the Committee urged the states to criminalize sexual violence and rape within a marriage or de facto union and to revise the rules of criminal procedure** to remove obstacles that could prevent women from seeking justice in these cases.

Table 4. Criminalization of marital rape by country

Rape in marriage or de facto union	Countries	Total 32 countries
Criminalized	Argentina, Bolivia, Brazil, Colombia, Chile, Costa Rica, Dominican Republic, El Salvador, Grenada Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Peru, Suriname, and Venezuela	18
Not Criminalized	Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Ecuador, Grenada, Haiti, Jamaica, Paraguay, San Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, and Uruguay	14

*In-house table based on a July 2014 legislative review by the MESECVI Technical Secretariat.

As the table shows, most Latin American states criminalize rape in marriage and de facto union, while most Caribbean states neither criminalize rape nor define it as an aggravating circumstance when it is committed in an intimate partner relationship. The Committee recognizes the State of Granada for the legislative reforms amending its criminal code to criminalize marital rape and reiterates its call to the remaining states parties to criminalize this offense.⁴²

41 United Nations, *In-depth study on all forms of violence against women: Report of the Secretary-General (A/61/122/Add.1)* (2006), para. 112, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/419/74/pdf/N0641974.pdf?OpenElement>

42 MESECVI, 2012, *op. cit.*, recommendation 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."

1.4. Public violence

Public violence includes but is not limited to rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping, and sexual harassment. Through Article 2b, the Convention recognizes that, in certain hierarchical settings such as the workplace, schools, and medical facilities, power relationships, including violence against women, can be reproduced and accentuated. Article 2c refers to violence perpetuated or condoned by agents of the state. The Committee analyzes compliance with the recommendations in the light of these forms of public violence.

Belém do Pará Convention, Article 2b

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

Table 5. Spheres in which women have legal protection against violence, by country

Sphere in which women experience violence	Countries	Number of countries 32
Private	Antigua and Barbuda, Bahamas, Belize, Brazil, Chile, Costa Rica, Grenada, Guyana, Honduras, Jamaica, Panama, Paraguay, Peru, Saint Lucia, Suriname, and Uruguay	17
Private and public	Argentina, Bolivia, Colombia, Dominican Republic, El Salvador, Ecuador, Guatemala, Mexico, Nicaragua, and Venezuela	9
None	Barbados, Dominica, Haiti, Saint Kitts and Nevis, Saint Vincent and the Grenadines, and Trinidad and Tobago.	6

*In-house table based on a July 2014 legislative review by the MESECVI Technical Secretariat.

The Committee notes that some states penalize one or more of the forms of violence against women often perpetrated in the public sphere, such as trafficking in persons, forced prostitution, or sexual abuse. Table 6 shows the states that make express textual reference to violence in the public and private spheres, in accordance with the Convention.

a. Trafficking in persons

- **The Committee recommended that the states criminalize traffic in persons**, 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.⁴³

The Committee notes progress in the case of Bolivia, where the definition of trafficking recently incorporated in the Criminal Code goes beyond the Palermo Protocol, since it does not distinguish between minors and adults.⁴⁴

The Committee reiterates its recommendation that all states parties should distinguish between trafficking in persons, smuggling of persons, and forced prostitution and should continue to criminalize trafficking in persons in accordance with the standards of the Palermo Protocol. Criminalization is a step forward, but according to the Special Rapporteur on violence against women, its causes and consequences, it should be accompanied by comprehensive support for victims of trafficking, social and psychological support, and adequate holding facilities for irregular migrants, as well as fair procedures that facilitate the identification of victims of trafficking and of traffickers and that guarantee protection to the victims.⁴⁵ In addition to the formal component, the states must redouble their efforts to determine the potential magnitude of the problem, build the capacities of the organizations working in this area, and gradually develop the services and capacities required to punish this crime effectively.

b. Forced prostitution

- **The Committee recommended that the states criminalize forced prostitution in accordance with the Rome Statute of the International Criminal Court.**⁴⁶

Table 6. Criminalization of forced prostitution

Criminalization of prostitution	Countries	Total number of countries = 32
Criminalized	Argentina, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Uruguay, and Venezuela	26
Partially criminalized	Antigua and Barbuda, Bahamas, Grenada, and Haiti	4
Not criminalized	Dominica and Trinidad and Tobago	2

*In-house table based on responses received by the Committee in 2012 as part of the Second Multilateral Evaluation Round

43 MESECVI, 2012, *opt. cit.* Recommendation 2

44 MESECVI, *Bolivia: National Report* (2014)

45 United Nations, *Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, Annex, Mission to Seychelles (A/HRC/26/37/Add.7)* (2014). Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/042/65/pdf/G1404265.pdf?OpenElement>

46 MESECVI, 2012, *opt. cit.*, recommendation 2, and International Criminal Court, “Elements of Crimes” (UN Doc. PCNICC/2000/1/Add.2) (2000)

c. Sexual harassment

- **The Committee recommended that the states penalize sexual harassment** in the workplace, health and education centers, and any other spheres, and repealing any provision that revictimized victims or impeded their efforts to obtain punishment for the perpetrators and adequate reparation.⁴⁷

The Committee notes that, of the 32 states parties to the Convention, 16 penalize sexual harassment. It further notes that these penalties are mostly for harassment in the workplace or schools. Only five countries reported having anti-sexual harassment campaigns.⁴⁸

Of the 15 countries that penalize harassment or sexual harassment in norms of various kinds, only five are waging anti-harassment campaigns. Furthermore, no country provided disaggregated data on the number of court decisions on sexual harassment, as requested by the Committee in the indicator questionnaire. The states with laws on sexual harassment did not provide the Committee with substantive evidence of the laws' impact on women's lives.

d. Violence perpetrated or condoned by agents of the state

Of the 32 states parties, the Committee obtained information on 30. It found that only 15 states parties explicitly penalized violence by the state or its agents.⁴⁹

Table 7. Countries that penalize violence by the state or its agents

Violence by the state or its agents	Countries	Number of Countries (Total = 32)
Criminalized	Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panamá, Uruguay, and Venezuela	15
Not criminalized	Bahamas, Barbados, Belize, Costa Rica, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Paraguay, Peru, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago	15
No information available	Antigua and Barbuda Saint Lucia	2

*In-house table based on figures provided to the MESECVI between 2010 and 2014

47 MESECVI, 2012, *op. cit.*, recommendation 3

48 Bolivia, Costa Rica, Dominican Republic, Mexico, and Paraguay

49 Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Uruguay, and Venezuela

In view of all of the above, the Committee reiterates the importance of criminalizing violence perpetrated or condoned by state agents and, especially, the need to expressly criminalize sexual violence by state agents as a war crime and crime against humanity, and to ensure its punishment.⁵⁰

1.5. Femicide

- **The Committee of Experts recommended that the states adopt measures to prevent and punish femicide.**

In 2012, the Committee found that most of the states that had incorporated femicide in their legislation had focused their efforts on criminalizing femicide in an intimate partner or ex-intimate partner relationship, usually referred to as “intimate femicide.”⁵¹ The following year, in the *Progress Indicators for Measuring the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, the Committee provided a more detailed definition of femicide. Information was thus requested on the crime defined as follows:

Violent killing of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, their workplace, public spaces; 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 act or omission; either as an autonomous offense or as an aggravating factor in homicide⁵²

Table 8. Femicide criminalized or aggravating factor in certain cases

Femicide	Number of countries (Total = 32)
Criminalized or aggravating factor	14
Not criminalized	18

50 MESECVI, 2012, *op. cit.*, footnote 60: “The IA Court HR has issued three rulings in cases involving sexual violence in the context of massacres:

- IA Court HR, *Case of the Plan de Sánchez Massacre v. Guatemala, Judgment of November 19, 2004 (Reparations)*, http://www.corteidh.or.cr/docs/casos/articulos/seriec_116_ing.pdf
- IA Court HR, *Case of the Miguel Castro-Castro Prison v. Peru, Judgment of November 25, 2006 (Merits, Reparations, and Costs)*, http://www.corteidh.or.cr/docs/casos/articulos/seriec_160_ing.pdf
- IA Court HR, *Case of the “Las Dos Erres” Massacre v. Guatemala, Judgment of November 24, 2009 (Preliminary Objection, Merits, Reparations, and Costs)*, http://www.corteidh.or.cr/docs/casos/articulos/seriec_211_ing.pdf

The latter two decisions dealt with violations of due diligence to prevent, investigate, and punish violence against women in accordance with Article 7b of the Belém do Pará Convention.

51 MESECVI, 2012, *op. cit.*, p. 33

52 MESECVI, *Progress Indicators for Measuring the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women “Belém do Pará”* (MESECVI, 2013), p. 48

Table 9. Scope of criminalization of femicide: Offense or aggravating factor in gender-based homicide of women

Femicide	Countries	Number of countries (Total = 32)
Criminalization based on the definition of the Committee of Experts	Bolivia, Colombia, Ecuador, ⁵³ El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Venezuela ⁵⁴	9
Criminalized in intimate partner and ex-intimate partner relationships, or aggravating factor in homicide of women in certain cases	Argentina, Chile, Costa Rica, Panamá, and Peru	5
Neither criminalized nor an aggravating factor in homicide of women	Antigua y Barbuda, Bahamas, Barbados, Belize, Brazil, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, and Uruguay	18

*In-house table based on a legislative review by the MESECVI Technical Secretariat

The Committee reiterates to the states that it is important to adopt measures to prevent and punish this crime in the private and public spheres, as well as to enforce court decisions, remove judicial obstacles preventing the victim's family from obtaining justice, and prohibit reduced sentences for aggressors arguing "heat of passion" to justify or minimize the seriousness of the crime.⁵⁵

53 On publication of the report, Ecuador informed the MESECVI Secretariat that it had had changed its legislation to criminalize femicide. The law entered into force in August 2014.

54 On publication of the report, the Committee learned that the Organic Law on Women's Right to a Life Free from Violence had been amended to criminalize femicide in Venezuela, <http://www.correodelorinoco.gob.ve/judiciales-seguridad/presidente-maduro-firma-reforma-ley-sobre-derecho-mujeres-a-vida-libre-violencia/>

55 MESECVI, 2012, *op. cit.*

1.6. Sexual and reproductive rights

Belém do Pará Convention, 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 . . .

a. Decriminalization of abortion

- The Committee recommended that the states **legalize interruption of pregnancy on therapeutic grounds**, that is to say, to save the life of the mother or to avoid serious or permanent injury to her physical and mental health. It also recommended that they **decriminalize the interruption of pregnancy caused by rape**.⁵⁶

The Committee notes that, of the 32 states parties to the Belém do Pará Convention, 27 have legalized abortion on various grounds.⁵⁷ The most common grounds are therapeutic reasons, pregnancy caused by rape or incest, severe fetal abnormality, and artificial insemination without consent. The Committee has stressed the importance of a non-punitive approach to therapeutic abortion for women victims of sexual violence.

The Committee has held that forcing a woman to continue her pregnancy, particularly if it is the result of rape or endangers her life, constitutes a form of institutional violence and may constitute a form of torture, in violation of Article 4 of the Convention. The Committee also calls attention to the impact of clandestine or unsafe abortions on the lives of poor women.

With regard to the close connection between a woman's right to health and her right to life, the Committee on the Elimination of Discrimination against Women (CEDAW) has systematically criticized restrictive laws on abortion, especially those that prohibit and penalize abortion under any circumstances, and has urged states parties review to their laws on abortion with a view to removing punitive provisions for women who undergo abortion,⁵⁸ in line with CEDAW general recommendation No. 24⁵⁹ and the Beijing Declaration and Platform for Action.⁶⁰

The Committee expresses concern that most of the states that have decriminalized abortion under certain circumstances still do not have the protocols or care guidelines needed to enable effective

56 MESECVI, 2012, *op. cit.*, recommendations 10 and 11. Boldface added.

57 Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Costa Rica, Colombia, Dominica, Ecuador, Granada, Guatemala, Guyana, Haiti, Jamaica, Mexico, Panama, Paraguay, Peru, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, Trinidad and Tobago, Uruguay, and Venezuela

58 CEDAW, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Mauritius*, (CEDAW/C/MAR/CO/5), 36th session, August 7-25, 2006, recommendation 31; *Concluding comments of CEDAW: Dominican Republic (A/59/38(SUPP))*, 30th session, January 12-30, 2004, recommendation 285; *Concluding comments of CEDAW: Sri Lanka*, 26th session, May 7, 2002, recommendation 283.

59 CEDAW, general recommendation No. 24, 20th session, February 2, 1999

60 Beijing Declaration and Platform for Action, Fourth World Conference on Women, Beijing, 1995, para. 106(k)

implementation in health centers and ensure women's access to the procedure, even though this is one of the Committee's recommendations.⁶¹

According to the information provided by the states, only Argentina, Jamaica, Mexico, and Uruguay have care guidelines for abortion. On this point, the Inter-American Court of Human Rights has called health a "public good for which the states are responsible,"⁶² and in its general recommendation No. 24, the Committee on the Elimination of Discrimination against Women recalls the obligation of states parties "to respect, protect and fulfil women's rights to health care."⁶³

The Committee notes with satisfaction Uruguay's enactment of Law No. 18.987 regulating the voluntary interruption of pregnancy, which establishes that "the State shall ensure the right to conscientious and responsible procreation; shall recognize the social value of motherhood; shall protect human life, and shall promote the full realization of sexual and reproductive rights for all people." Article 2 of the law decriminalizes abortion during the first 12 weeks of pregnancy, subject to the requirements established by law.

b. Obstetric violence

Belém do Pará Convention, Article 9

The States Parties shall take special account of the vulnerability of women to violence. . . . Similar consideration shall be given to women subjected to violence while pregnant.

- The Committee recommended that the states adopt provisions to criminalize obstetric violence and establish, by appropriate means, the elements that constitute a natural process before, during, and after childbirth.⁶⁴

The Committee recognizes Venezuela for criminalizing obstetric violence in its Organic Law on Women's Right to a Life Free from Violence, which defines it as "the appropriation by medical personnel of women's bodies and reproductive processes, expressed through dehumanizing treatment, the abuse of medicalization, and the pathologization of natural processes, and resulting in a loss of autonomy and capacity to decide freely about their bodies and sexuality, negatively affecting the women's quality of life."⁶⁵

With respect to the application of the law on obstetric violence, the Committee received no information regarding the number of judgments or opinions issued on obstetric violence, suggesting a gap between the law and its actual application.

61 MESECVI, 2012, *op. cit.*, p. 41, and recommendations 10 and 11

62 I/A Court H. R., Ximenes Lopes v. Brazil Case. Judgment of July 4, 2006. Series C No. 89. Available in: http://www.corteidh.or.cr/docs/casos/articulos/seriec_149_ing.pdf

63 CEDAW, general recommendation No. 24 on women and health, (A/54/38/Rev.1) (20th session, 1999), para. 13

64 Summary of Recommendation 9, which reads as follows: "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." MESECVI (2012), *op. cit.*

65 Article 15, paragraph 13, of Venezuela's Organic Law on Women's Right to a Life Free from Violence, http://venezuela.unfpa.org/doumentos/Ley_mujer.pdf

c. Forced sterilization and insemination

- The Committee recommended that the states criminalize forced sterilization as a crime under ordinary law and an act tantamount to genocide, war crimes, and crimes against humanity⁶⁶ and urged them to adopt regulations on artificial insemination and punish those who performed it without the consent of the victim.⁶⁷

The states did not provide enough information in their responses for the Committee to determine whether forced sterilization had been criminalized as a crime under ordinary law or as the Committee had recommended.

Thus, without up-to-date information regarding their laws on forced sterilization and insemination, the Committee was unable to measure possible progress on these recommendations. It stresses the importance of criminalizing forced sterilization since, as a form of reproductive coercion, it constitutes violence against women.

d. Emergency contraception and treatment

- The Committee requested that the states provide emergency contraceptives and prophylactic treatment for sexually transmitted diseases such as HIV, especially in cases of sexual violence.⁶⁸

Of the 19 countries that responded to the indicator questionnaire, only eight reported having legal provisions for the free distribution of emergency oral contraceptives, especially in cases of sexual violence.⁶⁹ The Committee received responses such as “not applicable,” “insufficient information,” or “limited access to emergency oral contraceptives in cases of sexual violence,” even when the state reported having legal provisions.

The Committee also received limited information from the states on the availability of emergency prophylactic treatment for HIV/AIDS and other sexually transmitted diseases at public health facilities in cases of sexual violence.

2. National plans: Articles 1, 2, 7 and 8c and d of the Belém do Pará Convention

Belém do Pará Convention, 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.

2.1 Plans and strategies on violence against women

- The CEVI requested that the states adopt national intersectoral plans to prevent, punish, and eradicate violence against women, together with mechanisms for monitoring, evaluation,

66 MESECVI, 2012, *op. cit.*, recommendation 12

67 MESECVI, 2012, *op. cit.*, recommendation 13

68 MESECVI, 2012, *op. cit.*, recommendation 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.” Recommendation 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.”

69 Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, and Peru

dissemination, and civil society participation, and that they establish penalties for government officials who failed to implement them.⁷⁰

Analysis of the responses to the indicators shows a wide range of plans and actions in the region. Of the 19 states that participated in this follow-up phase, all reported specific plans to combat violence, either as an action line in the context of national development or equality plans, or in the form of specific national plans or strategies to eradicate violence against women.

For the period under study, the greatest sign of progress was the crystallization of projects, plans, and strategies announced during the second evaluation phase, either as draft plans or as comprehensive new laws that have gone into effect and establish strategic lines of action.⁷¹

Another significant area of progress in the region was in the quality of reporting and publicity on budget allocations, which in previous periods were directed mostly to the operations of the national mechanisms for the advancement women. Of the 19 states participating in this follow-up phase, all reported having budget items for national or sectoral plans, projects, and strategies,⁷² although they provided less information about the specific areas to which the resources were allocated.

In addition, the CEVI notes progress in the form of the gradual establishment of government-sponsored community spaces to give affected women greater access to public policy discussions, planning, monitoring, and follow-up.⁷³ It also recognizes the important contribution of women's and feminist movements,⁷⁴ as well as other civil society groups focused on various issues.

The CEVI notes the region's progress in this area with satisfaction. Analysis of the responses to the indicator questionnaire shows that states continue to face challenges for expanding their policies on women's right to live free from violence from the private sphere to the public sphere, as well as for implementing results-based monitoring and evaluation. However, the CEVI is encouraged by the expansion and development of new plans, measures, and strategies in the region, as well as new mechanisms for their implementation and monitoring, including the system of progress indicators for measuring the implementation of the Belém do Pará Convention. This is a reflection of the states' growing awareness of the importance of monitoring in comparison with past evaluation and follow-up phases.

2.2 Violence against women in other plans, actions, and strategies

Of the 19 states that responded to the indicator questionnaire, most of those that reported coordinating with other sectors did so by including violence against women in education, health, poverty eradication, justice, and security plans.

On the subject of security, the CEVI echoes the concern of the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) regarding the existence of opportunities for incorporating gender-responsive security in regional plans and strategies. According to CLADEM,

70 MESECVI, 2012, *op. cit.*, recommendation 17: "Adopt national intersectoral 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."

71 As in the case of Bolivia, El Salvador, and Venezuela

72 This progress is discussed under Budget below.

73 Ecuador, Venezuela, El Salvador, Panama, and Brazil

74 Quito Consensus, 10th session of the Regional Conference on Women in Latin American and the Caribbean, para. 15. Available at <http://www.cepal.org/publicaciones/xml/5/29555/dsc1i.pdf>

various national and regional plans under discussion do not take into account the differences between how women and men use cities and spaces⁷⁵ and inhabit/occupy public areas.

2.3 Training and education on women's human rights and gender-based violence

The CEVI has underscored the importance of training on gender perspective and women's rights, since this can be an effective way of changing stereotypes that contribute to violence or promote impunity. In that context, it is pleased to note that 18 of the 19 states providing information—all except Barbados—reported having provided training for public employees on gender, human rights, or violence against women. Thus the CEVI can affirm the existence of a generally upward trend in training programs in these areas.

The CEVI, the Inter-American Commission on Human Rights (IACHR), and CEDAW⁷⁶ have asserted that these training programs must have mechanisms that ensure the institutionalization, efficacy, and monitoring necessary to achieve sustainable change.⁷⁷ As the Committee of Experts indicated in 2012, the challenge is to ensure that this training is not limited to sporadic workshops and activities that are not part of a permanent program or are the product of projects that are temporary or partial in nature.⁷⁸

2.4 Links with civil society organizations

- The Committee recommended that the states institutionalize the participation of civil society in the design, implementation, and evaluation of national plans on violence against women.⁷⁹

Access to information and political participation are cross-cutting, core principles of the Convention which are also highly useful for collecting data on the situation of women facing problems of inequality or structural inequality or in situations of vulnerability to violence (Article 9 of the Convention), as well as for checking the effectiveness of state policies for ensuring the rights recognized in the Convention.⁸⁰ The right of participation involves more than just the autonomous exercise of a right; it also affects real opportunities for all people to be formally vested with these rights and have a real possibility of exercising them.⁸¹

The CEVI emphasizes that consistent budgetary investment, measures for evaluating the use of budgeted resources in the policies implemented, and transparent resource implementation are the keys to

75 MESECVI, 10th Meeting of the Committee of Experts (2013), agreement 3. The CEVI urged the states to incorporate a gender perspective in their security plans and to take into account United Nations Security Council resolution 1325 on women, peace and security.

76 CEDAW, general recommendation No. 3 on education and public information programs (1987). Available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

77 IACHR, *Access to Justice for Women Victims of Violence in the Americas* (2007), and MESECVI, *Guide to the Application of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women "Belém do Pará Convention"* (2014), par. 55.

78 MESECVI, 2012, *op. cit.*, p. 54.

79 MESECVI, 2012, *op. cit.*, Recommendation 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."

80 CEVI, *Progress Indicators for Measuring the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women "Belém Do Pará Convention" (Adopted by the Committee of Experts on 21st May 2013)* (MESECVI/CEVI/doc.188/13 rev.1) (CEVI, 2013)

81 IACHR, *The Road to Substantive Democracy: Women's Political Participation in the Americas*, para. 24, citing the IA Court HR, *Case of Castañeda Gutman v. Mexico (Preliminary Objections, Merits, Reparations, and Costs)*, Judgment of August 6, 2008, para. 145. <https://www.cidh.oas.org/pdf%20files/POLITICAL%20PARTICIPATION.pdf>

enabling civil society organizations, women's groups, and interested players to participate in monitoring the use of resources and evaluating their effectiveness.

2.5 Communications media and violence against women

In view of the media's role in the exercise of the right to information and, in particular, the promotion and dissemination of women's rights,⁸² the CEVI has said that for women to exercise the right to participation effectively, as a guarantee of their ability to exercise other rights, they must be guaranteed access to information on the public policies affecting them. This is also a requirement for ensuring women's right to live free from violence. In this connection, the CEVI recognizes that the dissemination of information is absolutely fundamental in order for people in a democratic society to be able to monitor the actions of the government to which they have entrusted the protection of their rights and interests,⁸³ and for them to access and exercise the right to information held by the state.⁸⁴

Accordingly, the Committee's recommendation aimed to create the necessary spaces for coordinating national anti-violence plans with mechanisms to provide access to public information, as well as with the message promoted by the media. For this reason, the Committee also requested information on community or media-based campaigns to publicize women's rights, address violence against women and guarantee their right "to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination."⁸⁵

The CEVI did not receive specific answers regarding information of public interest disseminated through the media (e.g., program, plan, or project budget allocations and execution) or about mechanisms for facilitating access to such information. Neither did it receive information on the publication and dissemination of police, court, prosecutor's office, or health system records of complaints of violence against women.⁸⁶

The Committee continues to recommend that more vigorous efforts be made with respect to publicity and information campaigns for changing preconceptions about the stereotyped roles of women and men, which promote inequality and violence against women. It also applauds the recent efforts of several states that are monitoring the media from a gender perspective and have mechanisms for receiving complaints and eliminating sexist advertising that undermines women's integrity, and it urges states to discourage advertising that shows men and women in stereotyped roles.

3. Access to justice and specialized services: Articles 7d and f and 8c and d of the Belém do Pará Convention

The CEVI determined that the primary areas of concerns with respect to the right of access to justice were (1) the high rates of impunity in reported cases and (2) the low number of entities receiving and processing complaints of violence. Both factors were identified as two of the major obstacles to women's full exercise of their human rights and, in particular, the right to a life free from violence and the right to justice in case of its violation.

82 MESECVI, 2012, *op. cit.*, p. 56

83 CEVI, 2013, *op. cit.*

84 For further information on this subject, see Office of the Special Rapporteur for Freedom of Expression, *Estudio especial sobre el Derecho de Acceso a la Información* (Special study on the right of access to information), available in Spanish at <http://IACHR.oas.org/relatoria/section/Estudio%20Especial%20sobre%20el%20derecho%20de%20Acceso%20a%20la%20Informacion.pdf>

85 Belém do Pará Convention, Article 6b

86 CEVI, 2013, *op. cit.*, p. 14

The CEVI has held that the state has not only a negative obligation—not to prevent access to these remedies—but also a fundamentally positive one—to organize the institutional apparatus so that all individuals have access to justice. Thus states have a duty to remove normative, social, or financial obstacles that prevent or limit women’s and girls’ access to justice.⁸⁷

Effectively ensuring the right to justice also entails developing obligations to ensure that all women have access to services without discrimination, in accordance with the duty “to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.”⁸⁸

To measure the implementation of this right, the CEVI issued recommendations designed to make it possible to gage progress on compliance with the due diligence obligation. For example, it requested states (i) to provide information that could be used to assess the means, services, or institutions capable of fulfilling the obligations established in Article 7 of the Convention and (ii) to refrain (negative obligation) “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 7a)⁸⁹

All of the reporting states said that they had entities responsible for receiving complaints located in police stations. However, 13 of the reporting states said that, in addition to police stations, they had regular courts, justice of the peace courts, and public prosecutor’s offices⁹⁰ with direct jurisdiction to receive complaints of violence, as well as offices of national human rights organizations that channeled complaints against government officers who ignored the claims of victims or members of their families.

The Committee notes with concern that the states had had more trouble responding to the justice indicators than any others. It received little useful information for determining whether the states had made progress on extending coverage and, if so, whether they provided coverage in rural areas and met the criteria for adaptability for the specialized treatment of women victims of violence or non-gender-related discrimination.

a. Specialized personal

The CEVI considers the conditions in which women are served to be part of the state’s obligation not only to provide specialized services and response programs but also to ensure that these services are appropriate for women victims of violence.

Regarding specialized personnel, the Committee notes that, with the exception of Grenada and Barbados, all of the 19 countries reported one or more training programs for the police, judicial personnel, or other public employees. The Committee emphasizes the states’ increasing efforts to train employees dealing directly with cases of violence against women, as a way to contribute to the elimination of gender stereotypes and improve access to justice.

However, these training efforts notwithstanding, the CEVI notes that no state reported the existence of any measurements of structural changes in the delivery of service by public employees, despite the opening of new, specialized offices for women victims. On the contrary, it received reports of

⁸⁷ *Ibid.*

⁸⁸ Convention on the Elimination of All Forms of Discrimination against Women, Article 2

⁸⁹ MESECVI, 2014, *op cit.*

⁹⁰ Brazil, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Grenada, Paraguay, Peru, Surinam, Uruguay, and Venezuela

the persistence at the regional level of formal complaints regarding the treatment of women victims of violence.

b. Justice system protocols

The due diligence standard is a frame of reference for analyzing the acts or omissions of relevant state entities and evaluating compliance with international obligations.⁹¹ In this context, protocols can be useful tools for helping agents of the justice system act with due diligence in their investigations.

The CEVI notes evidence of significant proliferation and progress with respect to protocols. Most of the states that provided information relating to this recommendation reported having developed different protocols for investigating and trying cases from a gender perspective, as well as for assisting women victims of different types of violence, thereby standardizing their procedures and services for women victims.

3.2 Obligation to ensure access to all means, actions, and services without discrimination (Article 6 of the Convention)

The Committee notes that the states parties' responses to the indicator questionnaire provide data and show relative progress on the formal component of the rights, i.e., the expansion of the coverage and jurisdiction of the courts competent in these cases, thanks to formal recognition of violence against women in norms and laws, and the establishment of protection measures, specialized services, and penalties. However, they provided less information in response to questions about the extent to which these norms have been implemented and their impact on the daily lives of women, including women facing multiple discriminatory factors, and no information on reparation processes.

The Committee received little information on the above or with respect to the outcome indicators (i.e., percentage of cases of violence against women brought to trial, number of judgments, quality of the judgments), nor did it receive data disaggregated by specific category of women, indicating that the states do not record this data despite their obligation to do so under Article 8h of the Convention.⁹² For all of these reasons, the Committee reiterates the importance of investigating cases of violence against women with due diligence and ensuring adequate punishment. It also reiterates the duty to keep administrative records on the subject.

Regarding other measures needed to ensure women's access to justice system services, the Committee highlights the following:

a. Free legal counseling

Eleven of the states parties indicated that they had free, comprehensive legal services to safeguard the right to a life free from violence. These services are provided for by law and operate under the umbrella of their general systems of free legal aid. Even though almost all states reported having such

91 United Nations, *Model Latin American Protocol for the investigation of gender-related killings of women (femicide/feminicide)* (2014), p.3,

<http://www.un.org/en/women/endviolence/pdf/LatinAmericanProtocolForInvestigationOfFemicide.pdf>

92 Belém do Pará Convention, Article 8h: "The States Parties agree to undertake progressively specific measures, including programs . . . (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."

services, only five⁹³ reported the number of beneficiaries of free legal counseling, whether public, private, subsidized, or unsubsidized. However, the Committee notes that these figures are based on estimates rather than solid administrative records of the number of women seeking assistance in cases of violence. In another case, the state reported that certain women were “served” without indicating the type of assistance given, or whether they actually received free legal counseling and the outcome of such counseling.

b. Protection measures

- The Committee issued two recommendations on protection measures. In the first, it recommended that the states **ensure that protection orders were applied in all cases of violence against women**; monitor their application, and conduct evaluations and studies of their implementation and effectiveness.⁹⁴ In the second, it recommended that they **implement mechanisms to ensure compliance with protection orders, ensure funds for transfers, and provide rescue, transfer, and protection mechanisms.**⁹⁵

Of the 19 states, only seven provided any information for this indicator.⁹⁶ Some of the seven responding countries cited the total number of protection orders granted in various years without indicating the number of orders requested. The Dominican Republic said that “50 percent of the measures are protection orders involving violence against women,” but it did not say if this percentage was based on requested orders or on other measures. In other words, the Committee did not have the data or the statistics to determine the basis of this calculation.

The Committee points out that Surinam was the only country to demonstrate that it had reliable administrative records with official figures on the number of protection orders requested and the number of orders granted. As of September 2013, Surinam had received 148 requests and had granted 71 (approximately half).

c. Rescue and transfer mechanisms

Eleven of the states parties reported that they had judicial procedures with mechanisms for enforcing protection measures and providing for the safety of women victims of violence.

93 **Chile:** The Legal Aid Corporation (CAJVAL) of the Ministry of Justice recorded 471 women victims of violence; the National Office of Women's Affairs (SERNAM) recorded 20,800 users. **Guatemala:** Reports that the Institute of Public Criminal Defense serves between 15,000 and 18,000 women a year and that civil society organizations handle a maximum of 1,000 cases a year. **Panama:** In 2012, the Women's Comprehensive Counseling and Information Center (COIM) received 124 cases and referred them to other entities. **Peru:** The Women's Emergency Centers (CEM), the Emergency Response Service (SAU), and the Free Legal Assistance Program (ALEGRA) provide assistance in cases of family and sexual violence. In 2012, the CEM and the SAU handled 44,346 cases combined. In 2011, ALEGRA handled 1,713. **Venezuela:** The National Office for the Defense of Women's Rights provided legal and other assistance at the national level to 5,606 women at risk of violation of their fundamental rights, with an emphasis on victims of gender violence. Of these women, 692 were in prison. In addition, 3,550 women from our communities received counseling and information at 71 events to promote and publicize the Organic Law on Women's Right to a Life Free from Violence in the 22 of the parishes of the capital district. A total of 9,156 women were served, counseled, and informed.

94 MESECVI, 2012, recommendation 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.”

95 MESECVI, 2012, recommendation 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.”

96 Brazil, Chile, Costa Rica, Dominican Republic, Guatemala, Paraguay, and Surinam

Despite this information on specific mechanisms, the CEVI did not receive sufficient quantitative or qualitative data to evaluate and monitor the enforcement and effectiveness of protection orders. For that reason, it reiterates its recommendations, along with its request to states that they collect and report data on the measures they implement, the facilities and type of protection they provide to women subject to violence, and their effectiveness.

d. Procedural guarantees

Seven of the states parties (Brazil, Chile, Colombia, Dominican Republic, Guatemala, Peru, and Venezuela) reported having constitutional remedies such as the writ of amparo, the *acción de protección*, or the *acción de tutela*. However, none provided details on their regular use by women or the organizations defending them. These states also reported having systems of procedural guarantees for court proceedings on violence, including guarantees of (i) the independence and impartiality of the court; (ii) reasonable timeframes; (iii) equality of arms; (iv) the principle of *res judicata*; and (v) appeal to a higher court.

e. Reparation of victims

With respect to data on the number of judgments or decisions on the reparation of victims, of the 11 countries that reported having reparation mechanisms, only Chile indicated the number of decisions including reparations.

The duty to offer women victims of violence effective judicial protection, under conditions of equality and free from any form of discrimination, involves four obligations: prevention, investigation, punishment, and reparation of any human rights violations.⁹⁷

The Committee notes that while the countries report having the legal framework, they do not provide information about specific cases of record in which women victims of violence actually received reparations for damages. It recalls that reparation is one of the fundamental components of access to justice and that, according to the Inter-American Court of Human Rights, reparations should be made with a gender perspective, taking into account the specific needs and priorities of the women victims.⁹⁸

3.3 The obligation to guarantee quality in policies, actions, and services provided to ensure women's right to live a life free from violence

- The Committee recommended that the states make studies or compilations of instances of the application of the Belém do Pará Convention in judgments and opinions on violence against women,⁹⁹ as well as studies of judgments and decisions containing stereotypes, prejudices, myths, and customs in cases involving women victims of violence.¹⁰⁰

a. Publicity and transparency in the justice system

97 MESECVI, *Guide to the Implementation of the Belém do Pará Convention* (2014), p 31,

<http://www.oas.org/es/mesecvi/docs/BdP-GuiaAplicacion-Web-EN.pdf>

98 United Nations, *Report of the Special Rapporteur on violence against women, its causes and consequences* (A/66/215) (New York: United Nations, 2011), [https://documents-dds-](https://documents-dds-ny.un.org/doc/+UNDOC/GEN/N11/439/45/pdf/N1143945.pdf?OpenElement)

<https://documents-dds-ny.un.org/doc/+UNDOC/GEN/N11/439/45/pdf/N1143945.pdf?OpenElement>

99 Summary of Recommendation 28, which reads as follows: “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.”

100 Summary of Recommendation 29, which reads as follows: “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.”

The CEVI received no information from any of the states that would indicate a positive regional trend of publicizing public policies arising from the judiciary, nor in the substantive aspects of decisions handed down in application of national laws, nor in budget allocation and execution in this area.¹⁰¹

As with the other indicators, there was a tendency to give little detailed information about the number of complaints of violence received, investigated, and settled by the competent national human rights institutions. Four states provided heterogeneous data on some offenses but not others, and the majority simply skipped this indicator or reported that they had no information.

Given the absence of regional statistics about favorable decisions on complaints brought by women in the region, and given that complaints far outnumber judgments, the CEVI reiterates that the impunity attending crimes against women and girls sends the message that violence against women is tolerated, which encourages its perpetuation and social acceptance and feeds women's feeling and sense of endangerment and their abiding mistrust of the justice system.

b. Studies on the application of the Convention

To gauge implementation of this recommendation, the Committee requested information on judgments and opinions that applied and incorporated the Belém do Pará Convention. Of the 19 states, only four¹⁰² answered the question about direct application of the Convention in their judicial decisions. The Committee recognized that Paraguay was the only state to provide specific data on judgments and opinions that applied the Convention. Paraguay indicated that, in 2011, of the 814 judgments analyzed, 265 cited the Belém do Pará Convention, and 56 applied it directly. It did not explain the basis for this distinction.

3.4 Obligation of adaptability: Developing policies and institutions and providing services geared to the needs of women

Only eight states reported on legislation and rapid-response mechanisms to protect young and adolescent girls and elderly, indigenous, and rural women who were victims of violence with a fair degree of detail. Of these states, Bolivia, Brazil, and Costa Rica indicated that they had legislation with explicit protections. Guatemala reported that it had various institutions, including the Office for the Defense of Indigenous Women and the Institute of Public Criminal Defense (IDPP), which guarantee the availability of interpretation services so that women can speak their native languages; the Office of the Defender of the Rights of Children and Adolescents; the children's and adolescents' courts; the Office of the Attorney General, the Model for Comprehensive Services for Victims of Violence against Women and Women Victims of Sexual Violence, and other courts (Ministry of Justice, Ministry of Health and Social Assistance, the judiciary apparatus).

However, the states did not provide specific information about services for indigenous women in their native languages, translation services, or training on women's human rights in context indigenous justice.

4. BUDGET

101 Only Colombia, Costa Rica, and Uruguay made general reference to annual accountability reports. In the case of Uruguay, the report is presented on March 8 in the context of the celebration of International Women's Day.

102 Dominican Republic, Guatemala, Paraguay, and Peru

- The Committee recommended that the states approve sufficient budget appropriations for the execution of public policies and plans,¹⁰³ identify national budget figures or percentages earmarked for services for women victims of violence within various organisms,¹⁰⁴ and disseminate information on the percentage of the budget allocated to the national women's mechanisms.¹⁰⁵

The Committee has stressed that policies on the protection of women's rights should not only work on paper, but should also have sufficient funding from the general budget to implement them with the widest possible coverage, for as much and as long as required to fully realize the right of women and girls to live lives free from violence.

4.1 National budget laws with funds earmarked for the implementation of laws, programs, and plans on violence

Of the 19 states that responded to the indicator questionnaire, 13 provided information as to whether they had a national budget law with funds earmarked for implementing laws, programs, or plans to combat violence.¹⁰⁶ In its analysis of the responses to the indicators, the Committee noted varying degrees of fiscal commitment and budgetary capacity with respect to gender policies and addressing violence against women.

The region is quite diverse with respect to budgets. Some countries have national budget laws. Others reported that they had a budget and/or earmarked funds even though they did not have (or did not mention) national budget laws. Others provided the Committee with only scant information.

The Committee notes several positive trends in the region in regard to its budget-related recommendations. First, it observes some progress at this stage, in that several states reported having begun or stepped up efforts to develop budgets with a gender perspective by incorporating a gender approach in their national laws and budgets. Second, the Committee welcomes the fact that most of the countries with comprehensive laws on violence, and even others without them such as Ecuador and Grenada, have begun to include violence against women in their budget classifiers and reported investing in programs and institutions working to eradicate gender violence.

Third, there is a slow but positive trend towards specific appropriations for gender-equality issues, including prevention, response to, and punishment of violence against women.

4.2 Providing information on the percentage of the budget allocated to national women's mechanisms¹⁰⁷ and issues related to violence against women

103 Summary of Recommendation 34, which reads as follows: "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."

104 Summary of Recommendation 36, which reads as follows: "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."

105 Summary of Recommendation 35, which reads as follows: "Establish mechanisms that allow the provision of information on the percentage of budgets allocated to national women's mechanisms."

106 Brazil, Bolivia, Colombia, Dominican Republic, Ecuador, Grenada, Guatemala, Mexico, Panamá, Paraguay, Peru, Uruguay, and Venezuela

107 Summary of recommendation 35, which reads as follows: "Establish mechanisms that allow the provision of information on the percentage of budgets allocated to national women's mechanisms."

The Committee notes that various states prepare publications and budget reports within the context of their general accountability obligations, although this does not necessarily mean that they call attention to specific measures or resources used to eradicate violence against women.

While publishing general budget information annually is a step forward, the CEVI encourages states to provide detailed budget execution information and report specific amounts allocated to violence against women and women's advancement mechanisms regularly in accessible formats, in keeping with its recommendations.

5 INFORMATION AND STATISTICS

Belém do Pará Convention, Article 8h

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

The Committee has emphatically urged the states to step up efforts and investment to generate and collect quantitative and qualitative data disaggregated by sex, ethnicity, race, age, marital status, socio-economic status, and migratory status, among other characteristics, in accordance with the standards for methodological and statistical validity and reliability.¹⁰⁸

The Committee notes progress and challenges with respect to the formal and structural aspects of data collection and statistics. First, it finds a correlation between countries that have comprehensive laws on violence against women or laws on gender-related violence and the existence of a state obligation to produce studies and statistics on the subject. This is largely because these comprehensive laws often contain an article explicitly establishing a state obligation to collect information and statistics on this subject.

5.1 Surveys and data on violence against women

The Committee recommended that the states parties develop surveys on three fundamental subjects in order to evaluate the causes, consequences, and frequency of violence against women. Specifically, it asked for information about surveys on violence against women, women's knowledge of their rights, and women's knowledge of the government services available to them.

In assessing follow-up on those recommendations, the CEVI noted that at this point 12 countries in the regional currently have statistics on the prevalence of violence based on various kinds of surveys or records. Of the 12 states parties to the Convention included in the recent Pan American Health Organization (PAHO) report,¹⁰⁹ eight provided specific information on surveys they had conducted and rates of violence in response to the indicator questions. The surveys were carried out by their statistics offices or at medical facilities, and all of them were about various forms of violence against women.

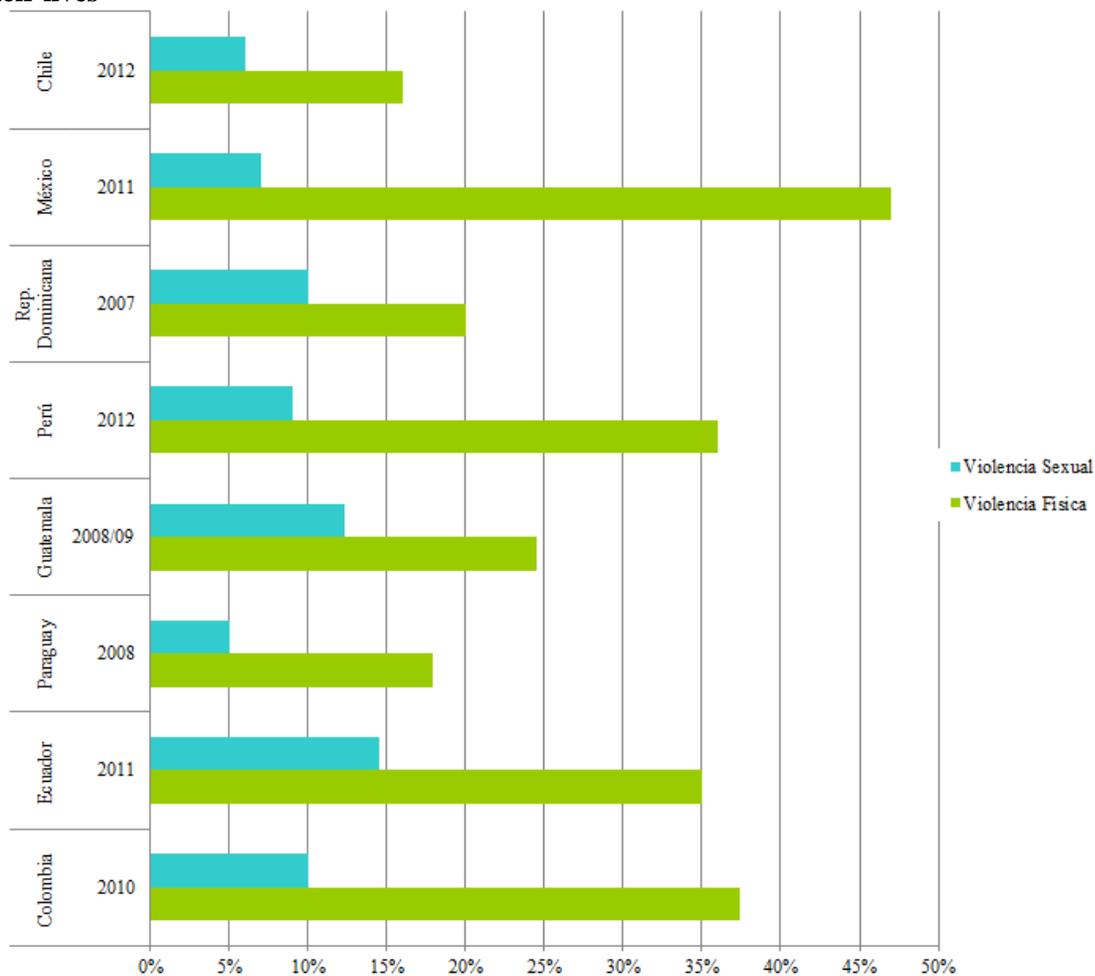
108 MESECVI, 2013, *op. cit.*

113 The Pan American Health Organization report *Violence against Women in Latin America and the Caribbean* analyzes the incidence of violence against women using population-based data from demographic health surveys (DHS) and reproductive health surveys (RHS). For more information, see http://www.paho.org/hq/index.php?option=com_content&view=article&id=8175%3A2013-violence-against-women-latin-america-caribbean-comparative-analysis&catid=1505%3Aabout-us&lang=en

The Committee of Experts notes that, despite progress on surveys, there is still a dearth of consistent and comparable statistics on violence against women. In the Americas, the data show a difference between Latin America and the Caribbean. Latin America has more information and data on the states parties' efforts to reduce violence against women, while the Caribbean faces greater challenges for generating data.

The data on sexual and physical violence had the best comparability. Other types of violence, such as psychological, property, or financial violence and forms of violence that occur in the public or community sphere involved more variables, and the more complex analysis required to identify comparable data was beyond the scope of the report.

Graph 1. Physical violence and sexual violence experienced by women in the region at some point in their lives



Prepared for this report¹¹⁰

The percentages of sexual and physical violence, shown above, were the easiest for the CEVI to compare. As the graph illustrates, in the eight states that responded, the rates of physical violence were

110 MESECVI Technical Secretariat data from surveys on violence against women conducted in the eight states parties that provided information for the “violence rates” outcome indicator.

double or triple those for reported sexual violence. However, the CEVI acknowledges that even this data was of limited comparability, since each state may have different and complex definitions of sexual or physical violence, or of violence against women committed by an intimate partner or former intimate partner, ever or in the last 12 months. The above graph summarizes the percentages for the surveys reported by these eight states, which were conducted over a five-year period (2007-2012). It shows violence committed by an intimate partner or former intimate partner at any time in the women's lives (blue=sexual violence, green=physical violence).

The CEVI consulted works on the comparability of statistics on physical and sexual violence. In this connection, it noted that the Pan American Health Organization (PAHO) had conducted a comparative analysis of population-based data on violence against women from 12 countries in Latin America and the Caribbean. In its analysis, the PAHO reports on sexual violence by an intimate partner ever and in the past 12 months.¹¹¹ Three of the states included in this analysis (Ecuador, Colombia, and Peru) provided new, disaggregated data on sexual and physical violence at any point in women's lives, as did Chile and Mexico, which were not included in the PAHO study.

The CEVI presents new data based on the information provided by the states in response to the indicator questionnaire, which it disaggregates by type of violence. Other statistics provided by the states are not presented in this section, because they are not comparable, but they can be found in the country reports or in the answers to the indicator questionnaire of each state that keeps statistics on this subject.

The figures for the region seem to support the data on violence against women of the World Health Organization (WHO). Its figures indicate that 35 percent of women worldwide have experienced intimate partner violence or sexual violence by a non-partner at some time in their lives. On average, 30 percent of women who have been in a relationship have experienced physical and/or sexual violence by their intimate partner, and globally, 38 percent of murders of women are committed by an intimate partner.¹¹²

With respect to data disaggregated by sex, the Committee notes that the health sector has more developed and sustainable statistical systems which, in some countries, collect data on intersectionalities, such as women's age, race, or ethnicity, and could provide a model for implementing statistical systems in the justice system. In that context, the Committee stresses the importance of expanding data collection to key players such as the justice system, rather than relying solely on surveys. The Committee also reiterates the importance of conducting studies on how women experience violence or overcome the barriers to women's access to justice.

111 Pan American Health Organization, *Violence against Women in Latin America and the Caribbean: A Comparative Analysis of Population-Based Data from 12 Countries* (Washington, DC), http://www.paho.org/hq/index.php?option=com_content&view=article&id=8175%3A2013-violence-against-women-latin-america-caribbean-comparative-analysis&catid=1505%3Aabout-us&lang=en

112 World Health Organization, fact sheet No. 23, October 9, 2013, Intimate partner and sexual violence against women, <http://www.who.int/mediacentre/factsheets/fs239/en/>