

MEDIATION IN CASES OF VIOLENCE AGAINST WOMEN



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The Committee of Experts of the MESECVI¹ recommends that States eliminate mediation, conciliation, and in general, all methods for out-of-court settlement of cases of gender-based violence.

Of the
19 STATES²
that participated in the Second Follow-Up Report:

Argentina, Colombia, Ecuador, El Salvador, Guatemala, Mexico, and Venezuela³ prohibit mediation in cases of violence against women.

Brazil and Peru prohibit mediation and conciliation in cases of domestic violence.

Bolivia, Costa Rica, Panama, Paraguay, and the Dominican Republic allow mediation in one or several cases of violence against women.



Why eliminate mediation?

Because the conditions of equality necessary for a fair negotiation do not exist. Mediation compounds risks and hampers victims' access to justice. Furthermore, it sends a message of impunity, permissiveness, and tolerance towards violence against women.

Challenge: Make institutional, political, and cultural changes to prevent women who turn to the justice system from being pressured or forced to use alternative measures.

WHAT DOES THE BELÉM DO PARÁ CONVENTION SAY?

Article 7: The States Party undertake to take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women.

Additional source and resources: *Second Follow-Up Report on the Recommendations of the Committee of Experts of the MESECVI*, available at <http://www.oas.org/en/mese cvi/docs/MESECVI-SegundoInformeSeguimiento-EN.pdf>

¹ Follow-up Mechanism to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Belém do Pará Convention."

² Barbados, Chile, Grenada, Suriname, and Uruguay did not respond regarding the prohibition or use of conciliation and mediation methods for settling cases of violence against women.

³ In Venezuela, mediation is not expressly prohibited; however, gender-based violence is classified as a human rights violation. See Organic Law on Women's Right to a Life Free from Violence. Preamble and Article 5 and Organic Code of Criminal Procedure (COPP) Articles 37 and 313.