



*Mechanism to Follow Up on the  
Implementation of the Inter-American  
Convention on the Prevention, Punishment and  
Eradication of Violence against Women  
“Convention of Belém do Pará” – MESECVI*

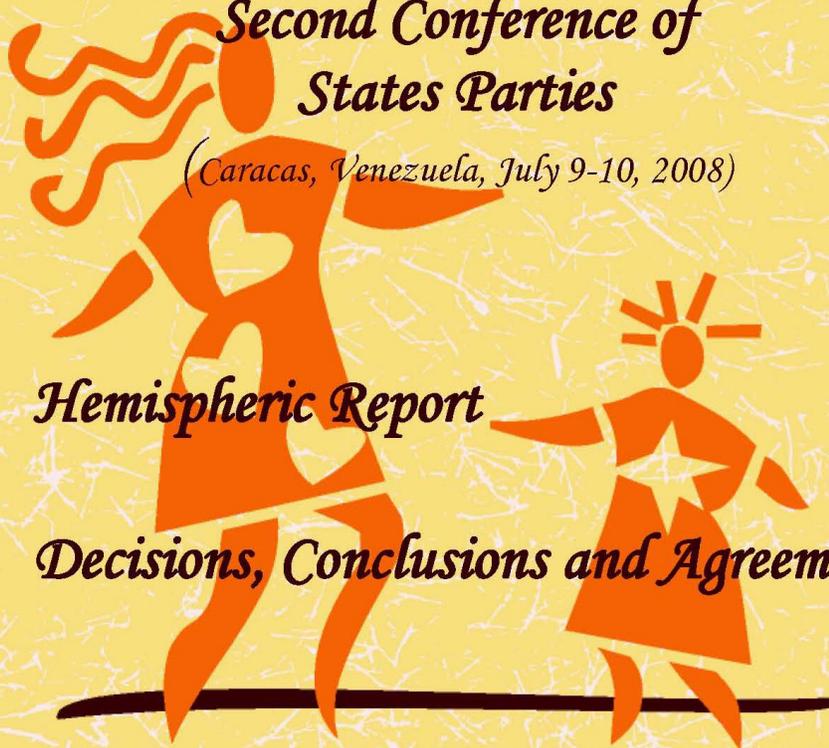
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*First Multilateral  
Evaluation Round:*

*Second Conference of  
States Parties*

*(Caracas, Venezuela, July 9-10, 2008)*

- *Hemispheric Report*
- *Decisions, Conclusions and Agreements*





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## HEMISPHERIC REPORT

(Adopted at the Second Conference of States Parties,  
held in Caracas, Venezuela, July 9-10, 2008)

## INTRODUCTION

The Committee of Experts (CEVI) of the Mechanism to Follow Up on the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, “Convention of Belém do Pará” (MESECVI), submits its first Hemispheric Report, the result of the multilateral evaluation that began in July 2005 and ended in July 2007. The report evaluates the compliance of the States Parties with the obligations they took on by ratifying the Convention and presents recommendations for the effective implementation of the Convention.

Thirteen years after the adoption of the Convention of Belém do Pará, and three years after the creation of MESECVI, this report is a significant effort to assess the situation of violence against women<sup>1/</sup> in Latin America and the Caribbean, as well as the progress made and the obstacles faced by the States Parties as they implement the Convention. At the same time, this report constitutes an indicator of the obstacles and challenges faced in the fight against violence against women in the region.

Violence against women is the product of historic and social circumstances that violated their human rights. This was legitimized, both socially and by the State, through legislation and public policy, or the lack thereof. Thus, it is commendable that the States address this problem by applying clear, appropriate, and effective policies.

The Convention of Belém do Pará approaches this regional problem broadly from the political, juridical, social, economic, and cultural spheres. Major achievements in the prevention and punishment of violence against women have been attained, and there is greater awareness on the part of the States on the need to address this issue. Nevertheless, much still needs to be done to make effective the right of women to a life free of violence.

For this report, systematization was carried out for the results found in the country reports according to the four issues prioritized in the questionnaire: legislation, regulations, and national plans; access to justice; national budget; and information and statistics.<sup>2/</sup> The report is based on the Experts’ evaluation of the responses of twenty eight (28) states of the region to the questionnaire approved by the CEVI, and it covers the information submitted up to July 2007. The Committee also took into account five shadow reports and complementary documentation presented by nongovernmental organizations (NGOs) to the CEVI and other international organs and entities.<sup>3/</sup>

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1. As there is no consensus regarding adequate terminology to refer to women, the present document uses phrases such as “women victims of violence,” “women who are subjected to violence,” and “women who have suffered violence.”

2. Available online at: <http://www.oas.org/cim/Documentos/MESECVI/CEVI/doc.5/06 rev. 1>.

3. Shadow reports from Argentina (CLADEM), El Salvador (CLADEM), Honduras (CLADEM), Peru (CMP Flora Tristán), and Uruguay (CLADEM) were submitted.

## BACKGROUND

*“...violence against women constitutes a violation of their human rights and fundamental freedoms, and impairs or nullifies the observance, enjoyment and exercise of such rights and freedoms.”*

(Convention of Belém do Pará – Preamble)

The Inter-American Commission of Women (CIM) had the responsibility and the privilege of being the specialized organ of the Organization of American States (OAS) that changed the way in which the issue of violence against women was dealt with in the Hemisphere. The CIM undertook the preparatory work and a consultation process with the governments of Member States on the feasibility of a convention to address this issue.

At the twenty-fourth regular session of the General Assembly of the OAS, the CIM presented a draft convention that was subsequently adopted by acclamation as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, “Convention of Belém do Pará.” This Convention entered into force on March 5, 1995, and to date it has been ratified by 32 States.

Five years after the entry into force of the Convention, the CIM carried out research<sup>4/</sup> that showed that the Convention’s objectives were not being met. It then received a mandate<sup>5/</sup> to initiate actions to elaborate a draft Mechanism to Follow Up on the Implementation of the Convention of Belém do Pará. This mandate ended when the Secretary General of the OAS convened the Conference of States Parties to the Convention, held on October 26, 2004, at which the Statute of the Mechanism to Follow Up on the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, “Convention of Belém do Pará” (MESECVI), was adopted.

By adopting the MESECVI, the States Parties expressed their political will to have a consensus-based and independent system to monitor the advances made in fulfilling the Convention and accepted that they would implement the system’s recommendations.

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4. VIOLENCE IN THE AMERICAS – A Regional Analysis, Including a Review of the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

5. The OAS General Assembly adopted the following resolutions under the MESECVI: 1) AG/RES. 1942 (XXXIII-O/03), receiving the biennial report on compliance with the Convention of Belém do Pará and urging the Secretary General to convene, in coordination with the CIM, the Conference of States Parties to the Convention of Belém do Pará to adopt a decision on the most suitable way to ensure follow-up on the Convention; 2) AG/RES. 2012 (XXXIV-O/04), urging all states to continue, inter alia, supporting the CIM’s efforts in the process of establishing and implementing the Follow-up Mechanism to the Convention; 3) AG/RES. 2138 (XXXV-O/05), urging Member States, inter alia, to continue advancing in the process of implementing the MESECVI; 4) AG/RES. 2162 (XXXVI-O/06), receiving the annual report on the implementation of the MESECVI and inviting all the governments to contribute to the specific fund created at the OAS to finance it; 5) AG/RES. 2330 (XXXVII-O/07), acknowledging the submitted report, expressing its approval of the progress made during the first multilateral evaluation round, and urging the governments to strengthen the Mechanism.

The MESECVI was designed to follow up on the commitments undertaken by the States Parties to the Convention, to contribute to the achievement of the objectives established in it, and to facilitate technical cooperation between the States Parties, as well as with other OAS member states and permanent observers. It is based on the principles of sovereignty, non-intervention, and juridical equality of the states, and on respect for the principles of impartiality and objectivity in its functioning, in order to guarantee fair application and equal treatment for the States Parties.

The Mechanism consists of two organs: The Conference of States Parties, which is the political body, and the Committee of Experts (CEVI), which is the technical body comprised of specialists in the subject matter covered by the Convention. The Experts are appointed by the governments, and they perform their duties in their personal capacity. The Secretariat of the Conference and the Committee is the Permanent Secretariat of the CIM, where the headquarters of the MESECVI has been established. Additionally, the States Parties appoint Competent National Authorities (CNAs), who serve as links between the Secretariat and the governments.

For each multilateral evaluation round, the CEVI adopts a questionnaire addressing the provisions of the Convention to be analyzed and sends it to the CNAs. On the bases of the responses to the questionnaires made by the CNAs and the information gathered, the CEVI issues a hemispheric report and country reports and makes recommendations on which it must follow up. Once the final report is approved by the Conference of States Parties, it is published and submitted to the General Assembly of the OAS and the CIM's Assembly of Delegates.

## SYSTEMATIZATION OF THE RESULTS OF THE EXPERTS' EVALUATION REPORTS

### CHAPTER 1 LEGISLATION, REGULATIONS, AND NATIONAL PLANS

#### 1.1. Legislation

The objective of this part of the questionnaire was to review legislation, regulations, or legal reforms that contributed to the prevention, punishment, and eradication of violence against women. Although information on violence against women in general was sought, some questions hinged on specific forms of violence against women, especially transnational forms of violence against women, such as trafficking in persons and forced prostitution.

The following table summarizes the existence of legislation on violence against women, focusing on intrafamily or domestic violence, rape within marriage, trafficking in persons, and forced prostitution. It should be stressed that, for the purpose of the present table, the term “domestic or intrafamily violence” is used, as this is the concept used by the States in responding to the questionnaire. This analysis takes note of whether the norms are in agreement with the Convention of Belém do Pará and other related international instruments, such as the Rome Statute of the International Criminal Court (ICC); and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (Palermo Protocol).

TABLE N° 1

#### LATIN AMERICAN AND CARIBBEAN STATES THAT HAVE INCLUDED PROVISIONS TO PREVENT, PUNISH, AND ERADICATE SOME FORMS OF VIOLENCE AGAINST WOMEN IN THEIR NATIONAL LEGISLATION

State	Domestic or intrafamily violence	Rape within marriage	Trafficking	Forced prostitution	Sexual harassment
Antigua and Barbuda	Yes	Yes: Sexual Offences Act and Domestic Violence (Summary Proceeding) Act	It is not clear <sup>6/</sup>	No	Not mentioned

6. The State mentioned the ratification of the Palermo Protocol but did not mention a national law to implement it, nor did it clarify whether this Protocol was automatically included in national law.

<b>State</b>	<b>Domestic or intrafamily violence</b>	<b>Rape within marriage</b>	<b>Trafficking</b>	<b>Forced prostitution</b>	<b>Sexual harassment</b>
<b>Argentina</b>	Yes	No	As “international trafficking for the purpose of prostitution”	As “international trafficking for the purpose of prostitution”	Yes
<b>Barbados</b>	Yes	Yes	No	Yes	Not mentioned
<b>Belize</b>	Yes	Yes	Yes	Not mentioned	Yes
<b>Bolivia</b>	Yes	Not mentioned	Yes	Yes	Not mentioned
<b>Brazil</b>	Yes	No, but it is covered within the generic type of rape	Yes	Yes	Yes
<b>Chile</b>	Yes	Yes, except when there is no force or intimidation	Yes, but not in accordance with international treaties	Yes, but not in accordance with international treaties	Yes
<b>Colombia</b>	Yes	Yes	Yes	Not mentioned	Yes, in the labor area
<b>Costa Rica</b>	Yes	Yes	Yes	Not mentioned	Yes
<b>Dominica</b>	Yes	No	Not mentioned	Not mentioned	Not mentioned
<b>Ecuador</b>	Yes	Not specifically, but it is an aggravating factor if the rape perpetrator is the spouse or mate.	Yes	Yes	Yes
<b>El Salvador</b>	Yes	No, but it is covered within the generic type of rape	Yes	Yes	Not mentioned
<b>Guatemala</b>	Yes	No	Yes	Not mentioned	No
<b>Guyana</b>	Yes	No	Yes	Not mentioned	Not mentioned
<b>Haiti</b>	It is not clear	No	Yes	Not mentioned	Not mentioned
<b>Honduras</b>	Yes	No, but it is covered within the generic type of rape	Yes	Not mentioned	Yes

State	Domestic or intrafamily violence	Rape within marriage	Trafficking	Forced prostitution	Sexual harassment
Jamaica	Yes	Not mentioned	Yes	Not mentioned	No, but there is a draft bill
Mexico	Yes	Yes	No	Not mentioned	In 17 of the federation's States
Nicaragua	Yes	No	Yes	Not mentioned	Not mentioned
Panama	Yes	No, but it is covered within the generic type of rape	Yes	Not mentioned	Yes
Paraguay	Yes	No, but it is covered within the generic type of sexual coercion	Yes	Not mentioned	Yes
Peru	Yes	Yes	Yes	Yes	Yes
Dominican Republic	Yes	Yes	Yes	Not mentioned	Not mentioned
Saint Lucia	Yes	Yes	No	No	Yes
Suriname	Only some forms	No	Yes	No	No
Trinidad and Tobago	Yes	Yes	No	No	Not mentioned
Uruguay	Yes	No, but it is covered within the generic type of rape	No	No	Yes, only work-related
Venezuela	Yes	Yes	Yes	Yes	Yes

Source: Responses from the States to the questionnaire sent by the CEVI Reports from the Experts

According to the responses from the States, most of the CEVI's observations centered on the following points:

- **The States limited their responses on violence against women to some aspects of violence against women within the scope of the family, domestic unit, or interpersonal relationships.** This limitation was detected in all States' responses to the questionnaire, and a significant number of Experts did not mention this limitation in their reports. The efforts by the States and the Experts on the reporting and evaluation of violence against women in the family, domestic unit, or interpersonal relationships are worth mentioning. In this sense, we emphasize that, in the future, it will be necessary to insist that the governments take into account and enact legislation that includes the broad notion of violence against women set forth in the Convention of Belém do Pará.
- **The States persist in the use of the terms “intrafamily violence” and “domestic violence.”** The terminology used is out of step with the Convention of Belém do Pará, which considers that violence against women includes not only what happens within the scope of

the family, domestic unit, or interpersonal relationships, but also sexual violence, torture, trafficking, and what is tolerated or allowed by the State or its agents. Under the Convention's Article 8 b, the States Parties agree "... to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs, and all other practices based on the idea of the inferiority or superiority of either of the sexes..."

As a result, the main weakness noted is that both expressions refer to violence that occurs within the family, against any member of the family, whether male or female. With this approach, we lose track of the fact that violence against women finds historical legitimacy, in society as well as in the State, in the violation of their rights.

Also, by focusing on violence against women within the scope of the family, domestic unit, or interpersonal relationships only as "intrafamily violence" or "domestic violence," States exclude violence suffered at the hands of cohabiting partners, boyfriends, ex-spouses, or people who, without being legally related to a woman, maintain an interpersonal relationship with her.

The terminology reflects a conflict between the concept of violence as perceived by the States and that established in the Convention.

- **The States have taken actions in their national legislation to regulate violence within the scope of the family, domestic unit, or interpersonal relationships.** Most States have legislation in effect punishing this form of violence, especially after they ratify the Convention. This legislation includes the punishing of violence against women within the scope of the family in the criminal codes or special laws, or special protection orders for its victims, the creation of special courts for this type of complaint, or a combination of all three.

This advance is also due to the orientation given to this issue within international and regional bodies, which had carried out previous work on drafting model laws and policies to guide the States.<sup>7/</sup> Some States already had this type of legislation in place before signing the Convention of Belém do Pará, although not necessarily including its broad notions regarding violence against women, its causes, situations in which it occurs, or its perpetrators. Such legislation did not reflect the need to implement public policies as defined by the Convention, nor did it recognize violence against women as a human rights' violation, or consider the diversity of women in Latin America and the Caribbean.<sup>8/</sup>

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7. In the case of Latin America, review PAN AMERICAN HEALTH ORGANIZATION, *Model Laws and Policies on Intra-family Violence Against Women*. Washington, D.C.: OPS, 2004. In the case of the Caribbean, review model legislation on domestic violence, sexual harassment, and sexual offences at: [http://www.caricom.org/jsp/secretariat/legal\\_instruments/model\\_legislation\\_domestic\\_violence.jsp](http://www.caricom.org/jsp/secretariat/legal_instruments/model_legislation_domestic_violence.jsp); [http://www.caricom.org/jsp/secretariat/legal\\_instruments/model\\_legislation\\_sexual\\_harassment.jsp](http://www.caricom.org/jsp/secretariat/legal_instruments/model_legislation_sexual_harassment.jsp); and [http://www.caricom.org/jsp/secretariat/legal\\_instruments/model\\_legislation\\_sexual\\_offences.jsp](http://www.caricom.org/jsp/secretariat/legal_instruments/model_legislation_sexual_offences.jsp).

8. The CEVI concluded that it is necessary to provide visibility to the experiences of all women. By doing so, the Convention of Belém do Pará will have a positive impact on prevention, punishment, and eradication of violence against them. The monitoring of the implementation of the Convention of Belém do Pará must take into account, in accordance with this analysis, the needs of indigenous women; Afro-descendant women; girls, adolescents, and elder women; women discriminated against due to their sexual orientation;

On the other hand, some countries had legislation on violence in general, to which they tagged on provisions regarding intrafamily violence that were not in line with the stipulations of the Convention. It treats the problem of violence against women without a gender perspective, as it does not take into account its specific causes.

Finally, the CEVI is concerned that although the States have taken action to regulate their national legislation on violence within the scope of the family, domestic unit, or interpersonal relationship, some of the regulations are gender-neutral; that is, applicable to both men and women. This implies the risk of using such regulation against women; therefore, it would not comply with the objective of Article 7 c) of the Convention, which stipulates the adoption of provisions that may be needed to prevent, punish, and eradicate violence against women.

- **A minority of States have laws referring to sexual violence within marriage.** The CEVI has found that few States penalize rape within marriage. The others do not have any provisions in this area, although six States have stated that, despite not having specific legislation, it is possible to judge this type of violence under the generic types of rape and assault and battery or bodily harm.

Nevertheless, it is striking that even though the inquiry in the questionnaire regarding *sexual violence within marriage* was broad, most States referred only to *rape* within marriage, not the other forms of violence against women that can occur within a marital relationship or de facto marriage.

On the other hand, the CEVI found that those States that assured that they would judge rape within marriage under other types of criminal codes conceal this issue, not taking into account the historical situation of women's human rights violations, even in a consensual relationship.

- **Most States have provisions in their legislation against trafficking in persons.** According to the table, more than half of the States have some provision in their legislation prohibiting trafficking in persons, especially women, girls, and boys, and punishing such trafficking in their penal codes. On the other hand, one of them already has a bill pending concerning this matter, which shows a positive tendency in the region with respect to taking measures to prevent, punish, and eradicate this scourge.

However, the CEVI notes with concern that **most of these provisions are not in accordance with international law**, especially the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. This Protocol defines trafficking in persons as:

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall

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women who live in poverty; illiterate women; refugee and displaced women; women victims of armed conflicts or systematic violations of human rights; women deprived of their freedom; women with disabilities; women who work as housekeepers; and women who work as prostitutes, among others.

include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

- **Most States do not mention whether they have provisions against forced prostitution.** Only a few States have provisions in their legislation against forced prostitution. Five other States admitted not having any legislation on the subject, while the others made no mention of the subject. In some cases, States claimed that they had pertinent legislation on the subject but cited only laws on trafficking in persons.

Thus, the CEVI recommends that States consider the Elements of Crimes document annexed to the Rome Statute that establishes the International Criminal Court. This document pinpoints among the elements of the crime of forced prostitution:

1. The perpetrator caused one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.
2. The perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature.<sup>9/</sup>

The following table includes information on legislative questions related to procedure, such as redress, treatment programs for perpetrators, and punishment for public officials who do not enforce laws against violence and rules that require training.

**TABLE N° 2**

**LATIN AMERICAN AND CARIBBEAN STATES THAT INCLUDE SOME PROVISION ON REDRESS, PROGRAMS FOR PERPETRATORS, MANDATORY TRAINING FOR OFFICIALS, AND PUNISHMENT FOR OFFICIALS WHO FAIL TO COMPLY WITH RULES ON VIOLENCE AGAINST WOMEN**

<b>State</b>	<b>Redress for women victims of violence</b>	<b>Obligatory programs for perpetrators</b>	<b>Mandatory training for officials</b>	<b>Punishment for officials</b>
<b>Antigua and Barbuda</b>	No, but a judge can order it	No	No	No, but a court action can demand compliance with the law

9. INTERNATIONAL CRIMINAL COURT. Elements of Crimes. Doc. ICC/ASP/1/3, p. 124. [http://www.icc-cpi.int/library/about/officialjournal/Element\\_of\\_Crimes\\_Spanish.pdf](http://www.icc-cpi.int/library/about/officialjournal/Element_of_Crimes_Spanish.pdf)

<b>State</b>	<b>Redress for women victims of violence</b>	<b>Obligatory programs for perpetrators</b>	<b>Mandatory training for officials</b>	<b>Punishment for officials</b>
<b>Argentina</b>	Only one State in the Federation	Only for some of the Federation's States	No, but it is done	No, only one State in the Federation
<b>Barbados</b>	No, but a judge can order it	No, but a judge can order it	No, but it is done	Yes
<b>Belize</b>	Compensation at the court's discretion	No, only counselling	Yes	No
<b>Bolivia</b>	No, the general law applies	Yes, public and private (not specified)	Yes	No, in general for those who do not abide by the law
<b>Brazil</b>	No	Yes	No, but it is a priority and is being done	No
<b>Chile</b>	Yes	No, but there is a pilot project in one region	Yes	Yes
<b>Colombia</b>	No, the general law applies	No	No, only training in general and a training manual are established	No, only general punishment for breach of public duty
<b>Costa Rica</b>	No, the general law applies	As an alternate punishment to prison	Not mentioned	Yes
<b>Dominica</b>	No	Not mentioned	Not mentioned	Not mentioned
<b>Ecuador</b>	Yes	No	No, but it is done	Yes for police officers; for others, only general punishment for breach of public duty
<b>El Salvador</b>	Yes	Yes	No, but it is done	No, in general for those who do not abide by the law
<b>Guatemala</b>	Not mentioned	Not mentioned	Not mentioned	No, in general for those who do not abide by the law
<b>Guyana</b>	No	No	No	No
<b>Haiti</b>	No, the general law applies	No	No, but it is done	No
<b>Honduras</b>	Yes	Yes	No <sup>10/</sup>	No <sup>11/</sup>
<b>Jamaica</b>	Yes	Yes	Not mentioned	Not mentioned
<b>Mexico</b>	Yes	Yes, civil society	No, but it is done	No, in general for those who do not abide by the law

10. Taken from the Shadow Report on Honduras.

11. *Ibid.*

State	Redress for women victims of violence	Obligatory programs for perpetrators	Mandatory training for officials	Punishment for officials
Nicaragua	It is not clear	Not mentioned	No	Not mentioned
Panama	Yes	Yes	Yes	Yes
Paraguay	No, the general law applies	Only one by civil society	No	No, in general for those who do not abide by the law
Peru	No, the general law applies	Yes	Yes	No, in general for those who do not abide by the law
Dominican Republic	Yes	Yes, for aggressors	Yes	No
Saint Lucia	No	Yes	No	No
Suriname	No response	No response	No response	No response
Trinidad and Tobago	Yes	No	No	No
Uruguay	No, the general law applies	Yes, but they are not comprehensive	No, but it is done	No, in general for those who do not abide by the law
Venezuela	Yes	Yes	Yes	Yes

Source: Responses from the States to the questionnaire sent by the CEVI Reports from the Experts

In this area, the CEVI arrived at the following conclusions:

- **Most legislation does not include specific redress for women victims of violence.** Most States have acknowledged that they do not have specific laws on redress to women victims of violence. However, they affirm that women can benefit from physical and psychological rehabilitation measures, as well as economic indemnification paid by the aggressor, if they file a suit under civil law.
- **Almost half of the States do not have programs for perpetrators.** Thirteen States have reported that either they do not have these programs in their legislation or have not provided information concerning this matter.

The other fourteen (14) States have these programs, either as part of the measures that the judge can take in a proceeding concerning violence against women, specifically domestic violence; or as part of the services offered by civil society organizations. A few States only mentioned initiatives undertaken by civil society, without mentioning government-led initiatives.

Nevertheless, States that have these programs also face difficulties in implementing them. Among the principal difficulties identified are the fact that these services are not comprehensive or have limited scope, they are not mandatory for perpetrators, they depend on an order at the discretion of a judge, or they are a part of couples' therapy.

One limitation of this type of therapy is the perception that violence against women is an individual issue, not a social and cultural issue. Work must be done in the fields of education and cultural change; if not, these measures will not have the desired impact.

- **Half of the States have training programs for public officials on gender and violence against women, although there are no legal provisions that require it.** Seven (7) States affirmed having provisions that require training in gender and violence against women for public officials. Furthermore, eight (8) States affirmed having conducted this training, even though there is no provision in their internal legislation that requires them to do so.

The CEVI appreciates the fact that the States have made an effort to include gender training workshops in their regulations and national plans and that they even formed alliances with government or civil society organizations that specialize in gender issues in order to undertake this training. However, the lack of regulations that make the training obligatory and permanent limits the States' efforts to isolated actions focused on small groups of government employees, which don't have a real impact.

Also, the CEVI notes that the States generally do not provide broad information about the scope of these training programs, nor do they have indicators on the results of this training. In this sense, the shadow reports sent to the CEVI by some civil society organizations are quite revealing. They indicate that gender prejudices and the lack of gender sensitivity among judicial and health officials are still obstacles to the fullest application of legislation to prevent and punish violence against women.

- **Most States do not have specific punishment for public officials who do not enforce laws against violence against women.** Only five (5) States have specific punishment for those officials who do not enforce the current law to prevent and punish violence against women. This is because these States have such provisions in their specific legislation on violence within the family, which provides for the entire legal process. Seventeen (17) States do not have such punishment, although nine (9) of them affirm that in such cases, the criminal law on malfeasance is applied.

The CEVI recommends that States include specific provisions in their legislation to punish officials who do not enforce the law on violence against women. The breach of public duty by public servants contained in other legal bodies, which has not been mentioned in the specific laws regarding violence against women, minimizes the special importance of punishing these civil servants when they commit this crime. On the other hand, the procedure to apply the punishment is lengthy and complicated.

## 1.2. National Plans and Programs

TABLE Nº 3

**LATIN AMERICAN AND CARIBBEAN STATES THAT HAVE ACTION PLANS  
ON VIOLENCE AGAINST WOMEN, EVALUATIONS OF THESE PLANS,  
MECHANISMS TO FOLLOW UP ON THE CONVENTION OF BELÉM DO PARÁ,  
INFORMATION FOR LEGISLATORS AND LEGISLATIVE COMMITTEES ON GENDER**

<b>State</b>	<b>Action plan or strategy</b>	<b>Evaluation conducted?/ Periodic review provided for?</b>	<b>Belém do Pará follow-up mechanism/body</b>	<b>Information for legislators</b>	<b>Legislative committees on gender</b>
<b>Antigua and Barbuda</b>	Yes	No/ Yes	Yes, Directorate of Gender Affairs in the Ministry of Labour, Public Administration and Empowerment	Yes	No response
<b>Argentina</b>	Yes	No response/ No response	Yes, Women's National Council (CNM)	Yes	Committee on the Family, Women, Childhood, and Adolescents (Lower House of Congress)
<b>Barbados</b>	Yes	No response/ No response	Yes, Bureau of Gender Affairs in the Ministry of Social Transformation	Not mentioned	No
<b>Belize</b>	Yes	No, but it is planned/ Yes	Yes, National Women's Committee	Yes	No
<b>Bolivia</b>	Yes	Yes/ Yes	No	Yes	Gender Subcommittee of the Committee on Human Development
<b>Brazil</b>	Yes	Yes/ Yes	No, but there is a Special Secretariat responsible for Policies for Women	Yes	Committee on Social Security and the Family (Lower House of Congress)
<b>Chile</b>	Yes	Yes/ Yes	Yes, National Women's Service (SERNAM)	During discussion of bills	Committee on the Family (Lower House of Congress)

<b>State</b>	<b>Action plan or strategy</b>	<b>Evaluation conducted?/ Periodic review provided for?</b>	<b>Belém do Pará follow-up mechanism/ body</b>	<b>Information for legislators</b>	<b>Legislative committees on gender</b>
<b>Colombia</b>	Yes	Yes/ Yes	Yes, Presidential Council of Fairness for Women (CPEM)	By distributing bulletins	7th Committee on Women and Family/Ad hoc Committee
<b>Costa Rica</b>	Yes	Yes/ Yes	No, but there is a bill	No	Permanent Committee on Women
<b>Dominica</b>	No response	No response	No response	No response	No response
<b>Ecuador</b>	Plan of Equality and Opportunities	Yes/ Yes	No	No	Committee on Women, Childhood, Youth, and the Family
<b>El Salvador</b>	Yes	Yes/ Yes	No	Yes	Committee on the Family, Women, and Childhood
<b>Guatemala</b>	Yes	Yes/ No response	No	Invitation of Experts for training in femicide/ femicide	Committee on Women
<b>Guyana</b>	No, but it is being designed	No	No, although it is provided for constitutionally	No	Parliamentary Committee on Social Services
<b>Haiti</b>	Yes	It is planned /It is planned	No	No, the Parliament has not sat in the last two years	Committee on Health, Population, Social Affairs, the Family, and the Status of Women
<b>Honduras</b>	Yes	No response/ No response	Yes	No response	No. There is a Committee on Childhood and the Family
<b>Jamaica</b>	No, but it is being designed	No	No	No response	No response
<b>Mexico</b>	Yes	No response/ To be defined	Yes, the National Institute of Women	Yes	Committee on Equity and Gender
<b>Nicaragua</b>	Yes	To be done/ to be done	Yes, the Nicaraguan Institute of Women	No response	Committee on Women, Childhood, Youth, and the Family

<b>State</b>	<b>Action plan or strategy</b>	<b>Evaluation conducted?/ Periodic review provided for?</b>	<b>Belém do Pará follow-up mechanism/ body</b>	<b>Information for legislators</b>	<b>Legislative committees on gender</b>
<b>Panama</b>	Yes	No / Yes	No	Yes	Committee on Matters of Women, Rights of Children and Youth and the Family
<b>Paraguay</b>	Yes	Yes, but no result is provided / Yes	No	No	Committee on Equity, Gender and Development (Senate), Social Equity and Gender Committee (Lower House of Congress)
<b>Peru</b>	Yes	Yes/ Yes	Yes, Main Women's Bureau (MIMDES)	No	Committee on Women and Social Development
<b>Dominican Republic</b>	Yes	Yes/ Yes	Yes, Secretariat of State for Women	Yes	Committee on Family Matters and Gender Equity
<b>Saint Lucia</b>	Yes	No/ Yes	No	Yes	No
<b>Suriname</b>	Yes	Yes/ Yes	No	One seminar (2003)	No
<b>Trinidad and Tobago</b>	Yes	No / No response	No response	To the general public	No
<b>Uruguay</b>	Yes	No, but it is being contemplated	No, the National Women's Institute is responsible	Yes	Special Committee on Gender and Equity
<b>Venezuela</b>	Yes	Yes / An evaluation of Plan 2002–2007 is in development	Yes, National Institute of Women (Directorate for Attention to and Prevention of Violence against Women)	Yes, by means of workshops and distribution of brochures	Committee on Women, the Family, and Youth

Source: Responses from the States to the questionnaire sent by the CEVI Reports of the Experts

Among the principal observations made by the CEVI are:

- **Most States have action plans or strategies to address violence against women.** The CEVI finds it positive that the majority of States have an action plan or national strategy to prevent, punish, and eradicate violence against women.

However, the CEVI is concerned that some States don't have national plans on intervening regarding violence against women that take into account all the settings in which this occurs; the strategies, allies, areas of intervention, conceptual framework and operational plan, among others. What most States have are equal opportunity plans and isolated strategies that do not constitute a coordinated effort between the State, related organizations, and the society to deal with violence against women.

Likewise, it was verified that there are practically no public policies on violence against women that are linked to national plans. What are usually reported are individual measures and actions, which are important, but which cannot replace policies generated by the State that are mandatory for all public entities and that involve civil society organizations, private entities, and other stakeholders.

Furthermore, based on the responses given by the States, the CEVI observed that most of these plans conform to the traditional concept of domestic or intrafamily violence and do not consider other forms of violence against women. As a result, the efforts by the States, although appreciated, are limited in terms of fulfilling the broader and wider definition of violence against women contained in the Convention of Belém do Pará. It is important that future questionnaires stress the need to provide information on violence against women using the terms defined by the Convention, as they cover all forms of gender violence.

- **A minority of States have assessed their action plans or strategies and/or have foreseen future revisions.** The CEVI is concerned that an important number of States have not conducted or do not anticipate evaluating their action plans or strategies. Another concern is that this question was one of the least responded to by the States, and a significant number of States that responded affirmatively did not provide any information on the results of their evaluations.

The assessment of these plans and programs is an important tool, not only for reviewing their results, but also for identifying their strengths and weaknesses and preventing potential problems in the future. It is recommended that States envisage a review of these plans, and a report on their results in future questionnaires.

- **A small number of States claim to have a mechanism to follow up on the implementation of the Convention of Belém do Pará.** Twelve (12) States affirmed having a mechanism to follow up on the Convention of Belém do Pará as a regulated procedure that monitors the implementation of the provisions of this treaty under the responsibility of a specific state agency.

On this point, the CEVI notes with concern not only the lack of this mechanism, but also the confusion existing in some States regarding its features. This is deduced from national

reports in which the presentation of a delegate to the CIM is reported as the follow-up mechanism.

Moreover, those States that reported having this tool were unable to offer further information on its functioning, its terms, or reports from the authority responsible explaining the challenges and goals presented in implementing the Convention of Belém do Pará. The CEVI also observed that some of these States have a state agency responsible for reporting and following up on the application of international treaties related to the rights of women or the advancement of women, without expressly mentioning the case of the Convention of Belém do Pará. It is recommended that States report with greater detail on whether there is a clear-cut procedure to follow up on the Convention of Belém do Pará.

- **More than half of these States have scattered activities of information and training for legislators, including their advisory team.** The States reported on a number of activities regarding delivery of information or training for legislators and/or their advisors on gender and violence against women. Some of these activities include the distribution of brochures and material containing the Convention of Belém do Pará; the organization of seminars on specific subjects related to violence against women, taking advantage of visits by authorities from the international human rights systems; or the arrangement of visits by Experts on violence against women. In other cases, they mentioned that this information was provided only prior to the discussion of a bill related to women's rights, or that training was carried out by some parliamentarians for their colleagues.

The CEVI considers that it is important to inform and sensitize legislators with respect to the content of and compliance with the Convention. Nevertheless, there are weaknesses in this area. In the first place, except for a very few States, the majority do not have a sustained plan for providing information to legislators that includes the delivery of documentation and the holding of workshops and events at which they can share their doubts regarding the information received and contribute to the debate from their own experiences. In most cases, the CEVI observed isolated and uncoordinated activities that are often initiated by civil society instead of the State.

Secondly, the CEVI noted confusion in some States' responses that considered media and press campaigns part of the fulfilment of their obligation regarding activities. It is praiseworthy that public opinion in general be informed by means of media campaigns regarding the dimensions of violence against women and the different mechanisms that exist to prevent, punish, and eradicate it. However, it has no relation to the question, given that the public to which the matter is truly addressed is not the legislators. The CEVI considers that it is necessary to provide information on gender issues and to sensitize and raise awareness among legislators and their teams in order to produce legislation with a gender perspective that is geared toward preventing, punishing, and eradicating violence against women.

- **The majority of States have legislative committees on women's issues.** The CEVI appreciates the fact that most States have legislative committees on women or on gender that prepare and sustain legislative initiatives regarding women, including initiatives on the prevention and punishment of violence against women.

The CEVI also congratulates States on the more and more frequent formation of groups of parliamentary women, in the form of large blocs of parliamentarians. The objective of these blocs is to establish a legislative agenda for women and to secure the integration of a gender perspective in the debate on related subjects, among other objectives. The work of these blocs complements the work of gender and women's committees in congresses or legislative assemblies and constitutes an important voice in those parliaments in which legislative committees do not yet exist.

Nevertheless, the CEVI notes with concern that the legislative committees on women's issues work from a family and traditional approach. In some cases, the committees give priority to family issues; thus women's issues are subsumed with family issues and don't constitute a central theme. This approach causes problems in treating the issue of gender violence because it perpetuates the idea that women's issues belong exclusively to the domestic or private realm, thus concealing the discrimination, marginalization, and violence that women suffer in the private and public spheres.

For that reason, it is suggested that those States that do not have these legislative committees establish one dedicated to women and gender issues. Those States that already have such committees should review the treatment given to the subject of women and violence so that it is not associated with the traditional concepts and stereotypes regarding the roles of men and women and violence.

### **1.3. Summary: Violence against women according to the sphere in which violence is exercised**

The following table summarizes the information received from the States according to the sphere in which violence against women is exercised. Specific questions about certain forms of violence have been taken into account to produce such a table, as well as other violations,<sup>12/</sup> such as violence against women deprived of freedom and violations of sexual and reproductive rights.

Regarding this last issue,, even though there is no specific question in the questionnaire, some reports of the Experts show evidence of a type of gender violence that arises from the denial of important human rights related to the right to life, health, education, and personal safety; to decisions regarding reproductive life, the number of children, and when to have them; to intimacy, freedom of conscience and thought of women, among other rights. In legislation in which sexual and reproductive rights are not protected or recognized, these rights can be grossly violated, which can manifest as a lack of awareness about reproductive and sexual rights, forced sterilization, high rates of maternal morbidity and mortality, among other factors. Those who are more in danger and have more to lose are the most vulnerable: poor women, young and rural women who do not have easy access to health services and who thus resort to dangerous and unhealthy practices.

For this reason, the CEVI recommends that in future questionnaires, when asked about violence against women in general, States should not limit themselves to reports about violence in the household but should include other forms of violence against women that manifest at the community and state levels.

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12. Part of this information is also found in Table No. 1.

**TABLE N° 4**  
**LATIN AMERICAN AND CARIBBEAN STATES THAT**  
**HAVE INCLUDED PROVISIONS TO PREVENT, PUNISH, AND ERADICATE**  
**SOME FORMS OF VIOLENCE AGAINST WOMEN**  
**ACCORDING TO THE SPHERE IN WHICH VIOLENCE IS EXERCISED**

States	Family Sphere		Community Sphere				State Sphere	
	Domestic or intrafamily violence	Rape within marriage	Forced prostitution	Policies against femicide	Trafficking	Sexual harassment	Sexual and reproductive rights (SRR) violations <sup>13/</sup>	Violence against women deprived of their freedom
<b>Antigua and Barbuda</b>	Yes	Yes: Sexual Offences Act and Domestic Violence (Summary Proceeding) Act	No	Not mentioned	It is not clear <sup>14/</sup>	Not mentioned	Not mentioned	Not mentioned
<b>Argentina</b>	Yes	No	As “international trafficking for the purpose of prostitution”	No	As “international trafficking for the purpose of prostitution”	Yes	There is a National Program of Integral Sexual Education	Not mentioned
<b>Barbados</b>	Yes	Yes	Yes	No	No	Not mentioned	Not mentioned	Not mentioned
<b>Belize</b>	Yes	Yes	Not mentioned	Not mentioned	Yes	Yes	Yes	Not mentioned
<b>Bolivia</b>	Yes	Not mentioned	Yes	No	Yes	Not mentioned	It’s in a draft bill	Not mentioned
<b>Brazil</b>	Yes	No, but it is covered within the generic type of rape	Yes	No	Yes	Yes	Yes, in the National Plan of Policies for Women	Institutional violence (overpopulation, mistreatment) and gender violence (denial of prisoners’ SSR)
<b>Chile</b>	Yes	Yes, except when there is no force or intimidation	Yes, but not in accordance with international treaties	SERNAM is in charge of that, but hasn’t yet set up a strategy	Yes	Yes	Actions from the Ministry of Health in SRR. On the other hand, lack of legal protection of SRR	Sexual violence as torture for imprisoned women during the dictatorship
<b>Colombia</b>	Yes	Yes	Not mentioned	Not mentioned	Yes	Not mentioned	No	Not mentioned
<b>Costa Rica</b>	Yes	Yes	Not mentioned	Not mentioned	Yes	Yes	Not mentioned	State does not report. Expert will request info in next report.

13. The questionnaire did not include specific questions on the subject, but it was addressed in the responses of some States and in the Experts’ reports.

14. The State mentioned ratification of the Palermo Protocol but did not mention national law to implement it, nor did it clarify whether this treaty was automatically included in national law.

States	Family Sphere		Community Sphere				State Sphere	
	Domestic or intrafamily violence	Rape within marriage	Forced prostitution	Policies against femicide	Trafficking	Sexual harassment	Sexual and reproductive rights (SRR) violations <sup>12/</sup>	Violence against women deprived of their freedom
<b>Dominica</b>	Yes	No	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned
<b>Ecuador</b>	Yes	No, but it is an aggravating factor if the rape perpetrator is the spouse or mate	Yes, but not in accordance with international treaties	No	Yes, but not in accordance with international treaties	Yes	Organic Bill of Health covers sexual and reproductive health	Not mentioned
<b>El Salvador</b>	Yes	No, but it is covered within the generic type of rape	Yes	Not mentioned	Yes	Not mentioned	Not mentioned	Not mentioned
<b>Guatemala</b>	Yes	No	Not mentioned	Yes, but they are not enough	Yes	No	There's a National Program on Reproductive Health	Not mentioned
<b>Guyana</b>	Yes	No	Not mentioned	No	Yes	Not mentioned	Not mentioned	Not mentioned
<b>Haiti</b>	It is not clear	No	Not mentioned	Not mentioned	Yes	Not mentioned	Not mentioned	Not mentioned
<b>Honduras</b>	Yes	No, but it is covered within the generic type of rape	Not mentioned	Yes, but they are not enough	Yes	Yes	Not mentioned	Not mentioned
<b>Jamaica</b>	Yes	Not mentioned	Not mentioned	Not mentioned	Yes	No, but there is a draft bill	Not mentioned	Not mentioned
<b>Mexico</b>	Yes	Yes	Not mentioned	Yes, but they are not enough	No	In 17 States of the Federation	The National Survey on Sexual and Reproductive Health	Not mentioned
<b>Nicaragua</b>	Yes	No	Not mentioned	No	Yes	Not mentioned	Not mentioned	Not mentioned
<b>Panama</b>	Yes	No, but it is covered within the generic type of rape	Not mentioned	No	Yes	No	Not mentioned	Not mentioned
<b>Paraguay</b>	Yes	No, but it is covered within the generic type of sexual coercion	Not mentioned	No	Yes	Yes	National Plan of Sexual and Reproductive Health, but its effects cannot be evaluated	State does not inform on claims of violence against women deprived of freedom
<b>Peru</b>	Yes	Yes	Yes	No	Yes	Yes	Not mentioned	Not mentioned
<b>Dominican Republic</b>	Yes	Yes	Not mentioned	Not mentioned	Yes	Not mentioned	Not mentioned	Not mentioned
<b>Saint Lucia</b>	Yes	Yes	No	No	No	Yes	Not mentioned	Not mentioned
<b>Suriname</b>	Only some forms	No	No	Not mentioned	Yes	No	Not mentioned	Not mentioned

States	Family Sphere		Community Sphere				State Sphere	
	Domestic or intrafamily violence	Rape within marriage	Forced prostitution	Policies against femicide	Trafficking	Sexual harassment	Sexual and reproductive rights (SRR) violations <sup>12/</sup>	Violence against women deprived of their freedom
Trinidad and Tobago	Yes	Yes	No	Not mentioned	No	Not mentioned	Not mentioned	Not mentioned
Uruguay	Yes	No, but it is covered within the generic type of rape	No	No	No	Yes, only work-related	No specific norms or policies	Not mentioned
Venezuela	Yes	Yes	Yes	Yes	Yes	Yes	The Official Guideline for the Care of Sexual and Reproductive Health	Not mentioned

Source: Responses from the states to the questionnaire sent by the CEVI Reports of the Experts

## CHAPTER 2 ACCESS TO JUSTICE

The objective of this section is to find out the advances and challenges faced by States in establishing and following up on procedures that allow women access to mechanisms of justice in cases where they have experienced violence. The questions focus on the existence of expeditious proceedings, gender-related training of officials responsible for receiving complaints, the existence of support systems for victims, and measures for evaluating and following up on the processes of empowering victims, and femicide/femicide.

It should be mentioned that, **despite its importance, in general this section received the least attention from the States in responding to the questionnaire.** In this section, more than in any other, a high number of questions were not answered. Also, the information provided is not detailed but general, and it is sometimes confusing or vague. In no instance was it explicitly stated whether women victims of violence do indeed have access to justice. The CEVI calls the States' attention to this problem and expresses the hope that it will be considered in future questionnaires.

Also, the CEVI notices that in several questions within this section, certain topics emerge, such as conciliation or mediation between the victim and her aggressor as part of the services provided for women who experience violence. For example, at the time of providing free legal advice, family orientation, or rehabilitation, the reports indicate that the providers of these services offer to users of the services the alternative of reconciliation without this even being requested. It is of grave concern to the CEVI that these methods continue to be used, as they cannot be applied to cases of violence in which fundamental rights have been violated and there is no possibility of negotiation. For that reason, the Committee strongly emphasizes not offering mediation or

reconciliation mechanisms before the legal process occurs, whether or not such a process is established, nor in any stage of the legal and support process for women victims of violence.

The following table reflects the responses to several questions related to the existence of expeditious proceedings in order to guarantee the safety of women victims of violence.

**TABLE N° 5**

**LATIN AMERICAN AND CARIBBEAN STATES THAT HAVE SPECIAL POLICE STATIONS, PROTECTION ORDERS, PRO BONO LEGAL ASSISTANCE, GROUPS OF PROFESSIONALS, AND INTERVENTION MODELS FOR PERPETRATORS**

<b>State</b>	<b>Authority that receives complaint/ adequate # of agencies receiving cases</b>	<b>Police station or services with profiles and procedural protocols</b>	<b>Time between complaint and adoption of order of protection</b>	<b>Protection orders for women, family, and witnesses</b>	<b>Pro bono legal assistance</b>	<b>Professional groups/ Intervention models for perpetrators</b>
<b>Antigua and Barbuda</b>	Magistrate's Court/ Inadequate	No	Variable: from a few days to several months	Yes	Yes	Yes/ No
<b>Argentina</b>	Varies, depending on the Federal State/ Inadequate	Police stations do not have protocols; they are under design	No response	No response	No response	No response
<b>Barbados</b>	Commissioner of Police, Welfare Officer/ Adequate	No response	Two days according to law, but actual time not mentioned	Yes, but witnesses not mentioned	Yes	Yes/ No response
<b>Belize</b>	Domestic violence units (police), Family Court/ Inadequate	Yes	5 days	Yes, but witnesses not mentioned	Yes, but limited	Yes/ No
<b>Bolivia</b>	National Police – Family Protection Brigade, Office of the Attorney General, Family Court Judge / Inadequate	Family Protection Brigades (BPF) have protocols	48 hours according to law, but actually takes more time	Yes, but family of the victim and witnesses not mentioned	Yes, public and from NGOs	Yes, from the universities/ No
<b>Brazil</b>	Specialized or nearest police	Specialized police	Some measures promptly,	Yes	Yes, public advocates	Yes/ No, but there are

<b>State</b>	<b>Authority that receives complaint/ adequate # of agencies receiving cases</b>	<b>Police station or services with profiles and procedural protocols</b>	<b>Time between complaint and adoption of order of protection</b>	<b>Protection orders for women, family, and witnesses</b>	<b>Pro bono legal assistance</b>	<b>Professional groups/ Intervention models for perpetrators</b>
	stations, Office of the Attorney General/ Inadequate	stations, protocols not indicated	process takes more time		and some local government	campaigns
<b>Chile</b>	Family Courts, Police Officers or Investigators/ Inadequate	The police do not have protocols	According to law, promptly, but no indication of actual time taken	Yes, but family of the victim and witnesses not mentioned	Yes, within a general service	Yes/ No, but there was a pilot project in Region II
<b>Colombia</b>	Family police stations, Police Supervisors/ Inadequate	No response	According to law, four hours, but no indication of actual time taken	Yes for the victim; for witnesses, the general law is applied	Yes, but reconciliation is preferred (MASC)	Yes/ Yes, but it is limited
<b>Costa Rica</b>	Judicial Power: Attorney General, Prosecutor for Sexual Crimes and Domestic Violence, Specialized Courts on Domestic Violence and Magistrate's Court/ Inadequate	Police stations have an official in charge of domestic violence issues / They have protocols	According to law, the same day, but no indication of actual time taken	Yes, but not for witnesses	Yes	Yes, in some places/ No response
<b>Dominica</b>	Police Department/ Adequate	No response	In general, 30 minutes, but this is not always the case	There is a crisis mechanism, but no indication of what it is and whether or not it extends to family and witnesses	Yes	Yes/ No response
<b>Ecuador</b>	Office of the Attorney	No	Measures are executed	Yes, but family or	Yes	No response/ No response

<b>State</b>	<b>Authority that receives complaint/ adequate # of agencies receiving cases</b>	<b>Police station or services with profiles and procedural protocols</b>	<b>Time between complaint and adoption of order of protection</b>	<b>Protection orders for women, family, and witnesses</b>	<b>Pro bono legal assistance</b>	<b>Professional groups/ Intervention models for perpetrators</b>
	General, Police, Women and the Family Police Station /Inadequate		between 15 days and 2 months after complaint	witnesses not mentioned		
<b>El Salvador</b>	Family and Justices of the Peace Courts, General Prosecutor, Office of the Attorney General, Civil Police, other/ Did not indicate whether it is adequate	Department delegations have protocols, did not indicate whether in indigenous languages	According to law, it can be immediately, in 10 days or 1 month. If the court is not jurisdictional, 3 days. No indication of actual time taken	Yes for victims, some for family, and none for witnesses	Yes	Yes/ Yes
<b>Guatemala</b>	Varied/ Inadequate	Do not have protocols in indigenous languages	According to law, 24 hours, but no indication of actual time taken	No response	Yes	No response/ Yes, but application not explained
<b>Guyana</b>	Police/ Inadequate	Police stations are not specialized, but they have protocols for these cases	Unknown	Only for victims of trafficking and their witnesses	Yes, but limited	Yes/ No
<b>Haiti</b>	No response/ No response	No response	No response	No	Only from civil society	Only from civil society/ No response
<b>Honduras</b>	Specialized offices of the Attorney General, Police, CONADEH, NGOs/ Inadequate	Police, Office of the Public Prosecutor and Justices of the Peace have protocols, no indication	Expeditious proceedings by law, but not in actual fact; no indication of actual time taken	Yes, but no indication of scope or whom it protects	Yes	No response /Yes

State	Authority that receives complaint/ adequate # of agencies receiving cases	Police station or services with profiles and procedural protocols	Time between complaint and adoption of order of protection	Protection orders for women, family, and witnesses	Pro bono legal assistance	Professional groups/ Intervention models for perpetrators
		whether in indigenous languages				
<b>Jamaica</b>	No response/ No response	No response	No response	No response	No response	No response/ No response
<b>Mexico</b>	It depends on the federal entity, Special Office of the Attorney General for Crimes against Women where there is one/ Inadequate	Specialized services have protocols, but in indigenous languages only in some places	Unknown	No	Yes, but lack specific coverage	In two federal entities / Yes
<b>Nicaragua</b>	Police or Women's Police Station /Inadequate	Police stations have protocols, but not in indigenous languages	According to law, between 24 and 72 hours, but no indication of actual time taken. Only serious cases	Yes, but family or witnesses not mentioned	Yes	Yes/ No
<b>Panama</b>	Center for Reception of Complaints Police, Judicial, Technical /Inadequate	The Police Service against Family Violence has protocols	According to law, immediately, but no indication of actual time taken	Yes, but in general whether the victim is female or male, but family or witnesses not mentioned	Yes	No / Yes
<b>Paraguay</b>	Justices of the Peace, National Police or Health Centers involved / Inadequate	Police stations do not have protocols in indigenous languages	According to law, 24 hours; on average 48 hours	Yes, but not for family or witnesses	Yes	No / Yes, from civil society
<b>Peru</b>	National police,	Women's police	2-3 weeks for removal of	Yes, but they do not	Yes	Yes/ It is not clear

State	Authority that receives complaint/ adequate # of agencies receiving cases	Police station or services with profiles and procedural protocols	Time between complaint and adoption of order of protection	Protection orders for women, family, and witnesses	Pro bono legal assistance	Professional groups/ Intervention models for perpetrators
	Specialized provincial public prosecutors/ Inadequate	stations (CEMS) and, in general, they do not have protocols in indigenous languages (Shadow Report), CEMS have a procedures manual	aggressor, but no indication of actual time taken for other measures	include family, and in practice they are not effective. For witnesses, the general law is applied		
<b>Dominican Republic</b>	Neighborhood or jurisdictional offices of the Attorney General, or units for care to victims/ inadequate	Did not indicate whether offices of the public prosecutor or police stations have protocols	Maximum three months, but no indication of whether this relates to legal or actual time taken	Yes, but no indication of whether or not it is applied to family and witnesses	Yes	These are about to be created at state level/ Yes
<b>Saint Lucia</b>	Police, Saint Lucia Crisis Centers, Family Court, Women's Support Center/ It is adequate, but an increase in personnel would be beneficial	They do not have services in indigenous languages. No response as to whether there are specialized police stations. Specialized services have protocols	Variable, from one hour to some days	No	No	No/ Yes
<b>Suriname</b>	Police, Office of the Attorney General/ Inadequate	There are protocols, but it was not specified what agencies have them or	Unknown	There are no specific measures, only general	Yes, but not explained	Response not clear/ No

<b>State</b>	<b>Authority that receives complaint/ adequate # of agencies receiving cases</b>	<b>Police station or services with profiles and procedural protocols</b>	<b>Time between complaint and adoption of order of protection</b>	<b>Protection orders for women, family, and witnesses</b>	<b>Pro bono legal assistance</b>	<b>Professional groups/ Intervention models for perpetrators</b>
		whether they are in indigenous languages				
<b>Trinidad and Tobago</b>	Police, courts/ Inadequate	Police use a Domestic Violence Manual for these cases	One week, but no indication of whether actual time taken is according to law	Yes	Yes	Yes, but not explained / Yes, but they use restorative justice without explaining what it is
<b>Uruguay</b>	Police or courts/ Inadequate	Women's Police Stations, Police stations in general and courts do not have protocols	In 48 hours, but no indication of actual time taken	Yes, but not for family or witnesses	Yes, by the state and civil society	No/ No
<b>Venezuela</b>	Office of the Attorney General, Magistrate's Court, Superintendency and Civil Registry Office, Police Bodies, Border Patrol Units/ Adequate	Not mentioned	Immediate application	Yes, but not for witnesses	Yes, National, State and Municipal Institutes for Women, Women's Homes, Ombudsmen and NGOs	Units of Integral Care being created

Source: Responses from the States to the questionnaire sent by the CEVI Reports of the Experts

Based on analysis of the States' responses, the CEVI considers it important to emphasize the following points:

- **The majority of States have proceedings in place to report domestic violence.** In the Caribbean, the norms regulate domestic violence only inasmuch as it refers to measures that protect the victim and restrict the aggressor, while in several States in Latin America, domestic violence is either taken into account in the penal codes or in special laws regarding violence against women.

The Committee also notes with interest the increasingly frequent existence of specialized police stations or offices of the public prosecutor for violence against women, especially for family violence. At least fourteen (14) States have women's police stations or offices of the public prosecutor specializing in crimes against women or domestic violence, special family courts, or units for women victims of violence in the regular police stations. These efforts are positive inasmuch as the staff in these centers are trained and aware of the issues in order to manage cases of violence against women, making sure to avoid revictimization of the accusers in the penal process.

Nevertheless, the void in information and the vague responses from some States leave it unclear whether there are procedures in effect to report cases of violence against women that take place outside of the scope of the family or interpersonal relationships.

- **Almost all of the States recognize that the number of dependencies dedicated to processing complaints is not appropriate to the national reality.** With the exception of four States, the other States informed that the number of services for cases of violence against women is not adequate considering the existing demand.

The main problems indicated by such States include a lack of resources for installing new quarters and for better equipping of such sites, and the need to increase the number of trained personnel. Moreover, there is a concentration of such services in capitals or large cities, and the rural or more remote areas are not served.

With respect to the four States that responded that the coverage of these agencies is adequate, the CEVI observes that these responses are partial, as they did not refer to the three indicators included in the question: the number of complaints, geographic coverage, and the magnitude of the rate of violence.

- **The States do not report sufficiently whether the offices in charge of processing the accusations or specialized services have the proper protocols for these cases, especially in indigenous languages.** The Committee notes that, overall, the reports from the States do not offer sufficient information with respect to whether the specialized police stations or legal services for victims of violence have protocols to treat these cases, including protocols in indigenous languages. For that reason, it is assumed that these protocols, in most States, have not been developed and approved. On the other hand, in some cases the States have confused the existence of protocols with training programs for their personnel.

In those cases in which positive responses were given, the majority do not mention whether or not such protocols are in indigenous languages. In addition to the silence on this matter, it

is worrisome to the Committee that two States affirmed in their responses that they did not need these protocols because their populations were fully bilingual, without offering any evidence of this assertion.

- **The majority of States report neither whether proceedings are carried out expeditiously nor the true amount of time it takes to obtain protection or safety measures.** The CEVI observes that a significant number of States limited themselves to indicating the time specified in the law for complainants to obtain protection or safety measures, without offering information on whether these terms indeed are met.

On the other hand, the CEVI is concerned about the effectiveness of these measures, given the fact that there are no State mechanisms for evaluating how expeditious the procedures to obtain these measures really are. Therefore, the responses range from States' acceptance of ignorance of the true time taken, through admitting that it takes more time than the law demands, to failure to provide any response.

This is a crucial point that deserves to be researched in greater depth in future questionnaires. A timely protection order prevents women from being unprotected and at the mercy of the perpetrators of the violence by way of retaliation. Some national reports indicated that, due to delays in the issuance of these orders, women choose not to complain for fear of the reaction of their attackers. If put in place in a timely fashion, these safety measures can prevent femicide.

This situation also demonstrates the nonexistence of mechanisms to evaluate the effectiveness and efficiency of existing measures and procedures before the institutions responsible for issuing mandates to carry out these measures. Without an evaluation of these mechanisms, the necessary corrective action cannot be taken.

- **Most States have protection orders that apply to victims, but they do not report whether these orders extend to the families of victims or witnesses.** Nineteen (19) States have protection measures for women who have suffered the effects of violence, but hardly any reported whether these measures are applicable to the families of the victims and their witnesses. In fact, out of 19 responses, only three States reported that these measures are also applicable to the family. The great majority did not report whether these measures apply to witnesses, although a few responses from the States affirmed that these measures are not available to witnesses, or that the general legislation on protection of witnesses is applied.
- **Almost all of the States have free legal counseling services for women victims of violence.** The Committee welcomes the fact that 25 of the 28 participating States claim to have several forms of free legal counseling for women who have suffered the effects of violence. Among these services are free legal consultations in the public defender's offices, legal accompaniment in some or all domestic violence cases, if required, and legal counseling in the District Attorney's office.

From the civil society angle, several States reported that NGOs and universities had set up specialized legal assistance regarding violence against women and domestic violence. This type of service is an important support for those women who cannot pay for private services, thus it improves women's access to justice.

Nevertheless, some details in the States' responses observed by the CEVI denote problems in the implementation of these services. Some of the problems are the scarcity or nonexistence of these services in rural areas or areas far from the city; the lack of these services in indigenous languages; women's unawareness of the existence of these services; and the fact that some of these offices offer general legal services, without specialization in violence against women, or domestic violence, or without a gender perspective.

- **Most States promote the creation of groups of professionals that provide support to victims of violence.** The state sector promotes the establishment and training of teams of professionals through internships or services assigned to the health or justice ministries or to the police stations, which are more likely to receive women who have suffered violence.

Most States also report the existence of support teams promoted by civil society, outside of the scope of the State, mainly by women's organizations. Among them are teams of qualified psychologists, lawyers, and social workers who dedicate their time, through specialized centers, mainly as volunteers, to counsel and attend to women who have suffered violence.

Despite these advances, the CEVI also wishes to emphasize that a large number of States responded to this question very vaguely. In doing so, they failed to clarify the range of subjects and geographic areas that these services cover, whether all women have access to them, or whether they exist in all areas of the country, including rural and the more remote areas.

- **A minority of States have intervention models for perpetrators.** The CEVI notes with concern that this question was answered vaguely by the States, which did not provide information that would give a complete picture of the extent of such models. Ten (10) States admitted that they did not have such intervention models, while seven (7) did not respond to this question.

The other responses indicate the existence of such models, some of which include studies on masculinity and programs for violent men, offered by both the State and civil society organizations. Some States even allow for the application of these models as part of the measures that a judge can apply in domestic violence cases.

Nevertheless, some problems were revealed in the responses. Some States confused these models with training programs on gender violence. In other cases, no details of these models were given; for example, their composition, whether they take place within the framework of state or civil society services, or whether they are applied throughout the national territory.

Also, in the second section, **regarding preparation of the officials responsible for processing complaints of violence against women, most States reported some efforts at training, supervising, and informing these officials on the procedures** and on punishment that might apply if they fail to comply with these provisions.

However, these efforts are focused on a small group, not on all personnel assigned to receive complaints of violence against women. On the other hand, members of the trained group are eventually sent to areas other than those related to violence against women. As a result, the use of the gender perspective is interrupted, and medium- and long-term results of that training cannot be

obtained. Another problem is that these training sessions are held arbitrarily, not as part of a sustained training program.

Despite the foregoing, the CEVI finds it encouraging that some States are incorporating courses on violence against women and human rights in the curricula for candidates for the police and armed forces, as well as in some master's programs offered in national universities.

With respect to the third section, support systems, the following table systematizes the States' answers.

**TABLE N° 6**  
**FEATURES OF THE SUPPORT SYSTEMS TO ATTEND**  
**TO THE IMMEDIATE NEEDS OF WOMEN VICTIMS OF VIOLENCE**  
**IN LATIN AMERICA AND THE CARIBBEAN**

<b>State</b>	<b>Toll-free emergency hotlines</b>	<b>State/ civil society shelters</b>	<b>Self-help groups</b>	<b>Free family counselling</b>	<b>Rehabilitation/ social programs</b>
<b>Antigua and Barbuda</b>	Yes	Yes, by civil society, but how many not specified	Yes	Yes, but not explained	Yes/ Yes, but not explained
<b>Argentina</b>	Varies, depending on the federal State	Varies, depending on the federal State	Varies, depending on the federal State	Varies, depending on the federal State	No response
<b>Barbados</b>	Yes, for men, women, and children	One, state-run	Yes	Yes	Yes/ Yes
<b>Belize</b>	Yes	Three state-run. Two more are expected by the end of 2007	Yes	Yes, although not permanent in the public sector, and it is not specified whether it extends to the family	No/ No
<b>Bolivia</b>	Only some family protection brigades and some legal services	22 shelters, mostly organized by NGOs and the church	Yes	Yes, but not explained	No/ No
<b>Brazil</b>	Yes	87 state shelters	Yes	Yes	Yes/ No response
<b>Chile</b>	Yes	Yes, by the state and civil society	Yes	Yes, by the state and civil society	Yes/ No

<b>State</b>	<b>Toll-free emergency hotlines</b>	<b>State/ civil society shelters</b>	<b>Self-help groups</b>	<b>Free family counselling</b>	<b>Rehabilitation/ social programs</b>
<b>Colombia</b>	Yes, but no data given on coverage and scope	2 civil society shelters. State shelters will be implemented this year	It is not clear	For women, yes. Not clear whether available for the families of victims	No/ No response
<b>Costa Rica</b>	Yes	Yes, by the state and civil society	Yes	Yes	Yes/ No response
<b>Dominica</b>	Not totally operative	One, by civil society (NGO)	No response	Yes	No/ No
<b>Ecuador</b>	No, only main emergency hotlines	7 shelters, with state and civil society support	No response	No response	No response/ No response
<b>El Salvador</b>	Yes	One, state-run	Yes	Yes	Yes, for women in general/ Yes
<b>Guatemala</b>	Yes	Yes, by the state and civil society, but the number is not clear	Yes, by civil society	No response	Yes, but its application not explained/ Yes
<b>Guyana</b>	Yes, but from an NGO	Three state and civil society shelters, plus one for minors	Yes, but not explained	Yes	Yes/ Yes
<b>Haiti</b>	No	Yes, by civil society, but the number is not clear	Only by civil society	Yes, by civil society	Yes, by civil society/ Yes, but they are inadequate
<b>Honduras</b>	Yes	One, run jointly by the State and civil society, and with foreign assistance	Yes	Yes, through family councils	No response/ No response
<b>Jamaica</b>	No response	No response	No response	No response	No response/ No response
<b>Mexico</b>	Yes	Yes, in 25 of the 32 federal entities	Yes	Yes	Yes/ Yes, but not explained
<b>Nicaragua</b>	No, only main emergency hotlines	3 civil society shelters	No, they are promoted by civil society	No	No/ No, only the programs for the general population
<b>Panama</b>	Yes	One, state-run. There are others for children and adolescents	No, they are promoted by civil society	Yes	Yes/ No

State	Toll-free emergency hotlines	State/ civil society shelters	Self-help groups	Free family counselling	Rehabilitation/ social programs
Paraguay	Yes	No state-run. The number of civil society shelters not given	Yes	Yes, by civil society	Yes/ No
Peru	Yes, but hours of operation are not indicated	39 state shelters nationwide	Yes	Yes, by the state and civil society	Yes, by the state and civil society / No
Dominican Republic	Yes	One abuse shelter, run by an NGO	No	Yes, by the state and civil society	No/ No
Saint Lucia	Yes	One, state-run	Not to a great extent	Yes	Yes/ No
Suriname	No, only the main emergency hotline	One civil society shelter	Yes, by civil society	Yes, by civil society	No/ No
Trinidad and Tobago	Yes	Several shelters administered by civil society, but subsidized by the State	Yes, but not explained	Yes, but lacking personnel	Yes/ Yes
Uruguay	Yes	No	Not nationwide	No	A few, but not explained/ No
Venezuela	Yes	Three State shelters	Not mentioned	There are family orientation centers designated by the Ministry of Popular Power for Education	Programs of Reconstruction of the Life Project in State shelters.

Source: Responses from the States to the questionnaire sent by the CEVI Reports from the Experts

Based on the States' responses, the CEVI emphasizes the following:

- The majority of States have free emergency lines to respond to calls from women who have suffered violence.** Sixteen (16) States have free emergency hotlines 24 hours a day to receive calls from women victims of violence. Three States affirm having general emergency hotlines to receive these calls, while one did not respond to this question. The other States affirm having these hotlines, but either their scope is limited, or the States do not offer sufficient information on whether they are free, accessible from any place within the national territory, or whether they are operated 24 hours a day, seven days a week.

It is essential that States have these hotlines and that the calls for help are taken by personnel trained to assist victims of violence. At the same time, it would be interesting to know

whether these telephone systems compile information on how many complaints they receive, who the principal complainants are by age, race, city, civil status, and other data useful for determining the profiles of victims and perpetrators.

- **Most States have at least one shelter to receive women victims of violence.** Twenty-six (26) States reported having at least one shelter within their territory to admit women victims of violence. Nevertheless, a breakdown of the responses from the States reveals information that the CEVI finds worrisome.

First, it is alarming that at least nine States report that shelters are established or are directed by civil society organizations, mostly NGOs and women's organizations, due to the lack of State shelters. Although civil society's efforts in this area are commendable, this should not imply that the State can abandon its obligation to provide shelter for women victims of violence.

At the same time, the shortage of shelters in all cases, compared with the national demand for them, is also a point of concern to the Committee. At least eleven (11) States indicate having three or less shelters nationwide, while another large group indicates that its shelters can only accommodate less than twenty people. At the same time, most States offered little information on whether these shelters also accept the victims' children. This would indicate that States' efforts to maintain a network of shelters for victims of violence are not sufficient, considering the number of complaints, the extent of the problem of gender violence, and the lack of capacity to protect family groups displaced from their homes by aggressors.

- **The majority of States affirm that they encourage the creation of self-help groups for women who have suffered violence.** Most States usually promote these self-help groups as state services, at the end of therapy for women victims or when they complete their health treatments. Nevertheless, to a great extent the States do not offer more information on how they promote the creation of these groups.

On the other hand, some States affirm promoting the creation of these groups. Nevertheless, they mention cases in which groups were created at the initiative of civil society, mainly women's organizations, without clearly explaining the link between the State's promotional activity and these initiatives. Moreover, at least five States were clear in affirming that these self-help groups are indeed promoted by civil society.

- **Most States affirm that they offer free family counselling services.** At least twenty-two (22) States mentioned that they offered free family counselling services to women victims of violence. Nevertheless, the great majority did not offer further information on these services, their coverage, and whether they extend to the family of the victim. The CEVI notes certain vagueness in some responses to this question and confusion in other responses. In several cases, free family counselling services were considered as the pro bono legal assistance asked about in item 1.6 of the questionnaire.

The Committee also notes the support provided by civil society organizations for these counselling services. At least six States informed that NGOs also offer these services.

- **Most States affirm that they have rehabilitation programs for women victims of violence.** Seventeen (17) States affirm having some rehabilitation services for women victims of violence. The services most frequently mentioned are psychological counselling and therapy. Other services indicated are productive programs and support in legal matters.

In this section, the Committee of Experts takes note of the fact that some States gave an incomplete response to this question and even make mention of services and programs that are geared more towards women in general or to the general public.

- **A minority of States have social programs for women who have suffered violence.** While seven States did not respond to the question, 11 States affirmed not having social programs for women victims of violence. The CEVI is concerned by these responses, considering that among the States that affirm having these programs are three States that did not provide further information on their coverage and services and admit that the programs are limited. These programs are necessary, as they help women to face the consequences of violence in the society and community.

**Regarding the third section,** which requested information about the existence of a mechanism for control, assessment, and follow-up of the empowerment processes for women who have suffered violence, the Experts had difficulty in assessing the answers to this question due to scarce or nonexistent information provided by the States themselves. From this silence, we can infer that the States do not have mechanisms to empower women victims and that, as a result, this subject must be insisted upon in future questionnaires in order to make recommendations for compliance.

**Regarding the fourth section, the great majority of States do not have a penal policy to confront femicide/feminicide,** or the killing of women due to their gender. This penal policy implies including femicide/feminicide in the Penal Code, either as a properly typified crime or as aggravation of a murder. It also implies that the State must begin conducting research and studies on this subject; as well as the elimination of extenuating circumstances that allow for the reduction or suspension of the sentence passed on the perpetrator; redress for the family of victims; training for legal officials on the characteristics of this crime and how to approach it from a gender perspective; and studies and surveys to gather recent and reliable data on the impact of this crime, among other steps.

A few of the responses by States make reference to seminars and training, but in all cases these are isolated efforts, or they are promoted and conducted by civil society organizations. The CEVI notices with concern that a high number of States did not respond to the question, which means that little is being done to confront **femicide /feminicide and that they still are not recognized as gender crimes.** The Committee of Experts recommends that the States report on steps being taken to adopt policies and measures in the different spheres and to report on the results and the limitations that they face in implementing such policies and measures.

### CHAPTER 3 NATIONAL BUDGET

The objective of the section on national budgets is to obtain information about budgetary support for the plans, programs, and services adopted by the various States in order to prevent, punish, and eradicate violence against women. In order to accomplish this, the questions focused on the existence of appropriations in the national budget for support services; the training of teachers and service providers; sensitization programs on violence against women; and cooperation among official bodies and nongovernmental organizations.

This section is of special importance to the Committee, because economic support for various programs and services geared toward the prevention, punishment, and eradication of violence against women guarantees their implementation and continuity. It is also an important indication of the States' commitment and the political willingness of governments with respect to the fight to eradicate violence against women.

With respect to national budgets, the Committee of Experts notes the following:

- **The majority of States do not provide sufficient information about the amount of Gross Domestic Product (GDP) or about budgetary appropriations destined to prevent, punish, and eradicate violence against women.** With the exception of a few States, the majority did not respond to all the questions and only provided general information, while another group of States did not provide any information concerning this matter. In general, no disaggregated information on the amount of GDP invested in these activities was provided.
- **A large number of States reported budget allocations to the national mechanism for women or the body responsible for executing plans and programs in favor of women.** Several States reported national budget allocations to the bodies responsible for the execution of policies in favor of women. Among these are the women's affairs ministries, gender offices, and women's institutes. Although the information on this topic varies in terms of its clarity, this appropriation guarantees minimum coverage of the plans and services for assisting women victims of violence.

Even though the CEVI appreciates the compliance by States regarding minimum budget coverage, there is a gap in the information that prevents determining the amount assigned to the prevention, punishment, and eradication of violence against women. These bodies have a variety of projects and activities that do not focus exclusively on the prevention, punishment, and eradication of violence against women, and for that reason, the proportion of the budget allocated specifically to violence against women within the general budget is unclear.

The CEVI is concerned that those States that have bodies engaged in implementing plans and programs in favor of women, including gender equity and violence, report budget allocations, while the States that do not have these offices do not report or do not have specific budgetary allocations. This demonstrates the need for a governmental body that specializes in gender and that has its own budget.

- **A minority of States reported budget allocations for plans and programs on prevention, punishment, and eradication of violence against women under the responsibility of various public institutions.** These plans and actions are not under the jurisdiction of a body that specializes in gender issues and that works in preventing, punishing, and eradicating violence against women with a gender perspective; rather, these plans and programs fall within the action plans of various public entities and bodies, such as support for police stations, emergency hotlines (which, in some cases, are manned by the police), and health-related rehabilitation services.

A recurrent problem is that these programs are part of general violence prevention programs or general training for judges and public prosecutors. This does not guarantee a gender perspective on violence against women.

- **The majority of States do not report or provide little information on their relationship with civil society.** This question refers to cooperation agreements between governments and civil society organizations that commit budgetary investments for these activities. It also refers to the execution of joint activities for training purposes and support services for women who suffer violence. These cooperation agreements include funding for services or for shelters for women victims of violence that are sponsored by civil society organizations, as well as the holding of joint training or the provision of support services for women victims of violence.

There are obvious gaps or vagueness in States' responses to this question that do not specify the scope of cooperation or whether investment by the State is required.

- **A significant number of States used amounts in local currency in their responses without mentioning the equivalent amount in dollars or the proportion of this amount within the entire national budget.** The data offered on investment and budget amounts was presented in States' national currencies, without any indicator to explain the conversion of those amounts into dollars. Thus, it becomes particularly difficult to analyze the responses and to evaluate the performance of the State in this area.

## **CHAPTER 4 INFORMATION AND STATISTICS**

In accordance with Article 8 h. of the Convention of Belém do Pará, States must:

...ensure research and the gathering of statistics and other pertinent 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.

Based on that obligation, this section of the questionnaire concentrated on the progress made by States with respect to information and statistics, particularly in five areas: the compilation of judicial proceedings and complaints of violence against women; assistance to women victims of

violence; death of women due to violence; other data with respect to the situation of women; and training programs. It also included questions on the dissemination of statistical data, training of officials responsible for developing and applying instruments to gather statistics, and the existence of citizens' observatories.

Among the Committee's principal comments are the following:

- **All the States lack the means to deal with underreporting of cases of violence against women.** The CEVI emphasizes the fact that those States that presented statistical information on violence against women did so based on cases brought before the court system, or cases of women who used health services and who reported having been victims of violence. Nevertheless, this information is very limited, compared with the incidence of violence as shown by the preliminary country reports, and it demonstrates an important level of underreporting that would reveal only partially the dimensions of the problem in the various States and throughout the region.

There are various reasons for such underreporting. The compilation of statistics is rudimentary in several countries, since this activity does not receive sufficient funds, and this opens a door for these statistics to be lost or for information to not be gathered. Also, some public servants, through their work, are in contact with victims of gender violence, and due to a lack of training or due to prejudice, they do not identify the violence or respond adequately when a case comes to them. In addition, many women, due to fear, shame, or mistrust, do not report or tell the truth about the violence they have experienced.

Despite this silence, there are ways to identify such cases and make them more visible. In order to produce a timely, high-quality registry of information, there needs to be investment in raising awareness and in training staff who are placed in charge; promotion of the use of specialized formats and the establishment of digitalized information systems, as well as of coordinated work when registering, systematizing, and publishing the data. Finally, women need to know their rights, and the method of presenting complaints needs to be facilitated.

- **Most States lack consolidated statistical information on complaints, arrests, and court decisions in cases of violence against women.** The vast majority of States (1) do not have this information, (2) only have partial estimates, or (3) have data based on information given by some police stations or courts in a few regions in the countries.

This demonstrates that there is no comprehensive, centralized statistical information system on violence against women. Rather, there are isolated efforts by some institutions reporting only those cases that reach them. It also shows the precariousness of this activity due to a lack of supervision and training to carry it out; therefore, the statistical data may not be totally reliable.

- **Most States lack consolidated statistical information on assistance to women victims of violence.** In this section, the Committee appreciates the States' efforts in compiling information on the use of services, such as free emergency hotlines or shelters. Some responses from the States, however, were vague, as statistics were mentioned without any reference to the source or the year in which they were recorded.

- **Most States do not have consolidated research and statistics compiled on femicide/feminicide.** In general, there is a lack of statistical information on accusations, processes, and sentences regarding femicide/feminicide, or the violent deaths of women due to their gender. A significant number of States admit not having figures on femicide/feminicide. Of those States that submitted information, some did not break down the data by gender; rather, they showed indices of violence or of homicides in general. Existing data and studies on femicide/feminicide were compiled, by and large, by civil society organizations.

The weakness in gathering statistical information by States is a consequence of an absence of public policies aimed at preventing and confronting femicide/feminicide. Women's safety does not seem to be a priority issue on the public agenda of several States.

- **Most States do have other data with respect to the situation of women in their countries.** Almost all States provided general information related the situation of women in their territories, whether from their national census, demographic surveys, or health surveys. This data was broken down by gender, and in most cases it was up to date. In this sense, the Committee finds that the States have an acceptable capacity to compile, develop, and analyze demographic statistics on women in general.

At the same time, the Committee notes that there have been some obstacles to the compilation of this data. The information submitted is generally limited to certain questions; the information is not segregated to include variables such as ethnicity, age, rural or urban background; and the gaps in the information given are obvious.

- **Most States do not have statistics compiled on training programs for the prevention, punishment and eradication of violence against women.** The information submitted by States regarding this point is scarce or nonexistent and is a result of the lack of State policies and programs on training public servants on women's rights; gender theory; and the prevention, punishment, and eradication of violence against women.
- **Most States do not have the means to make statistical information available to the public.** An important number of States reported on the various means of disseminating their statistical information, among them the publication of bulletins and the placement of such information on the Web page of the body that conducts the census or survey. Nevertheless, another significant number of States reported not having any means of disseminating this information.

The main limitation we have found in this area is that, due to the lack of data and studies, the information put forth for users to access is too broad and does not necessarily focus on violence against women. Furthermore, the information provided by States shows that access to this data is not easy for persons who are interested; rather, it is only available to State agencies, universities, and training centers.

- **Most States lack citizens' observatories on violence against women.** The CEVI notes a certain confusion in the responses by several States to this question. The purpose of the question was to find out whether there were civil society observatories for monitoring incidents of violence against women in each country. It also sought to obtain information on

the impact of these observatories on the work of State agencies and civil society, considering the actions, statistical publications, and data that they usually compile.

Some States reported the existence of ombudsmen, women's ombudsmen, or networks of women's organizations. In other cases, States that have these observatories affirm that they have not yet evaluated the impact of their work. A third group of States have these observatories, but they are organized by the government and not by civil society.

**RECOMMENDATIONS OF THE COMMITTEE OF EXPERTS (CEVI) OF THE  
MECHANISM TO FOLLOW UP ON THE IMPLEMENTATION OF THE  
INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT  
AND ERADICATION OF VIOLENCE AGAINST WOMEN,  
“CONVENTION OF BELÉM DO PARÁ” (MESECVI),  
TO THE STATES PARTIES**

**I. GENERAL RECOMMENDATIONS**

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

**II. SPECIFIC RECOMMENDATIONS**

**LEGISLATION**

**Article 7 of the Convention of Belém do Pará**

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

...

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

...

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

...

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

RECOMMENDATIONS REGARDING THIS SUBJECT:

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

dynamic between the parties involved that could lead complainants to accept agreements they do not desire or that do not tend to end with such violence.

15. Reverse the process of de-legalizing violence against women and ensure that victims have access to a judge, particularly in those States where accusations are resolved in settings other than the legal system, or where conciliation or mediation methods are preferred so that the case does not ever enter the legal system.
16. Adopt legislation or enforce existing legislation to specifically punish officials who do not comply with laws on violence against women.
17. Adopt legislation and allocate sufficient budgetary appropriations to provide redress for women victims of intrafamily or sexual violence and implement effective mechanisms to allow their access to such redress.

## NATIONAL PLANS

### Article 7 of the Convention of Belém do Pará

*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...*

#### RECOMMENDATIONS REGARDING THIS SUBJECT:

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

25. Undertake national campaigns and awareness programs for the population as a whole on the problem of violence against women.

## ACCESS TO JUSTICE

### Article 7 of the Convention of Belém do Pará

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

...

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

...

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

### Article 8 of the Convention of Belém do Pará

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

...

- c. to promote the education and training of all those involved in the administration of justice, police and other law enforcement officers as well as other personnel responsible for implementing policies for the prevention, punishment and eradication of violence against women;*
- d. to provide appropriate specialized services for women who have been subjected to violence, through public and private sector agencies, including shelters, counseling services for all family members where appropriate, and care and custody of the affected children;*
- e. to promote and support governmental and private sector education designed to raise the awareness of the public with respect to the problems of and remedies for violence against women;*

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

RECOMMENDATIONS REGARDING THIS SUBJECT:

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

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

## NATIONAL BUDGET

### Article 7 of the Convention of Belém do Pará

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

...

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

### RECOMMENDATIONS REGARDING THIS SUBJECT:

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

## INFORMATION AND STATISTICS

### Article 8 of the Convention of Belém do Pará

*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;*

#### RECOMMENDATIONS REGARDING THIS SUBJECT:

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



DECISIONS, CONCLUSIONS, AND AGREEMENTS OF THE  
SECOND CONFERENCE OF THE STATES PARTIES TO THE MESECVI

(Adopted at the fourth session held in Caracas, Venezuela on July 10, 2008)



**DECISIONS, CONCLUSIONS, AND AGREEMENTS OF THE  
SECOND CONFERENCE OF THE STATES PARTIES TO THE MESECVI**

(Adopted at the fourth session held in Caracas, Venezuela on July 10, 2008)

1. We, the States Party to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of *Belém do Pará*," gathered on July 9 and 10, 2008 in Caracas, Venezuela, for the Second Conference of States Party;
2. CONSIDERING that the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of *Belém do Pará*," adopted in 1994, identified violence against women as a violation of their human rights and its elimination as essential for their individual and social development as well as their full and equal participation in all walks of life;
3. RECOGNIZING WITH SATISFACTION that, to date, 32 member states of the Organization of American States (OAS) have ratified the Convention of *Belém do Pará*, thereby expressing their absolute condemnation of and concern over any act of violence against women and demonstrating their commitment to the obligations they have assumed in fulfillment of the Convention's objectives;
4. BEARING IN MIND that, on the 20 and 21<sup>st</sup> of July, 2004, pursuant to the mandates set forth in resolution CIM/RES. 224 (XXI-O/02) and resolution AG/RES. 2012 (XXXIV-O/04), a meeting of Experts of the Member States was held at OAS headquarters where recommendations were agreed upon on how best to follow up on the Convention of *Belém do Pará*;
5. REMEMBERING that, on the basis of those recommendations, on October 26, 2004, the First Conference of States Party to the Convention was held at OAS headquarters, in which the Statute of the Mechanism to Follow Up on Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, "Convention of *Belém do Pará*" (MESECVI) was adopted;
6. COGNIZANT that most of the first Multilateral Evaluation Round has been successfully completed and that the country evaluations and the Hemispheric Report adopted in the Third Meeting of the Committee of Experts (CEVI) have been submitted to this Conference,

**AGREE:**

1. To adopt the recommendations of the Committee of Experts (CEVI) Hemispheric Report.

**I. STRENGTHENING AND FINANCING OF THE MECHANISM**

2. To urge the States Party to the Convention to provide economic support and/or human resources to the Mechanism so that the Inter-American Commission of Women (CIM) in its capacity as Technical Secretariat of the Mechanism can continue to carry out its functions.
3. To request that the Secretary General of the OAS, in accordance with the available financial resources, and with the agreement of the Committee of Administrative and Budgetary Affairs (CAAP) assign the necessary human, technical, and financial resources so that the Technical Secretariat or the Mechanism can continue supporting its implementation.
4. To call upon the States Party and Technical Secretariat to strengthen the efforts to promote cooperation and exchange of best experiences and information between the Mechanism and other entities that address violence against women on sub-regional, regional, and international levels.
5. To thank the governments of Mexico and Brazil for the financial contributions and human resources that they have provided to the Mechanism.
6. To thank the government of Argentina for its hosting of the Third Meeting of the Committee of Experts (CEVI) held in Buenos Aires, Argentina on July 18-20 2007, and encourage the States Party to consider offering to host meetings of the Mechanism.
7. To call upon the Member States and Permanent Observers of the OAS to consider voluntarily contributing with the financial and human resources necessary for the full implementation of the Mechanism, as well as for the strengthening of the Technical Secretariat.
8. To recommend the OAS Secretary General that, in accordance with Article 11 of the Statute, external sources of financing, such as international and regional financial institutions, and national government agencies and other entities, be identified to fund the activities needed for the Mechanism to function effectively.
9. To request the Secretary General of the OAS to foster the holding of a meeting of donors in order to obtain the necessary resources for the functioning of the Mechanism.
10. To recommend to the OAS General Secretariat that, in accordance with Article 11 of the Statute, it establish and manage a solidarity sub-fund, financed by voluntary contributions, to ensure the participation of those States Party that so request and that do not have the necessary resources at the CEVI Meetings of experts.
11. To express their concern over manifestations of racial violence, especially against indigenous women and minority groups, and to request the Committee of Experts to pay special attention during the next multilateral evaluation round to violence against indigenous women and women of African descent.

**II. MEETINGS OF THE CONFERENCE, COUNTRY REPORTS AND OTHER MEASURES**

12. To recommend to the States Party that have not done so that they appoint Experts and/or Competent National Authorities (CAN), and take the necessary measures to ensure the participation of the national experts in the CEVI meetings and if possible, that this participation is on a regular basis.
13. In accordance to available resources, to instruct the Technical Secretariat to provide advice on the functioning of the Mechanism for the Experts and the CNA who request it.

**III. IMPLEMENTATION OF THE CEVI RECOMMENDATIONS**

14. To reiterate our commitment to the implementation of the Convention of Belém do Pará and with the establishment of the internal measures required to fulfill CEVI recommendations.

**IV. CONTRIBUTION OF THE VARIOUS CIVIL SOCIETY ORGANIZATIONS**

15. To reiterate our support for the contribution of the civil society organizations to the activities of the Mechanism, in accordance with its Statute.
16. To recognize the work of the various civil society organizations to provide support services for women victims of violence, such as shelters and foster homes for them and for their children; medical care, self-help groups; rehabilitation programs; and free hotlines; and to urge the States Party to support the implementation of those efforts.

**V. REPLIES TO THE QUESTIONNAIRE AND DISSEMINATION OF REPORTS**

17. To urge the States Party to reply, in a timely manner, to the questionnaires adopted in the framework of the multilateral evaluation rounds.
18. To urge that every State Party disseminate, as broadly as possible to those involved and by whatever means considered appropriate, the work of the Mechanism to Follow Up on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, "Convention of *Belém do Pará*."
19. To request to the presidency of the Conference of the States Party of the Mechanism to submit a report about measures adopted and advances achieved in the implementation of the existing Conclusions and Recommendations to the next meeting of the Conference, based on the follow-up and periodic reviews of the CEVI and the Technical Secretariat, whichever applies.

The States Party of the Conference wish to acknowledge and express appreciation to the government of Bolivarian Republic of Venezuela for hosting this Second Conference of State Party of the Mechanism to Follow Up on the Implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, “Convention of *Belém do Pará*.”